# PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 443 (Part 1)

# HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2005–06

COMPRISING PERIOD
27 February—17 March 2006

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*27 February 2006*

# THE PARLIAMENTARY DEBATES

## OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES — VOLUME 443

TENTH VOLUME OF SESSION 2005–2006


# House of Commons

*Monday 27 February 2006*

*The House met at half-past Two o'clock*

PRAYERS

### MR. SPEAKER'S ABSENCE

*The House being met, the Clerk at the Table informed the House of the absence of* MR. SPEAKER *from this week's sittings.*

*Whereupon,* SIR ALAN HASELHURST, THE CHAIRMAN OF WAYS AND MEANS, *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

**Mr. Deputy Speaker:** I am sure that I express the feeling of the House in regretting the reasons for Mr. Speaker's absence and in relaying the House's great good wishes for his early recovery and return.

**Hon. Members:** Hear, hear.

# Oral Answers to Questions

### DEFENCE

*The Secretary of State was asked—*

**Afghanistan**

1. **Anne Milton** (Guildford) (Con): If he will list the aims of the UK deployment to southern Afghanistan. [53933]

**The Secretary of State for Defence (John Reid):** The international community's involvement in Afghanistan is aimed at ensuring that Afghanistan will never again become a breeding ground for international terrorism, by helping the Afghan people to rebuild their democracy, their security and their economy. United Kingdom deployment to southern Afghanistan is part of the UN-mandated, NATO-led international security assistance force, which is expanding across the country in support of this commitment.

**Anne Milton:** Is the Secretary of State satisfied that there are enough troops in Afghanistan, bearing in mind the lessons from Iraq that ground troops are essential in order to complete missions adequately?

**John Reid:** Yes, I am satisfied. The hon. Lady will be pleased to know that the Chiefs of Defence Staff fully endorse the force package we are sending. One of the three or four criteria that I laid down before the move south was that the military configuration and size desired by the Chiefs of Staff should be provided, and that was done.

**Mr. David Drew** (Stroud) (Lab/Co-op): I understand entirely why we have sent troops to the south, but does my right hon. Friend agree that we need a clear exit strategy, with an understanding of how multinational forces will in due course take over from the British so that we do not end up in a quagmire not of our own making, but because there is no clarity about the nature of the exercise?

**John Reid:** I am sorry that my hon. Friend does not understand it, but there is clarity about exactly what we are doing in Afghanistan and in the south. We are in Afghanistan under a UN mandate with the support of the world community, not through a multinational force but through a NATO-led and NATO-configured force—ISAF—to help the democratically elected Government of Afghanistan extend their democratic authority and build their own security forces, and to

assist them in their economic development. That is precisely why we are going to the south. It was envisaged for some time that, after we went in, we would do that in stages. This is stage 3, and it is completely in accord with the planning that we have outlined. I do not hide from my hon. Friend the fact that it is more dangerous and difficult than the first two stages, but I recall, as will everyone in the House, why we are there. We are there to prevent Afghanistan from being used as a training ground, a planning arena and a launch platform for terrorist acts such as those we saw in New York—the worst terrorist act in history.

**Mr. Michael Moore** (Berwickshire, Roxburgh and Selkirk) (LD): Will the Secretary of State set out how individuals detained by UK forces will be handed over to the Afghan authorities, and the justice procedures that will follow? Are the arrangements common across ISAF forces, and how different are they from those that are reported to apply to US detainees at their base in Bagram?

**John Reid:** Yes. Anyone detained by British forces is handed to the Afghan authorities within a very short period. That rule applies across Afghanistan wherever British forces are concerned. I think it also applies to the rest of ISAF, but, if the hon. Gentleman will bear with me, I will write to him to clarify the second point that he raises.

**Paul Flynn** (Newport, West) (Lab): Rather than destroying almost the only livelihood of farmers in the Helmand province of Afghanistan and possibly driving them into the arms of the Taliban, would it not be better to try to license their production to be used not for heroin production but for producing diamorphine? As we know, there is a world shortage of diamorphine, and anyone dying in a third world country has only a 6 per cent. chance of getting diamorphine because 70 per cent. of the world supply is taken by seven rich countries. Would it not be a more stable solution to divert production to diamorphine?

**John Reid:** No, I am afraid that I do not agree with my hon. Friend. More importantly, neither do our analysts on the ground or, even more importantly, the democratically elected Government of Afghanistan. I understand his suggestion, but we do not believe either that it would be of general benefit to Afghanistan or, indeed, that we could make such a distinction in the conditions that exist there. We therefore throw our whole weight behind the commitment of the Afghan Government, President Karzai and his colleagues in getting rid of that which corrupts the whole of the country's commerce and much of its politics—the production of opium that eventually ends up as the heroin that is pumped as poison into the veins of so many young people in this country.

**Sir Peter Tapsell** (Louth and Horncastle) (Con): May I urge the right hon. Gentleman for the third time to halt the dispatch of small contingencies of our forces to south Afghanistan to undertake incompatible tasks that could not be successfully performed even by 100,000 troops or, as Max Hastings has written, by 300,000? Does the right hon. Gentleman remember that in the 1980s the Russians sent 300,000 troops into Afghanistan, but that, several years later, they fled the country, leaving 10,000 dead behind? They were soon followed to their graves by the Soviet Union itself.

**John Reid:** Yes, and if I remember correctly the then Government in this country and the United States spent a lot of money funding the Mujaheddin in order to fight the Russians. We are now seeing the fruits of some of those decisions, which the hon. Gentleman supported so many years ago.

I listen to what the hon. Gentleman says about Afghanistan and I read to try to catch up with his prolific reading on the subject, but as I pointed out to him previously, there is a difference on two grounds between this intervention and all previous ones. First, we are there at the behest and with the authority of the world community in the United Nations. Secondly, we are there at the invitation of the democratically elected Afghanistan Government. Those two things are not insignificant in comparison with what happened in previous interventions.

**Mr. David Winnick** (Walsall, North) (Lab): As someone who supported and continues to support the presence of British troops in Afghanistan, certainly following 9/11, and who has no illusions whatsoever about the terrorists who continue to operate, may I ask whether our position would be better if we could persuade the United States that detainees should be charged and not held in Guantanamo Bay and that Guantanamo Bay is a disgrace to democracy and should be closed as quickly as possible? Let us urge that, as a partner and ally of the United States.

**John Reid** *rose—*

**Mr. Deputy Speaker:** Order. I am sure that the Secretary of State will recognise that the question is about deployment in Afghanistan.

**John Reid:** Yes, Mr. Deputy Speaker. People will have different views on Guantanamo Bay, but I think that the whole House will recognise that it was a response to the biggest ever terrorist attack in history, launched from Afghanistan, which is precisely why we are trying to prevent any such terrorist attacks in the future. Like my hon. Friend, I regret not only the need for Guantanamo Bay, as seen from the American point of view but, more importantly, the growth of international terrorism, which has confronted so many of us with the problems that we are now facing in terms of our own freedoms in this country. One of the great debates that we have had, of course, is to what extent we must curtail those freedoms to stop international terrorists using those very freedoms to destroy those very freedoms. Whatever differences and views we have on aspects of this matter, let us recognise where the cause of all these problems lies—with the international terrorists themselves.

**Dr. Liam Fox** (Woodspring) (Con): First, Mr. Deputy Speaker, may I fully associate the Conservative party with your good wishes to Mr. Speaker? I am delighted that he chose to be treated in the unit in which I trained in Glasgow royal infirmary; I am pleased that it is still the unit of choice for VIPs.

In Afghanistan, there is no question about the abilities of our troops or their commanders. There is some concern about a potential strategic mismatch. Our troops will be involved in the anti-narcotics operation in protection, lift, intelligence and everything except crop destruction itself. Unless a full programme is in place to compensate Afghan farmers, we might find that the war against opium makes the war against terror more difficult by creating a resurgent Taliban. Exactly what steps will be taken to provide alternative income to Afghan farmers and in what time scale, so that the risks to our troops are minimised?

**John Reid:** At the beginning of Defence questions, Mr. Deputy Speaker, I refrained from repeating your best wishes to the Speaker, but I follow the hon. Gentleman in doing so. I take a great deal of pride and satisfaction in the Speaker's choosing to use a vital part of our national health service in order to effect his recovery, about which I know all hon. Members will be pleased.

I agree with the hon. Gentleman that if the narcotics trade is undermined as part of economic development, it is important that we accompany our attacks on the middlemen—the mafia—with making sure that the farmers who produce such crops have alternative livelihoods, which is a point that bore heavily on our consideration before we went in. The Department for International Development will put some £20 million into Helmand, and the American moneys allocated to that area, which amount to some $100 million, will continue for at least 18 months. Every effort will be made to ensure that any intervention to cut off income is supplemented by alternative income in the first instance and, eventually, by alternative livelihoods; otherwise, as the hon. Gentleman has rightly pointed out, we will create not stability, but further insurgency.

## Military Technology

2. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): What recent discussions his Department has had with the United States about the transfer of military technology. [53934]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** We have regular discussions at ministerial and official level with the US Government concerning the issue of technology transfer.

**Mr. Ellwood:** We have stood shoulder to shoulder with the Americans not only on the battlefield, but in the corridors of diplomacy and on the factory floor. Joint efforts to build a replacement for the Sea Harrier are being challenged by a corner of Capitol Hill. Will the Minister and the Secretary of State do what they can to ensure that the necessary technology is shared? Otherwise, we will have two new aircraft carriers, but no aircraft to put on them.

**Mr. Ingram:** I do not accept the hon. Gentleman's conclusion, but I share the view that everyone who meets senior US legislators in Washington and elsewhere should point out that we are their longest and best ally. The Secretary of State has raised the matter directly with the US Secretary of State for Defence in the past two weeks, and that process continues daily through every contact that we can make. I am sure that the Conservative Members who recently visited Washington spread that message, too.

**Mr. Lindsay Hoyle** (Chorley) (Lab): In his comments on the joint strike fighter in *The Times* today, Lord Drayson states that he has made technology transfer a priority:

"The Government could demand a final assembly and check-out line"

for the building of the joint strike fighter. Is that the case, and will the Government demand such an outcome in order to protect jobs in the north-west?

**Mr. Ingram:** I wonder whether Lord Drayson's remarks were reported accurately. The matter is vital and detailed discussions are taking place with the US Administration. The strength of our view has been made known and has been articulated time and again from the Dispatch Box and on both sides of the House. We will continue to ensure that we get best value from the project.

**Mr. Gerald Howarth** (Aldershot) (Con): It is true that we agree across the Dispatch Box that a failure by the United States to permit the transfer of technology to enable us to service our own aircraft would amount to an unacceptable loss of British sovereignty. However, do not US suspicions about its technology leaching out to France and elsewhere inevitably increase when Javier Solana states that he wants the European Defence Agency to be responsible for at least 20 per cent. of all European military research spending? Ministers cannot have it both ways—protesting in Washington and then sneaking off to Brussels to sign up to technology sharing with our European partners is hardly likely to win friends in Congress.

**Mr. Ingram:** The hon. Gentleman sets a hare running that has no substance whatsoever. His allegation has no foundation. The fact that some senior representative in Europe expresses his point of view does not necessarily mean that it is our point of view.

## Landing Ships Dock (Auxiliary) Project

3. **Philip Davies** (Shipley) (Con): What recent progress there has been on the landing ships dock (auxiliary) project; and if he will make a statement. [53935]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** The landing ships dock (auxiliary) project continues to make progress towards the completion of the four bay class vessels. RFA Mounts Bay, the first ship built by BAE Systems in Glasgow and accepted off contract in December 2005, is undergoing her capability trials in readiness for meeting her in-service date in late 2006. RFA Largs Bay, the first Swan Hunter-built ship, is undergoing final preparations for contractor sea trials, which are scheduled to start next month. Build and testing continues on the remaining two ships.

**Philip Davies:** I thank the Minister for that reply, but he conveniently glossed over the fact that the cost of the contract with Swan Hunter is now double the original

MOD estimate. I have a freedom of information request that indicates that, as at October 2005, the MOD had already made payments of £295 million to Swan Hunter out of a total revised contract of £309 million. The first ship is yet to be completed. If it has cost us that much to come this far, how much more will it cost to get these ships into service?

**Mr. Ingram:** I did not gloss over that point, as the question that the hon. Gentleman tabled did not ask me to comment on it. I responded on the progress that has been made on procuring and delivering the ships, which is the most important aspect of all this. I do not deny that there have been cost over-runs. That is to be regretted, and it has implications for the rest of our procurement programme. The important point is that these ships are vital. The negotiations that have taken place not only with Swan Hunter but with BAE Systems on the completion of the contract must remain in confidence. The full contract price will no doubt surface eventually. Many Conservative Members are campaigning to close Swan Hunter—perhaps they should go up to the north-east and say why.

**John Robertson** (Glasgow, North-West) (Lab): Does my right hon. Friend agree that the work that the Clyde work force, in particular, has done on Cardigan Bay and Mounts Bay has been exemplary and that they should be congratulated on it? Are not the problems that we have with morale in the British shipbuilding industry caused by those who try to put it down at every possible opportunity instead of trying to build it up to ensure that we remain the force that we are seen to be throughout the world?

**Mr. Ingram:** My hon. Friend is absolutely right, and he speaks for this country's shipbuilding areas. This is the largest warship building programme that we have had for very many years. The future of shipbuilding is exceptionally bright, and at the end of the process we will have an exceptional and modern Navy. We should congratulate not only those who are involved in procuring that process but, as my hon. Friend says, those who are building the ships, of which we will be proud for many decades to come.

## Iran

4. **Mr. David Amess** (Southend, West) (Con): What assessment he has made of Iran's nuclear weapons capability and delivery systems; and if he will make a statement. [53936]

**The Secretary of State for Defence (John Reid):** We continue to assess closely the development of a potential nuclear weapons capability in Iran, including delivery systems, taking careful note of the reports of the International Atomic Energy Agency. Iran has failed so far to provide the international community with the necessary confidence that its nuclear programme is for exclusively peaceful purposes, and we remain concerned that it is developing options for a nuclear weapons capability. We await the forthcoming detailed report from the IAEA.

**Mr. Amess:** Given that the Iranian President has already threatened to wipe one country from the face of the earth, does the Secretary of State agree that an Iranian regime armed with nuclear weapons should be avoided at all costs?

**John Reid:** International concern, to which the history of deception about the development of nuclear capacity, as testified to by the International Atomic Energy Agency, gives rise is only heightened by statements such as those that the hon. Gentleman mentioned. The international community is united in ensuring that Iran does not develop nuclear capacity. That would be destabilising for the whole world, not only one area of it.

**Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): Is my right hon. Friend satisfied with the strength of the international resolve to prevent Iran from becoming a nuclear weapons state? What does he believe the next step should be?

**John Reid:** One of the effects of the diplomacy pursued by what has become known as the E3—the United Kingdom, under the Foreign Secretary, Germany and France—has been to build increasing unanimity and solidarity in the international community, increasing awareness of the dangers and increasing regret that Iran has, thus far, not taken the opportunity to try to resolve the matter diplomatically. The next step must surely be for Iran to re-engage in suspending the activities that breached its earlier promises and to try to do that before 6 March, when the next meeting of the International Atomic Energy Agency takes place. Like the whole international community, I hope that Iran will take the opportunity to re-engage and try to find a diplomatic resolution of the problem.

**Mr. Nicholas Soames** (Mid-Sussex) (Con): In assessing Iran's nuclear capabilities and seeking, as the free world is, a peaceful solution to the serious problem, does the Secretary of State agree that China, Russia and India are probably best placed to take the lead in seeking a peaceful resolution? Will he discuss with our American friends how we may best engage the efforts of those three countries?

**John Reid:** The problem is one for the whole international community—that is increasingly recognised. Doubtless particular countries are well placed to encourage, persuade and allow the Iranians to reach such a diplomatic solution. One is obviously Russia. It is therefore regrettable that, at this stage, the Iranians appear to have rejected the overtures that the Russians have made and the avenues that they have opened. The suspicion grows that their position on the Russian efforts merely constitutes delaying tactics. I hope that that is not the case. I am convinced that there is an increasing resolve in the world, including the countries that the hon. Gentleman mentioned, to ensure that there is no question of Iran developing the capacity for nuclear weaponry.

**Andrew Miller** (Ellesmere Port and Neston) (Lab): My right hon. Friend knows that there are increasing obligations for technology transfer for peaceful purposes. What protections are in place for the development of

wider, peaceful use of nuclear power and avoiding the transfer of some of that technology to countries such as Iran, as occurred under A. Q. Khan's regime?

**John Reid:** The non-proliferation treaty is the most important element of international agreement that aims at what my hon. Friend outlines. It is worrying for the whole international community that Iran appears to have breached its safeguard obligations under the NPT for some time. I can do no better than quote Dr. el-Baradei, who made it clear in an interview with *Newsweek* as recently as 23 January that

"even after three years I am not yet in a position to make a judgement on the peaceful nature of the nuclear program"

in Iran.

It must be recognised that neither the EU nor the international community as a whole is trying to deny Iran access to nuclear technology. Indeed, the European proposals of 5 August outlined our readiness to consider a number of significant elements in support of a civilian nuclear programme. However, the IAEA has made it clear to Iran that it lacks confidence in the peaceful aims of its nuclear programme; that is the essential element of the problem. We have therefore asked Iran to suspend all enrichment and reprocessing activity, as a confidence-building measure. I am afraid that its refusal to maintain that suspension only heightens the suspicions and concerns of the international community, and the sooner it gets back into dialogue to resolve this matter diplomatically, the better it will be for the whole world.

**Dr. Julian Lewis** (New Forest, East) (Con): As one of the more sensible and consistent members of the Cabinet, will the Secretary of State tell us whether he agrees with the Foreign Secretary, who says that he can conceive of no circumstances in which military action to prevent Iran from getting nuclear weapons would be contemplated, or with the Prime Minister, who says that he has ruled out no form of action whatever?

**John Reid:** I am not aware of anyone who is considering or speaking about military action, certainly not at this stage. I do not think that that is on anyone's agenda. There is therefore an obligation on all of us to try to find a diplomatic solution to the problem. That is precisely why we have made so many efforts in that direction, and why I hope that, even at this late stage before the IAEA's meeting on 6 March, Iran will re-engage constructively with the international community, possibly under the auspices of Russia or through some other mechanism. We all want to see a diplomatic resolution to this matter.

## Joint Combat Aircraft

5. **Mr. Mark Francois** (Rayleigh) (Con): If he will make a statement on the development of the joint combat aircraft. [53937]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** Substantial progress has been made in the system development and demonstration phase of the joint strike fighter programme, with the recent completion of the critical design review for the short take-off and vertical landing variant. Progress in building development aircraft is also on schedule, with assembly of the first development aircraft largely complete, and first flight expected towards the end of this year. In conjunction with the United States and the other international partners in the joint strike fighter programme, we are negotiating the terms of the memorandum of understanding for the co-operative production, support and follow-on development phase. We expect to conclude these negotiations by the end of this year.

**Mr. Francois:** I thank the Minister for his reply, but the last of our few remaining Sea Harriers are now being withdrawn, no doubt to be flogged off abroad at a knockdown price. Given that we shall shortly have no maritime fighter aircraft to protect the fleet, what is the Government's plan B if, for any reason, the joint combat aircraft programme does not proceed?

**Mr. Ingram:** Indeed, I think that the Sea Harriers are being decommissioned today, and we should mark that event because they have provided great service. We have explored the reasons for this decision time and again in the House and I do not want to repeat them. We have also discussed our plan B. As ever, the Ministry of Defence has plans A to Z to deal with every eventuality—

**Mr. Francois:** Tell us what they are.

**Mr. Ingram:** Well, what we shall not do, when we are in the middle of negotiating the best option, is inform the hon. Gentleman what all the other options are, because I am sure that others would put that information to good use.

## European Defence Agency

7. **Mr. Peter Atkinson** (Hexham) (Con): If he will make a statement on the future of the European Defence Agency. [53939]

**The Secretary of State for Defence (John Reid):** The United Kingdom will play a leading role in the European Defence Agency to ensure that it continues to identify opportunities for co-operation, which will improve European member states' defence capabilities. In our view, the European Defence Agency is about co-operating with partners to leverage the maximum benefit from the money spent. It is not about creating a central budget to fund an EU defence force.

**Mr. Atkinson:** I thank the Secretary of State for that answer. Will he reassure the House, however, that when he meets his fellow European Ministers in a few days to fix the agency's budget, he will not accept the French Government's suggestion that there should be a common European defence budget?

**John Reid:** I can reassure the hon. Gentleman and the House on that point. My view of the matter is simple. First, the European Defence Agency should be an institution that brings member states together to collaborate on projects, not one that substitutes for national discernment and creates a further bureaucratic,

central procurement agency. Secondly, it should walk before it tries to run, and any increase in budget should be commensurate with that approach. Therefore, the institution should be more in the form of a dating agency than one that will supplant all the other procurement agencies.

**Keith Vaz** (Leicester, East) (Lab): On the subject of dating, when my right hon. Friend met his French opposite number recently—I think that it was at the Ritz or the Savoy hotel—did they discuss the proposal to spend more on research through the European Defence Agency? Bearing in mind the fact that Britain and France contribute two thirds of the entire EU research budget, surely this programme will mean that EU partners will collaborate and the results will be available to all EU partners, which is very much in the spirit of the St. Malo agreement.

**John Reid:** On the subject that my hon. Friend raises, I did not discuss that matter with my friend the French Defence Minister when I met her in Admiralty house, which, as he knows, is where Nelson planned the battle of Trafalgar, in Churchill's Cabinet rooms, which we visited together, or, as he correctly points out, when we had tea at the Ritz. I did, however, discuss the matter at the penultimate meeting of the European Defence Agency, where we considered the preliminary advance in the budget from €4 million. I felt that we should move to €5 million and the French felt that we should move to €70 million. We compromised on €6 million, which is the sort of compromise that I rather like.

**Dr. Liam Fox** (Woodspring) (Con): The Government's document presented to the House in January, "Prospects for the European Union in 2006", states:

"On military capabilities, the EU will start work on developing the Force Catalogue of Member States' military assets".

It also states:

"The European Defence Agency will expand its activities this year".

How far does the Secretary of State expect those activities to expand? What would be the full cost of that? Are we not seeing technology and procurement being used as a backdoor route to European defence integration?

**John Reid:** I think that I answered the hon. Gentleman's question just before he asked it. So far, we have agreed an increase in the budget from around €4 million to around €6 million, as opposed to the €70 million which some partners were looking for. We very much view the European Defence Agency—which is under the stewardship of chief executive Nick Witney, who is a former Ministry of Defence official—as an agency that brings together willing partners in collaboration. We do not envisage it as some central, major, new European procurement agency. In areas such as research and development and technology, however, we, the French and other major partners could get better value for money from collaboration. Those are precisely the areas in which we can work together constructively.

## Afghanistan

8. **Mr. James Gray** (North Wiltshire) (Con): If he will make a statement on British troop levels in Afghanistan. [53940]

**The Secretary of State for Defence (John Reid):** UK troop numbers in Afghanistan are currently around 1,600. They will increase in coming months, peaking at around 5,700, and reducing to around 4,700 by the autumn. They will be reduced further next year when NATO headquarters in Kabul is no longer under United Kingdom stewardship.

**Mr. Gray:** In reply to my hon. Friend the Member for Guildford (Anne Milton) a moment ago, the Secretary of State described the tasks faced by our troops as establishing democracy, ending terrorism, achieving security in the south of Afghanistan, helping the economy of Afghanistan and dealing with poppy destruction. Will he now tell us how he will judge when each of those tasks has been completed, how long that will take, and what our exit strategy is?

**John Reid:** We will make our judgment on the basis of changes on the ground: extension of central Government control, a reduction in insurgency, growth of the Afghan security forces and economic development. The exit strategy involves one of the entrance aims: the achievement of a degree of success in all those respects in a relatively short time—three years—in the south. As I have said many times, we do not expect the area to become Hampshire, or New Hampshire, but it will be in a significantly better state than it is now. On the security side, for instance, we expect training and capability to have been achieved for between 7,500 and 8,000 more Afghan security forces in the south in three years' time. That is roughly the number of soldiers who have been sent in by the International Security Assistance Force, and it forms the basis of a replacement of our presence by Afghan security forces and our withdrawal.

**Dr. Brian Iddon** (Bolton, South-East) (Lab): May I hark back to the discussion on Question 1? I am sure my right hon. Friend will agree that if farmers are to be persuaded to give up producing a non-perishable product at a relatively high price and grow perishable goods which they can convey to a sizeable market, Afghanistan must have a good infrastructure. In particular, it must have good roads and bridges. Will the increased number of armed troops help the Afghans to build a better infrastructure?

**John Reid:** It is important for the House to understand why we are there and what our role is. We are there to prevent Afghanistan from slipping back to the status of a failed state, which would enable it to be used by terrorists as a Trojan horse. Our troops are not there to seek out and destroy the terrorists; that is being done, under Operation Enduring Freedom, by an American-led multinational coalition. We are there to ensure that, in the medium and longer term, there is a build-up not just of central Government and their own security forces but of economic development.

Our forces are in southern Afghanistan—along with the Dutch, the Danes, the Estonians, the Canadians and others—to provide a security umbrella under which the

Afghans themselves, aided by other civilian authorities, can build not only a degree of infrastructure but the beginnings of economic development. I take my hon. Friend's point entirely.

**Patrick Mercer** (Newark) (Con): The Secretary of State has told us about the number of troops who are going to the Helmand province in southern Afghanistan, but the Americans found that reconstruction was difficult to achieve because the troops were so thinly spread. Can the Secretary of State confirm first, that non-governmental organisations are poised and ready to act, and secondly, that we will have enough troops to protect them so that that crucial work can be done?

**John Reid:** I can confirm both those points. If the hon. Gentleman wants an illustration, I can tell him that about 20 times as many British troops are going to Helmand as there are American troops there now. The number of American troops who are there, and in Urozgan to the north where the Dutch are going, is relatively small. It is precisely because we are there to act as a cover for many other social and civilian activities that we need more troops. Those 3,300 troops—together with about 800 engineers, who will return once the camps are built—are a significant force, and of the configuration for which the chiefs of staff asked. It is perfectly valid for hon. Members on both sides of the House to ask legitimate questions about the force configuration, rules of engagement and so on. It is perfectly legitimate, too, to point out the dangers, but we all ought to be careful not to cross the threshold into despondency and defeatism before we even arrive, because that does no one any good, particularly our very brave troops.

**Mr. Mike Hancock** (Portsmouth, South) (LD): Will the Secretary of State confirm that the British commander, who is also the NATO commander, will have at his disposal all the assets of NATO countries deployed in Afghanistan? When it comes to the deployment of American assets, will he have to go through the separate American command structure if those assets are to be made available to him?

**John Reid:** I confirm that the NATO commander to whom the hon. Gentleman referred is a British general, and is content with the arrangements both for the deployment to the south and to assist him in meeting the needs of the wider Afghan stage. Like everyone else, including hon. Members, he would no doubt like even more forces at his disposal, but he is content with the configuration that has been provided. I am not sure that I understood the hon. Gentleman's question about American forces operating under Operation Enduring Freedom.

**Mr. Hancock:** No. NATO.

**John Reid:** NATO forces—yes. As far as I am aware, the NATO commander who is taking over in theatre from May is content with the configuration. If I find for any reason that I need to qualify my statement about the American forces at the commander's disposal, I shall write to the hon. Gentleman, because I would not wish to mislead him.

**Mr. Mark Harper** (Forest of Dean) (Con): The Secretary of State should understand that the reason why the Opposition are questioning him and have made those points is that we very much want our deployment in Afghanistan to be successful. We want our troops to succeed, which is why we are questioning the Secretary of State about these matters. Following his answer to my hon. Friend the Member for North Wiltshire (Mr. Gray), is he satisfied that the spending by our US allies and the Department for International Development on alternative livelihoods for Afghan poppy farmers is adequate given the scale of the illegal drugs trade? If not, we risk uniting the remnants of the Taliban, the warlords of the south and local populations in a lethal combination against our soldiers.

**John Reid:** On the first point, it is precisely because I recognised the legitimacy of his question that I accorded such status to the hon. Member for North Wiltshire (Mr. Gray). I was simply warning that robust but illegitimate questioning can aid people who would wish us not to succeed in Afghanistan. However, I accept the sincerity with which questions have been asked—of course I do.

Secondly, I am satisfied that the allocation of resources both by the Department for International Development and by our American allies is significant, and will allow us to ensure the provision of interim incomes and eventually the development of alternative livelihoods for farmers to minimise the chances of their being forced into insurgency. Of course, I would always like more money—that is the case for almost every project—but we have a satisfactory amount. Indeed, that was the second criterion that I laid down when I said that we needed the configuration that our chiefs wanted, supplementary income to provide alternative livelihoods, and the required NATO configuration before we went in. I am satisfied that we have met that criterion.

## Education

9. **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): What recent discussions he has had with the defence industry on encouraging the take-up of defence-related courses in educational establishments. [53941]

**The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig):** The Government recognise the need for a stronger supply of skilled research and technology staff, and the defence sector is no exception. The Ministry of Defence actively promotes the education of science, engineering and technology in our schools and colleges through dedicated presentations and visits to schools by technical experts.

**Dr. Kumar:** I thank the Minister for that reply. Does he agree that if we are to maintain a strong defence industry, we need to encourage more young people to study engineering? Will he use his good offices to build strong links between the defence industry and engineering colleges, and will he congratulate Freeborough community college in my constituency, which has just been designated as an engineering college?

**Mr. Touhig:** I know that my hon. Friend has a distinguished background as a chemical engineer. I agree that we need to value our engineers and encourage young people to go into engineering. Defence and engineering go hand in hand, and there are many examples of how strong links between engineering, training and defence have brought great benefits to colleges and students alike. I certainly congratulate Freeborough community college on having attained the status of an engineering college.

## Nuclear Deterrent

11. Nick Herbert (Arundel and South Downs) (Con): What plans he has to replace the British nuclear deterrent. [53943]

**The Secretary of State for Defence (John Reid):** The Government are committed to retaining our minimum nuclear deterrent, as currently represented by Trident, for the foreseeable future. No decisions have yet been taken on any replacement for our current system.

**Nick Herbert:** I thank the Secretary of State for that reply, but as our sole nuclear deterrent, Trident, will no longer be viable in 15 to 20 years' time, are we not reaching the point where decisions can no longer be avoided about replacing it? Is not the danger of nuclear proliferation in the middle east reason enough to begin a debate now on the need to update our nuclear deterrent as the ultimate guarantor of our national security?

**John Reid:** As the hon. Gentleman correctly said, we are talking about decisions that may have to be taken in 15 to 20 years' time. I do not think that the whole situation has become that much more urgent since the last time I was asked that question last month. Let me make the position absolutely clear: for the foreseeable future, we are retaining our minimum nuclear deterrent. At some stage, preferably in the course of this Parliament, we will have to take a decision about how we wish to continue after that—that is, in 15 to 20 years' time. When I have received papers or advice on this matter, I will begin to share the discussion with the House. I have no doubt that, at the next Question Time, the hon. Gentleman will return to the subject, as he is entitled to do, but at this stage I have nothing more to say because we have not yet embarked on the process of making the decision in principle or in detail.

## Naval Procurement

12. **Mr. Denis MacShane** (Rotherham) (Lab): If he will make a statement on his policy on procurement of royal naval vessels. [53945]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** The purpose of the defence industrial strategy is to ensure that the capability requirements of the armed forces can be met now and in the future. As such, it recognises the importance of sustaining the high-end, value-added, systems engineering skills to manage the integration of complex ships and their combat systems, which are critical for national security and sovereignty.

**Mr. MacShane:** I welcome the Minister's statement. His heart is in the right place, but steelworkers in my constituency are concerned at reports that some in Whitehall want substantially to offshore the building of Her Majesty's ships. Can I be assured that the steel of our new generation of royal naval ships will be built in Britain, that we will avoid the procurement boom and bust policies of the Conservative party, and that we will have a sustained programme of building royal naval vessels which keeps the bulk of the work in the United Kingdom? If the vessels are to sail under Her Majesty's flag, they should be built on Her Majesty's territory.

**Mr. Ingram:** As my right hon. Friend knows—he is very knowledgeable about all this—the defence industrial strategy is the first serious attempt to ensure that our approach smoothes out the peaks and troughs of what is unquestionably a major shipbuilding programme. When we get to 2016, that high, sustained effort will go into decline. We are seeking to ensure not only that we have continuity in shipbuilding capacity and, hopefully, alongside that, in steelmaking capacity, but that we retain the high-grade skills that are required to put sophisticated systems in place. All those things will have to be judged on the basis of what is best for defence and how industry can best meet those needs. Industry, the work force and the Ministry of Defence strongly support that new strategy. We will have to see how it develops as the years roll by.

## Peace-building (Africa)

13. **Helen Goodman** (Bishop Auckland) (Lab): What steps his Department is taking to strengthen African peacebuilding capabilities. [53947]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** The Ministry of Defence contributes to the strengthening of African peacebuilding capabilities by training and advising personnel from the African Union and various African armed forces in peace-support operations. That is achieved bilaterally through permanently deployed and short-term training teams in key countries, and also by direct UK support to international training centres. In addition to our network of defence attaches, some 120 British armed forces personnel are based in sub-Saharan Africa to assist in those tasks.

**Helen Goodman:** I am grateful to the Minister for that response. Given that sub-Saharan Africa is the most heavily mined region in the world, will he tell the House what work is taking place to train African forces in mine clearance?

**Mr. Ingram:** My hon. Friend is right to highlight that problem, which has led to the loss of hundreds—if not thousands—of lives in recent years. We have major

training facilities in a number of countries. Indeed, I recently visited and opened a de-mining training centre in Kenya, where people from elsewhere in the African Union—and beyond—are trained in that very important technique. Another major development is the training of sniffer dogs in the detection of explosive devices—an area in which we have expertise. All those efforts will unquestionably save lives in sub-Saharan Africa, and perhaps beyond.

**David T.C. Davies** (Monmouth) (Con): Does the Minister agree that our efforts to keep peace in Africa have been severely hampered by the fact that the Ministry of Defence has had to write off £400 million in the past two financial years, after a series of blunders by its procurement department? *[Interruption.]*

**Mr. Ingram:** Someone said from a sedentary position that that was a friendly question; I sometimes wonder where the Conservatives are coming from on this issue. Our defence strategy has led to a massive increase in support in those areas, and there has been a massive increase in international development aid, so we should be credited for all that we are doing. We are taking a leading role among the G8 countries, within the European Union and within the United Nations in developing such initiatives, so a bit of credit where credit is due would not go amiss.

## UN Operations (Africa)

17. **Mr. Jim Cunningham** (Coventry, South) (Lab): What UK armed forces are deployed with UN operations in Africa. [53951]

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** The UK currently supports four UN operations in Africa. Those deployments include two officers in Sudan, six in the Democratic Republic of the Congo, three in Liberia and one in Sierra Leone. Our personnel all occupy key positions in the UN headquarters staff who are leading each mission; they are making a vital contribution and giving us unquestioned influence.

**Mr. Cunningham:** I thank my right hon. Friend for that answer. What contribution are EU countries making to peacekeeping in Africa in terms not only of armed forces, but of resources and aid?

**Mr. Ingram:** I did not quite catch whether my hon. Friend said "AU" or "EU".

**Mr. Cunningham:** EU.

**Mr. Ingram:** My hon. Friend comes from a different part of Lanarkshire from me and sometimes the accent changes. The EU is of course very significantly involved, not least in Darfur but in other areas as well. In countries where there are particular issues that have to be dealt with, we are seeking to deal with them. A key example is the Democratic Republic of the Congo, where the EU's mission is concerned with supporting security sector reform. The AU is also extensively involved and, as has been said time and again, we need African solutions to Africa's problems. Both we and the EU are trying to build the AU's capacity in that regard.

**Mr. David Heath** (Somerton and Frome) (LD): A critical part of peacekeeping in Africa is reducing the number of small arms entering the country, many of which come from Yemen into the horn of Africa. Is any work being done under UN auspices, or bilaterally with the Government of Yemen, to ensure effective interdiction of the small arms trade into the horn of Africa?

**Mr. Ingram:** Well, effective interdiction is a big phrase. We can set out to achieve that ambition, but there are many porous borders. Whether the arms come from the maritime sector or across land, it is difficult to achieve that objective. Both the EU and the UN recognise that it is a serious problem and significant efforts are being made to combat it. One or two key issues are being addressed to see how we can stop that trade and the movement of those dangerous weapons. Success will be difficult to achieve, by the very nature of the circumstances, but not from lack of effort.

## Points of Order

3.30 pm

**Mr. Christopher Chope** (Christchurch) (Con): On a point of order, Mr. Deputy Speaker. On 7 February, the Procedure Committee heard evidence from the Under-Secretary of State for the Cabinet Office in relation to the Legislative and Regulatory Reform Bill. During that evidence, the Minister said that he would publish a response to the report by the Regulatory Reform Committee before the Standing Committee met to consider the Bill. The Committee is due to start consideration of the Bill tomorrow at 10.30 am, but the Minister has not yet responded to the recommendations of the Select Committee. I have spoken to the Clerk of the Regulatory Reform Committee, who tells me that far from receiving a detailed response from the Government, he has received only a letter, as yet unpublished, which will be put before members of the Standing Committee when it meets tomorrow.

I hope you share my view that that is intolerable. The Government said that they would publish their response before the Standing Committee met. They have not done so and the members of the Committee have not therefore had the chance to table amendments in response to the Government's comments. At a time when the Government talk about bringing Parliament closer to the people, this is evidence that they are doing the opposite by denying the people's representatives the chance to challenge the Government.

**Mr. Oliver Heald** (North-East Hertfordshire) (Con): Further to that point of order, Mr. Deputy Speaker. As one of those who will serve on Standing Committee A tomorrow and who has already tabled amendments, I think it is wrong that a Minister should give the impression—as the Under-Secretary did—that we would be able to table amendments knowing the Government's response to the views of a senior Committee. In fact, we have had to table amendments without the benefit of that advice. Should not the Minister come before the House and explain himself, so that we may prepare properly for tomorrow morning?

**Mr. Deputy Speaker (Sir Alan Haselhurst):** I say to the hon. Gentlemen that it is unsatisfactory if the work of the Committee will be impeded by lack of information. I am sure that the airing of that complaint now means that it will have been heard, and that there will be other ways to pursue the Minister in question, so that matters may proceed satisfactorily tomorrow.

**Keith Vaz** (Leicester, East) (Lab): On a point of order, Mr. Deputy Speaker. Is it still the convention that Members of Parliament write to other hon. Members in advance if they visit their constituencies? [HON. MEMBERS: "Yes."] Last Tuesday, three members of the parliamentary Liberal party, which is 5 per cent. of the total, came to Leicester, East, where they dined with the former Member for Leicester, South at a public meeting, where they consumed chicken tikka massala and Cobra beer. Their satellite navigation system might not have been working or they may have misunderstood the term "constituency week". I take it to mean spending more time in one's own constituency: they obviously feel that it means spending more time in other people's constituencies. I do not mind them coming to Leicester, which is a fabulous city, and I would have been happy to meet them there, but I wondered if that convention was still in existence.

**Mr. Deputy Speaker:** Well, the hon. Gentleman might have spared us some of the detail. However, it is customary that when hon. Members visit another's constituency for political reasons, they notify that Member in advance. The whole House would work on a better basis if that practice were observed. However, if they visit just to eat chicken tikka massala, notification is not necessary.

**Lembit Öpik** (Montgomeryshire) (LD): Further to that point of order, Mr. Deputy Speaker. In the circumstances, I feel that I need to make a confession. I regularly visit the constituency of the hon. Member for Leicester, East (Keith Vaz) and I have to tell him that I neglected to write to him on almost all those occasions, but he will of course be reassured because my mother, who is one of his constituents, happens to live in Leicester, East. I can give him my absolute assurance that I have never schemed his downfall in my mother's house.

**Mr. Dennis Skinner** (Bolsover) (Lab): Further to that point of order, Mr. Deputy Speaker. Before you sum up, I would like you to bear in mind the fact that if the hon. Member for Montgomeryshire (Lembit Öpik) is correct and has been visiting some constituency, speaking on behalf of some Liberal Democrat candidate, the chances are, based on his record of the past few months, that the candidate will not do very well.

**Mr. Deputy Speaker:** I am sure that the House will have benefited from that timely warning. Perhaps I could say to the hon. Member for Montgomeryshire (Lembit Öpik) that everyone will get an invitation from his mother in due course, so we shall all be on an equal footing in future.

# Government of Wales Bill (Programme) (No. 2)

3.36 pm

**The Parliamentary Under-Secretary of State for Wales (Nick Ainger):** I beg to move,

That the Order of 9th January 2006 (Government of Wales Bill (Programme)) be varied as follows:

1. Paragraphs 6 to 8 shall be omitted.

2. Proceedings on consideration and Third Reading shall be completed in two days.

3. Proceedings on consideration shall be taken on each of those days as shown in the first column of the Table and in the order so shown.

4. Each part of those proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

**First Day**

| *Proceedings* | *Time for conclusion of proceedings* |
|---|---|
| Amendments relating to Clauses 1 and 2, Schedule 1 and Clauses 3 to 22. | Two hours after the commencement of proceedings on the motion for this Order. |
| Amendments relating to Clauses 23 to 27, Schedule 2 and Clauses 28 to 44. | The moment of interruption. |

**Second Day**

| *Proceedings* | *Time for conclusion of proceedings* |
|---|---|
| Amendments relating to Clauses 45 to 58, Schedule 3, Clauses 59 to 87, Schedule 4, Clauses 88 to 93, Schedule 5, Clauses 94 to 102, Schedule 6, Clauses 103 to 107, Schedule 7, Clauses 108 to 144, Schedule 8, Clauses 145 to 148, Schedule 9, Clauses 149 to 159, Schedule 10, Clauses 160 and 161, Schedule 11, Clause 162, Schedule 12 and Clauses 163 to 165; new Clauses and new Schedules; any other proceedings on the Bill. | One and a half hours before the moment of interruption. |

The programme motion seeks to ensure adequate debate on parts of the Bill that have attracted amendments to be considered on Report. It follows three days in Committee on the Floor of the House, during which the Bill received thorough and detailed scrutiny, particularly of the parts that are genuinely new enhanced primary powers and of proposals for reforming the electoral system.

The House will be aware that 93 of the 165 clauses are based closely on sections of the Government of Wales Act 1998. A further 48 clauses relate to the separation of the legislature from the Executive, a policy that has all-party support. Only 24 clauses are concerned with the new provisions relating to the Assembly's enhanced—and, subject to a referendum, primary—legislative powers. It was thus right and proper for the House to focus on scrutinising parts of the Bill that are novel and which it has not previously considered, while devoting less time to aspects that have cross-party support, such as the separation of the Executive and the legislature.

Despite the points that I have just made, the House will recall that at the end of the Committee, the hon. Member for Chesham and Amersham (Mrs. Gillan) objected on a point of order that the House had been unable to scrutinise 133 clauses. Consequently, she asked for more time for consideration in Committee. The House will want to note that at no time was such a request made through the usual channels. Indeed, an intervention from the shadow Leader of the House, the right hon. Member for Maidenhead (Mrs. May), on 26 January was the only suggestion of any kind from the official Opposition that more time might be needed. That point was raised through the usual channels immediately afterwards, yet even then the Opposition did not press a request for more time.

The programme motion for the Committee was agreed with cross-party support. Furthermore, consideration of the Bill was organised to ensure that the House concentrated its scrutiny on provisions that were genuinely new, or controversial. The House will recall that the hon. Member for Chesham and Amersham expressed particular concern that there was no opportunity for the House to scrutinise the "extremely complex financial provisions" of the Bill, so I was extremely surprised to see that not a single Conservative amendment has been tabled on those provisions on Report. I should be interested to hear the hon. Lady's explanation of that apparent oversight.

The programme motion seeks to guarantee that the amendments on outstanding issues of contention receive appropriate scrutiny. If accepted, the programme motion will ensure that amendments relating to parts 1 and 2, which deal with the legal separation between the National Assembly for Wales and the Welsh Assembly Government, will be considered on the first day of consideration on Report. Although some of the provisions that relate to the Assembly's electoral arrangements have been debated in Committee, some of the remaining provisions in parts 1 and 2 have not yet been scrutinised by the House and have attracted amendments. We have therefore sought to ensure that those amendments that have been selected receive adequate time.

Day 2 will allow the consideration of the provisions in parts 3 to 6. The provisions in parts 3 and 4 that relate to Assembly measures and Acts of the Assembly received detailed consideration in Committee. The programme motion will ensure that amendments relating to those parts that have been selected for consideration and those relating to the remaining parts of the Bill will receive an appropriate amount of time for debate.

In conclusion, the programme motion will ensure that the debates on Report and Third Reading will address all parts of the Bill where amendments have been tabled and selected. I commend the programme motion to the House.

3.40 pm

**Mrs. Cheryl Gillan** (Chesham and Amersham) (Con): I will not take up the House's time at great length for the simple reason that the way in which the programme motion has been drafted means that every minute we spend discussing it takes time from the debate on the first two groups of amendments, where the Government have so thoughtfully inserted a guillotine after two

BEST COPY AVAILBLE

*[Mrs. Cheryl Gillan]*

hours. I presume, of course, that the insertion of that guillotine has nothing to do with any meeting that may take place outwith the Chamber, but we must ask ourselves why a programme motion is on the Order Paper today, when there have been no such guillotines throughout the consideration of the Bill.

The junior Minister is right: I did object to the fact that 133 clauses have not been discussed. Therefore, on past record, it hardly seems worth while even to table amendments to the financial provisions, because we can be assured that there will be no opportunity to discuss them in the limited time available on Report and Third Reading.

I do not want to rerun old battles, but it was correct that we asked for more time on the Floor of the House at business questions. I had believed that matters brought to the attention of the Leader of the House on the Floor of the House would be taken seriously. He did not even bother to respond; nor did he write to my right hon. Friend the Member for Maidenhead (Mrs. May) afterwards to explain why no time could be given to the Bill. In fact, I think that it was suggested at one stage that we could debate more of Bill in Committee upstairs to enable us to discuss it fully. After all, is not this the Bill that the Secretary of State for Wales has described as settling the business of devolution for a generation? Therefore, is it right that such a large part of it should remain undebated in the Chamber?

The junior Minister's assertion that 93 clauses are based loosely on the original Bill is correct, but that does not mean that they should not be revisited; otherwise why would the Secretary of State be placing the whole Bill once again before the House for scrutiny? I hope that that was not a vain attempt to slip the Bill past the House, with any laxity as far as hon. Members' ability to scrutinise the Bill is concerned.

The time given to the debate on Third Reading is derisory: one and a half hours on a main constitutional Bill. I can only presume that the Labour party once more assumes that very few Labour Members from Wales will participate in the debate and that not too many contributions are expected to the Third Reading debate. The Bill has been notable for the fact that very few Labour Members who sit for Welsh seats have taken an enormously active part in it, which is a great shame.

Without further ado and not wanting to take any more of the House's time, I am afraid to say that I have major objections to the programme motion, and I will ask my colleagues to vote against it.

3.43 pm

**Lembit Öpik** (Montgomeryshire) (LD): I am slightly surprised by the Conservative position on the programme motion. *[Interruption.]* The hon. Member for Chesham and Amersham (Mrs. Gillan) says that she tried to ring me, but I was in Leicester, talking to my mum. Apparently, my three leadership candidates are also visiting my mother. I will have words to say about that later. Nevertheless, the concern is that she needed to speak not just with me but with the House before we voted on the programme motion initially.

I do not want to make a very big thing of this, but I personally feel that if I support a programme motion, I am obliged to try to make it work. I certainly do not feel that I am in a position to come back and condemn the Government for a decision with which I originally concurred. The inference is that I made the same judgment as the Government on that occasion, which is why I supported the programme motion. I am sorry to say this because I have a lot of respect for the hon. Lady, but it feels a bit dog-in-the-manger to make a dramatic point of order at the end of the Committee stage to attempt to gain party political points in an environment in which we had considerable differences of view about the content of the Bill, but, to the best of my knowledge, a collective responsibility to make the timings work.

The hon. Lady also asked why there are guillotines now. I do not think that she needs to look very far. Surely the Government, having been criticised in Committee for not having gone through the business, are bound to take away some of our latitude to operate autonomously. I cite the example of Northern Ireland legislation, which is continuously controversial, often involves constitutional matters and is extremely divisive to the House. Nevertheless, the Whip who is usually in charge of the business, the hon. Member for Gedling (Mr. Coaker), manages to secure a collective responsibility even at times when, for example, we underestimate the number of hours required in Committee. That occurred with the Northern Ireland (Offences) Bill, which was so controversial that the Government eventually withdrew it. However, there were no complaints about the timings, even though it became patently obvious to both sides that we had underestimated the time that we needed in Committee.

Although I have never been that persuaded about the principle of programming, I have to accept that, in today's environment, the House collectively, on a cross-party basis, has decided to impose programme motions from time to time, and this is one of those occasions. In the context of what we are considering today and tomorrow, it seems reasonable of the Government to have included the guillotines to ensure that important legislation is discussed.

I appeal to all hon. Members and the Minister to ensure that we are sufficiently concise to handle the issues in the time available, because I agree with the hon. Lady that it would be a shame if any of the strings of amendments were abandoned through lack of time. That does not need to happen. We can rehearse the arguments concisely and effectively enough to get through everything that is to be debated, including the controversial elements. For that reason, if the hon. Lady insists on dividing the House, although I am lukewarm about programme motions, I will have little option other than to defend the Government.

*Question put:—*

*The House divided:* Ayes 279, Noes 148.

**Division No. 171]** **[3.47 pm**

**AYES**

| | |
|---|---|
| Abbott, Ms Diane | Bailey, Mr. Adrian |
| Ainger, Nick | Baird, Vera |
| Ainsworth, rh Mr. Bob | Balls, Ed |
| Allen, Mr. Graham | Banks, Gordon |
| Anderson, Janet | Barlow, Ms Celia |
| Armstrong, rh Hilary | Barron, rh Mr. Kevin |
| Atkins, Charlotte | Battle, rh John |
| Austin, Mr. Ian | Begg, Miss Anne |
| Austin, John | Benn, rh Hilary |

Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bryant, Chris
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byrne, Mr. Liam
Cable, Dr. Vincent
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Diamore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julie
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hancock, Mr. Mike
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prosser, Gwyn
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Russell, Christine
Ryan, Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Stephen
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Ayes:**
**Mr. Vernon Coaker and Mr. Dave Watts**

**NOES**

Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*

Davies, Philip
Davis, rh David (*Haltemprice and Howden*)
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Tredinnick, David
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Widdecombe, rh Miss Ann
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy

**Tellers for the Noes:**
**Angela Watkinson and Michael Fabricant**

*Question accordingly agreed to.*

# Orders of the Day

## Government of Wales Bill

[1ST ALLOTTED DAY]

*As amended in the Committee, considered.*

### Clause 7

CANDIDATES AT GENERAL ELECTIONS

4.2 pm

**Mrs. Cheryl Gillan** (Chesham and Amersham) (Con): I beg to move amendment No. 1, in page 4, line 36, leave out subsections (5) and (6) and insert—

'(5) The list must not include a person—

(a) who is included on any other list submitted for the Assembly electoral region or any list submitted for another Assembly electoral region,

(b) who is an individual candidate to be an Assembly member for the Assembly electoral region or another Assembly electoral region,

(c) who is a candidate to be the Assembly member for an Assembly constituency which is not included in the Assembly electoral region, or

(d) who is a candidate to be the Assembly member for an Assembly constituency included in the Assembly electoral region but is not a candidate of the party.

(6) A person may not be an individual candidate to be an Assembly member for the Assembly electoral region if he is—

(a) included on a list submitted by a registered political party for the Assembly electoral region or another Assembly electoral region,

(b) an individual candidate to be an Assembly member for another Assembly electoral region,

(c) a candidate to be the Assembly member for an Assembly constituency which is not included in the Assembly electoral region, or

(d) a candidate of any registered political party to be the Assembly member for an Assembly constituency included in the Assembly electoral region.'.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** With this it will be convenient to discuss the following: Amendment No. 8, in page 4, line 42, at end insert

'(unless section [Person filling constituency vacancy to be eligible as constituency member or regional member at subsequent general election] applies).'.

Amendment No. 9, in page 5, line 8, at end insert

'(unless section [Person filling constituency vacancy to be eligible as constituency member or regional member at subsequent general election] applies).'.

Amendment No. 2, in page 7, line 43 [Clause 11], leave out subsection (8).

Amendment No. 13, in page 90, line 28 [Clause 160], at end insert—

'(8) Section 7 comes into force in accordance with section [Commencement of provisions relating to candidates at general elections].'.

New clause 4—*Person filling constituency vacancy to be eligible as constituency member or regional member at subsequent general election*—

'A person who has become an Assembly constituency member as a result of an election held under section 10 may be included in a list of candidates for return as Assembly regional members for

a particular Assembly electoral region at the subsequent general election even if, at that general election, he is also a candidate to be the Assembly constituency member for an Assembly constituency.'.

New clause 7—*Commencement of provisions relating to candidates at general elections*—

'(1) Section 7 comes into force on such day after the 2007 election as the Secretary of State may by order appoint.

(2) But no order under subsection (1) may be made unless—

(a) the Secretary of State has undertaken appropriate consultation with—

(i) the Assembly, and

(ii) each political party represented in the Assembly, and

(b) the Electoral Commission has made a report.

(3) No order under subsection (1) may be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.'.

**Mrs. Gillan:** The first group of amendments in the section to be dealt with before the guillotine deals with the position of candidates for the National Assembly for Wales. We debated the matter at some length in Committee, but did not reach any satisfactory conclusion. I am glad that we have the opportunity to re-examine some of the points today. As the Under-Secretary said in his brief speech on the programme motion, there are parts of the Bill with which the Opposition agree. There are several aspects of the Bill, however, to which we fundamentally object. In particular, the proposals in clause 7 are brought into the sharp focus of scrutiny by the amendments.

In speaking to the amendments, I am trying to do one of two things. First, I am seeking to maintain the status quo so that the electoral arrangements, as understood by the people of Wales at the moment, remain the same. If I fail to do that, however, I hope that the option of not introducing those changes until after the Assembly elections in 2007 will give the existing system time to settle down and also afford the Government and the Assembly the opportunity to inform the people of Wales about the proposed changes that they intend to make. There is much evidence showing that people in Wales do not understand the electoral system, let alone the proposals that the Government are now seeking to impose. Conservative Members have argued that clause 7 is a partisan attempt by the Labour party to rig the electoral system to its own advantage.

**Chris Bryant** (Rhondda) (Lab): The hon. Lady said that there is much evidence that the people of Wales do not understand the current electoral system, but I wonder what evidence she has seen because all the evidence gathered by academics that I have seen indicates exactly the opposite.

**Mrs. Gillan:** The Electoral Reform Society, the Electoral Commission and the Bevan Foundation report, which I shall discuss later—the hon. Member for Caerphilly (Mr. David) successfully introduced the Bevan Foundation report into the debate in Committee—all point to confusion about the system itself. The combination system, which is different from the first-past-the-post system, causes confusion among the electorate.

**Chris Bryant:** I am not sure whether that is right. In multi-member local government constituencies, people have the right to vote three times for three councillors under the first-past-the-post system. Opinion polls suggest that the number of people who do not use all three votes because they do not understand that they have more than one vote is far higher than the number of people who say that they do not understand the Welsh Assembly voting system.

**Mrs. Gillan:** I refer the hon. Gentleman to page 8 of the Bevan Foundation report, which Labour Members have prayed in aid. It states that there is strong survey evidence that people do not understand how the system of elections to the National Assembly for Wales works. I shall go into more detail on that point, but I think that the hon. Gentleman must back down.

**Chris Bryant** *indicated dissent.*

**Mrs. Gillan:** The Welsh people have not called for the Government's proposed change to the electoral system. Furthermore, it is notable that the Richard commission, which has produced a substantial piece of work on the situation in Wales, did not come up with the change that the Government are attempting to introduce today.

The Government have deployed the argument that the change was in the Labour manifesto at the general election. That is slightly lame, because if they had the best interests of the people of Wales at heart, they would not have made a bald statement in a manifesto and would at least have conducted some research and examined the issues in Wales, which seem to include confusion about the electoral system itself.

**Albert Owen** (Ynys Môn) (Lab): When probing amendments suggesting that there is confusion about the electoral system were moved in Committee, the hon. Lady did not agree that such confusion exists, because it benefited her party to adopt that position. Now she is telling hon. Members that there is confusion, so which one is it? She has claimed that the system is somehow rigged towards the Labour party, and many Opposition Members have alleged that the system has been gerrymandered, but does she have any evidence on that point, because she has not produced any up to this point?

**Mrs. Gillan:** I apologise to hon. Members because my voice is gradually fading away and may be reduced to a faint whisper by the end of the debate. I shall pick up those points as I develop my argument.

It is notable that when there was one Labour regional AM we heard no complaints about the system. Now that complaints have been made, we see that there are no Labour regional AMs. That suggests that there is an enormous bias in favour of presenting a political solution instead of one that is good for the people of Wales. When the Welsh Affairs Committee inquired into the Government's White Paper, "Better Governance for Wales", it divided strictly along party lines. The fact that no party other than Labour has picked up the cudgels on this leads me to believe that it is not in the best interests of the people of Wales.

*[Mrs. Gillan]*

The Electoral Commission is not convinced of the need for change. In its submission to the Welsh Affairs Committee, it concluded:

"In light of the need to encourage voter participation at the Assembly election in 2007, we would caution against any change that is perceived to be partisan and could add to a prevailing distrust of politicians.

On the evidence available to the Commission . . . we do not believe that the case for change has been made out."

I think that the Minister would admit that those words should be taken very seriously; after all, they are from the Government's own commission.

Opposition to the ban was forcefully expressed by the Electoral Reform Society, which concluded:

"We urge the Government to reconsider their proposal to ban dual candidacy, a controversial and divisive argument for which the case has not been adequately made."

**Mr. Jim Devine** (Livingston) (Lab): Is the hon. Lady aware of the situation of the leader of the Scottish National party, who, if he stood in a constituency and lost, could then be elected through the list? Not only would a loser become a winner—a loser would become a leader. Is not that a rigged system? He is effectively betting on a three-horse race—he cannot lose.

**Mrs. Gillan:** I love the way we move seamlessly from Wales to Scotland. I would have a great deal of sympathy with the hon. Gentleman had not this electoral system been devised by the Government. They came up with it, and now they are crying foul.

While my voice holds out, I want to turn to some of the points that were made in Committee. The hon. Member for Caerphilly introduced us to the Bevan Foundation's report, "Public attitudes to dual candidacy in elections to the National Assembly for Wales". I was delighted that he pointed me in the direction of that piece of research. I am hoping that he will intervene on me to answer straightforwardly why, when I asked him how much it cost, who paid for it and where it came from, he did not venture to inform the House that he sponsored it. He argued that it was a completely impartial piece of research—*[Interruption.]* Is the hon. Member for Rhondda (Chris Bryant) trying to intervene?

**Chris Bryant:** No, I am just shouting.

**Mrs. Gillan:** The hon. Gentleman should settle down—it gets better.

Point 6 of the introduction to the report states:

"The research was sponsored by Wayne David MP."

One would have thought that the hon. Gentleman could have enlightened the House when he was trying to tell us that this was a completely independent piece of research. He must have sat on his hands. He knew that he sponsored this piece of research, yet he did not have the guts to stand up in the House and tell us. I honestly think that he did not want me to read the research, because when we look at the detail we will see what it contains. It is very interesting.

**Mr. Wayne David** (Caerphilly) (Lab) *rose—*

**Mrs. Gillan:** I give way to the hon. Gentleman to let him tell us why he did not say that he had sponsored it.

**Mr. David:** This is extremely tedious. If the hon. Lady did not hear my comments during our previous proceedings, she could have read *Hansard*, which shows that I openly said to hon. Members that I had sponsored the research but that it was independent. Big deal.

4.15 pm

**Mrs. Gillan:** If the hon. Gentleman reads his contribution at column 112 of *Hansard* on 30 January, he will realise that it did not reflect the simplicity of the intervention that he has just made.

Let us consider the Bevan Foundation's research. I shall concentrate on the summary and I hope that the hon. Gentleman has a copy because I should like to remind him of its conclusions. It was not based on an enormous sample—indeed, there was

"a predominance of people aged over 45 and of those who were either retired or not working for other reasons."

The relative absence of people under 45 and those working full-time means that the results are not statistically representative—they were not intended to be. One wonders why the hon. Gentleman sponsored work that has such a caveat. However, as he has prayed it in aid, it is right to examine the results.

The report states:

"There is little in-depth analysis or empirical evidence to support the various arguments made both for and against dual candidacy".

That is apparent from our discussions. However, the small-scale project aimed to explore whether the public had views on the issue, as is often claimed. The summary continues:

"We found slightly more of the total number of respondents said that dual candidacy was unfair compared with those who felt candidates should be free to stand in both."

I emphasise the word "slightly". That could mean as much as one in a sample of 47.

The summary goes on:

"This suggests that any proposals about dual candidacy—whether to change or retain the current system—need to be based on sound evidence and be mindful of the differing views amongst the public."

I agree with that. It is obvious that the Government have not based the proposals on sound evidence. The summary states:

"This suggests that there should be clarification of the roles of the two types of Assembly member."

We can all agree with that because there is confusion about the roles, not least among Assembly Members. As expected, those views were part of a wider lack of understanding of the electoral process among many people and a division of views about proportional representation.

The hon. Member for Caerphilly, who prayed in aid the report, has played straight into our hands. Again, I emphasise that there is slight evidence that respondents believed that dual candidacy was unfair. It hardly constitutes an overwhelming piece of research to back up the Government's proposals.

**Mrs. Siân C. James** (Swansea, East) (Lab): Have you any research that you can impart on how—

**Mr. Deputy Speaker:** Order. When I am on my feet, the hon. Lady must sit down. She must not use the second person because when she says "you" she refers to me and I have nothing to do with these matters.

**Mrs. James:** I apologise, Mr. Deputy Speaker. Does the hon. Lady have any evidence that the people of Wales are happy with the safety net that we provide for the dual candidates? I have found no evidence of people being fully supportive of the process whereby winners become losers, or, as the Japanese put it, zombies become winners. Has the hon. Lady any facts and figures to impart on that?

**Mrs. Gillan:** I hope that Assembly Members have noted that the hon. Lady likened them to zombies. *[Interruption.]* I do not care who called them zombies. The hon. Lady likened them to zombies in the Chamber. The Conservative group is one of the most active and effective groups in the Assembly, so the hon. Lady should be careful before she starts throwing around such words to describe it.

This is all about trying to prove a negative. If the Government are going to change an electoral system that they have only recently introduced, they must do so on the basis of fact, investigation and demand. No such fact, investigation or demand exists, as I am seeking to prove, given the public attitudes to dual candidacy and elections to the National Assembly for Wales expressed in the Bevan Foundation's report, which was commissioned by the hon. Member for Caerphilly.

**Mr. David:** I am very pleased that the hon. Lady has taken the trouble to read the Bevan Foundation's report. As she knows, I placed a copy in the Library for her to see. As the report states, it is an indicative report that is intended simply to give an indication of the public's attitudes. However, the hon. Lady cannot get away from the fact that its central point is that a majority of the respondents think that the current system is unfair.

**Mrs. Gillan:** I am unwilling to concede that, because the report found that only "slightly" more of the total number of respondents held that view—

**Mr. David:** A majority.

**Mrs. Gillan:** That could be a majority of just one out of the 47 respondents. The hon. Gentleman should read some of the remarks made by those 47 people in the report. I shall not take up the House's time by reading them out now, but I would recommend them to anyone who is interested in the Bill.

**Hywel Williams** (Caernarfon) (PC): Does the hon. Lady find it curious that Labour Members place such weight on this report, given the small number of respondents it involved? When the Electoral Commission's scientific research was discussed by the Welsh Affairs Committee, Labour Members' response was, "Who are these people? Are they paid? How were they selected?" There was a great deal of scepticism expressed at that time, yet great weight is placed on this piece of research. Is not that strange?

**Mrs. Gillan:** The hon. Gentleman and I are of one accord on this. What seems important is whether the Bill suits the Labour party, not whether it suits the people of Wales or contains what is best for the people of Wales. I was at a Scottish Affairs Committee recently at which some eminent people, including Sir John Arbuthnott, were giving evidence. One of the Labour members of the Committee even wanted to know how many degrees Sir John had. I think that that Member was trying to make the point that Sir John was so intelligent that he could not relate to ordinary people. Well, perhaps that was the case, because I believe that Sir John replied that he had 11 or 12 degrees. That certainly put that Labour Member in his place.

The Government have tried to fall back on the old line that there is widespread and systematic abuse—I think that was how the Secretary of State described the situation—in Wales. If the abuse is so widespread and systematic, why has the Secretary of State failed to respond to letters from Nicholas Bourne, the leader of the Conservative group in the Assembly, written on 4 November and 27 January? Those letters contained a request for information about the Secretary of State's assertions. I see that the Under-Secretary of State for Wales, the hon. Member for Carmarthen, West and South Pembrokeshire (Nick Ainger), is looking slightly blank. Nicholas Bourne's letter of 27 January to the Secretary of State says:

> "I enclose a copy of a letter I sent to you on 4 November 2005, to which I have, as yet, received no response.
>
> I am concerned that you have made assertions regarding alleged abuse by List Assembly Members of their position in relation to expenses. This is a claim that, as far as I am aware, has never been substantiated.
>
> If you are making such a claim it is clearly a very serious one".

The letters of 4 November and 27 January from the leader of the Conservative group regarding the systematic abuse that has been prayed in aid in relation to changing the system have not even received a response from the Secretary of State. I hope that a response will now be forthcoming.

Another argument that the Government have used is that the banning of dual candidacy will end the confusion caused by the present system. However, I am not sure how that would follow. The research that I have seen suggests that banning someone from standing in a constituency system or a list system would not address the problem that people fail to understand that there is a first-past-the-post system coupled with a proportional representation system. That is where the sticking point seems to be with the electorate. Clearly, some analysis and research is needed to back up what the Government are trying to do.

*[Mrs. Gillan]*

I want to deal with the Secretary of State's arguments in Committee. I was particularly interested in the way in which he responded to the debate on clause 7. He said:

"We should start with the facts. Interestingly, the National Assembly for Wales does not support the Opposition proposals for preventing a ban on dual candidature. That is fact No. 1."—[*Official Report*, 30 January 2006; Vol. 442, c. 122.]

Well, it is not quite fact No.1, because I decided that I would examine the voting and the debate on the relevant amendments to the Bill in the Assembly. If the Secretary of State thinks that the Assembly voted against the idea, he is skating on thin ice. The amendments were only defeated on the casting vote of the Presiding Officer, who was obliged to vote against them under Standing Orders. I do not know how he would have voted had he been free to vote as he wished, but we need only examine the voting of members of his party to discover where his heart might have lain. To say that the National Assembly for Wales does not support the Opposition proposals is therefore to flirt with the truth.

On amendment No. 1, in the name of Lisa Francis, Conservative Assembly Member for Mid and West Wales, the voting was 29 for, 29 against, and 0 abstentions. On amendment No. 5, in the name of Jocelyn Davies, the voting was 29 for, 29 against, 0 abstentions—casting vote. On amendments Nos. 7 and 11, the voting numbers were exactly the same. The Secretary of State's opening gambit in his response therefore takes the biscuit. Given the opportunity of a free vote by the Presiding Officer, we might find that the National Assembly for Wales does not support the Government's proposals. However, the Labour party supports them, and it is its amendments that we are considering.

Labour Members also displayed a lot of partisanship when they said that one of their problems was with list Members setting up rival camps. I am not sure how this change in the system will stop that because there will still be list Members, who will still be able to set up rival camps. The evidence session given by Professor Sir John Arbuthnott and Dr. Nicola McEwan to the Scottish Affairs Committee on Tuesday 14 February, which I attended, provided an interesting insight into the psychology of the Labour party. I heard the Committee Chairman, the hon. Member for Glasgow, Central (Mr. Sarwar), utter the immortal words that are on page 22 of the draft transcript:

"I represent Glasgow Central. I have 11 MSPs interfering in my constituency."

That is the Labour party's attitude to Members of the Scottish Parliament and, I presume, to Assembly Members. That is appalling. We have touched on the real reason for the proposals in the Bill to change the electoral system.

**Hywel Williams:** Is it not the case that the Labour party is happy for such Members to set up camps as long as they are not in seats that Labour is rightly in danger of losing?

**Mrs. Gillan:** That is the case. The hon. Gentleman makes the point well. That takes me back to my initial point that this is merely about Labour party advantage, Labour party position and keeping Labour Members. It is not about what is best for Wales and for the people of Wales, which is what Conservative Members want. If the Government are going to make these changes, why not make them later rather than sooner, after a period of reflection or investigation?

**Albert Owen:** The crux of the Secretary of State's argument was that under the present system an Assembly Member who has been elected on the list and wishes to become a candidate in the constituency puts all the resources into that constituency. The intervention from the hon. Member for Caernarfon (Hywel Williams) was interesting. In my constituency, where we have a Labour Member of Parliament and a Plaid Cymru Assembly Member, his party was very worried about the fact that a Conservative list Member would refer to himself as the base in the constituency. The Plaid Cymru intervention is a little unhelpful and I do not think the hon. Lady should associate herself with it.

4.30 pm

**Mrs. Gillan:** The hon. Gentleman almost plays into my hands. If it is just a question of behaviour in target seats, why not change the Standing Orders? Why not consider ways around the problem before going for the nuclear option of changing the electoral system? There is no guarantee that the first person on the list, if he is not of a Labour party persuasion in a Labour constituency, will not set himself up in exactly the same way. I think that that is a red herring. A sop is being offered to Labour Members.

**Mr. Elfyn Llwyd** (Meirionnydd Nant Conwy) (PC): The Government are very keen on consulting. We are told that they are a listening Government. They consult on absolutely everything. They do not take any notice of what is said to them, but they do consult. For example, more than 90 per cent. of respondents opposed the National Offender Management Service, while 0.4 per cent. favoured it. The Government then went ahead with it.

If there is so much evidence out there, why did the Government not go out and consult the people of Wales, and come back with hard evidence which would have informed the debate?

**Mrs. Gillan:** I am sure that the Minister does not want to be reminded of the National Offender Management Service, but it is true that in that instance there was no consultation worth a row of beans. The Government seem to be falling into exactly the same trap in the case of the merger of police areas. They are not listening to the people of Wales, and the political bullying by the Labour party that is now becoming apparent is the hallmark of their latest term of office.

I am sorry that the Secretary of State is not present as he dealt with these matters in Committee. He said that the Arbuthnott commission would have reached the same conclusion that has resulted in the Government's proposal for a change in the legislation if it had considered what he has called the systematic abuses carried out by list members in Wales.

It was the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander) who drew Sir John Arbuthnott on the point. He said

"I should also point out that the Secretary of State for Wales has said that if the Commission had considered what he called the systematic abuses carried out by list members in Wales, he would have reached the same conclusion that we have, namely that a ban on dual candidacy is the only effective solution. Do you agree with his line of thinking? Is the Welsh situation one you have studied in coming to this conclusion?"

Professor Sir John Arbuthnott responded

"Of course we read the material on Wales. The points the Commission took into account on this important issue are as follows: first of all we actually found no evidence that there was a problem for voters in having dual candidacy, nor incidentally, did the Electoral Commission, who have done their own study of this. The idea that a loser is then elected by another aspect or another branch of the proportional representation system is actually a hangover from the first-past-the-post thinking: those coming second are only losers, the only losers in a majoritarian system. The logic of PR is that you actually use the best people as voted for by the electorate and under a proportional system that will not only be the first-past-the-post candidate. As you are aware, I am pretty concerned that we do this on behalf of citizens. Banning dual candidacy would, if you think about it, actually restrict voter choice and potentially diminish the quality of constituency contests."

I think that Sir John has put to bed the myth that he would have arrived at a different conclusion on Wales if he had studied the situation. He obviously did study the situation and I think that the Secretary of State was wrong to put words into his mouth.

I have talked enough, and other hon. Members wish to speak in this debate for which the Government have allowed only a short time. The Secretary of State is trying to amend the system in a way that many people, including myself, believe is cavalier and partisan, with the aim of keeping Labour party members quiet. The case for change has not been made in any substantial research. The Assembly is not crying out for it—quite the opposite, in fact—and the Secretary of State is moving away from what would be its wishes, given the political complexion of the Presiding Officer. I do not think, therefore, that he can argue that the Assembly has been demanding change. Sir John Arbuthnott looked at the situation in Wales, and concluded that there was no case for change in Scotland in light of the information that it provided. The Bevan Foundation research has been prayed in aid and, although flawed, it showed that there is not an overwhelming demand or case for change.

Why, therefore, are the Government messing around again with the electoral system in Wales in such a precipitate way? Will the Under-Secretary wait until after the 2007 elections at the earliest before embarking on that road? I urge him to look at the amendments that I have tabled and, hopefully, accept one of them. If not, he could wait until the Assembly alters its Standing Orders so that regional and constituency Members can resolve their differences. He could at least initiate an education programme about the electoral system, because the Government have failed to educate the electorate.

Why should Wales once again be an electoral experiment? It has three systems—one for Europe; one for Westminster and local government; and one for the Assembly. The system for the Assembly has only been in place for a short while, and it should be given a chance to work before it is changed again. I notice that it is the system in Wales that is changing, not the one used in Scotland. The proposals are not good for the people of Wales, and as they do not result from overwhelming demand or substantial research they are not good for democracy.

**Mr. Paul Murphy** (Torfaen) (Lab): I did not intend to speak in this debate until I listened to the hon. Member for Chesham and Amersham (Mrs. Gillan), who has not added a great deal to previous debates on this issue. There should be an opportunity to put matters right in the House, as the people of Wales have the right to understand why the Government and the Labour party have introduced the proposals.

The hon. Lady is terribly confused about the electoral system. It was only a couple of weeks ago that we discussed the top-up system on the Floor of the House. She suggested that we ought not to change it, because it is too early to do so, and she has repeated that assertion today. She said, too, that the Labour party introduced the system in the 1997 referendum, so we should not change it. The purpose of the Bill, however, is to reflect on what has happened in the past few years to see whether improvements can be made to the way in which our country is governed in Wales. That point was completely and utterly missed by the hon. Lady.

There is something else that the hon. Lady has failed to grasp. When we debated the system of top-up Assembly Members she rejected the consultation that my hon. Friends and I proposed so that we could consider whether we should revise a system which, I believe, has been discredited. Today, however, she said that the system was confusing. In our earlier debate, she asked me to talk about e-mails from my constituents about the electoral system. I remind her that hon. Members who represent Welsh constituencies do not need to look at e-mails, as we talk to our constituents in markets, pubs, meetings and churches, and they tell us how they feel about different public policy issues, including confusing systems. If she went to Wales a little more than she has done in the past she would undoubtedly hear the same points being made.

**Mrs. Gillan:** As I spent the first 11 years of my life in Wales, the right hon. Gentleman might say that I have spent a considerable amount of time in Wales. If he is telling me that conversations in markets and pubs are the basis for this Labour party legislation on the electoral system, I am very worried for this Labour Government because they have moved away from the evidence base that they always vaunted so loudly. Where is the evidence? There is none.

**Mr. Murphy:** I do not live in fantasy land. I live in Wales, which the hon. Lady does not. I do not know whether, during the first 11 years of her life, people were taking about these issues in Wales. She was certainly too young to discuss them. All the references to Professor Arbuthnott, electoral commissions and electoral reform societies do not take account of the experiences of elected Members from Wales who talk to people in their constituencies who are interested in these matters. Today, she is saying that the system is confusing. A fortnight ago, she said that it was not. She has to make up her mind what she thinks about the system.

*[Mr. Murphy]*

Of course, the system is one that the hon. Lady's party traditionally would have rejected. In fact, I agree with most members of her party that the first-past-the-post system is the best. However, the current system has benefited her party. Under the first-past-the-post system, the hon. Member for Monmouth (David T.C. Davies) would have been the only Conservative Member in the National Assembly for Wales.

**David T.C. Davies** (Monmouth) (Con): I am grateful to the right hon. Gentleman for reminding us that the Conservative party opposes proportional representation, but we play by the rules that are set. I would have been quite happy to be the only member of the Conservative party to be elected under first past the post. I am sure that most of my colleagues, who are supporters of the first-past-the-post system themselves, would have been pleased to see me there.

**Mr. Murphy:** The hon. Gentleman had better have a word with the shadow Secretary of State for Wales. She seems to be a great advocate of proportional representation—at least that is the impression that the House gained some moments ago.

**Mrs. Gillan:** A moment ago, the right hon. Gentleman said that we should listen to the elected Members for Wales. Therefore, why does he not listen to the Assembly? The vote was tied at 29 to 29; the casting vote was made by the Presiding Officer on a Standing Order. Surely, therefore, the Government are not listening to the elected Members. The right hon. Gentleman is going against the will of the elected Members in Wales.

**Mr. Murphy:** I listen to elected Members of the Assembly all the time. The vote that the hon. Lady referred to was presumably split on traditional party lines. Of course, a fair number of those who voted were Members who were elected on the top-up system anyway. The point that I am trying to make, however, is that to try to deny that there is unease or dissatisfaction about the system is wrong.

There is a much more significant point, however, which my hon. Friends have already raised: this was a manifesto commitment. It was clear as day, in black and white. All of us who were Labour candidates in Wales at the last general election fought on a manifesto that said that we would change the position on dual candidacy.

When the Bill goes to the other place, I hope that Members of the House of Lords will reflect on that issue, too. This proposal has not come out of the blue. The reason for the change is that, initially, the Labour party conference agreed by an overwhelming majority that the change had to take place. That was put in a manifesto to the people of Wales. We won on that manifesto. Therefore, it is the duty of Labour Members in this House of Commons to put that forward. When the proposal goes up the Corridor to the House of Lords, I hope that it will realise that, if it rejects it, it will reject a Labour party manifesto commitment that was crystal clear at the last general election.

**Mr. Llwyd:** I am not sure what the position of the right hon. Gentleman was, but his party clearly did not consider the manifesto commitment on top-up fees to be sacrosanct. One wonders why this particular one should be sacrosanct. *[Interruption.]* One or two Labour Members supported it, but not the bulk of them.

**Mr. Murphy:** The hon. Gentleman can pick and choose from a list of policies if he wants to, but today we are discussing dual candidacy, and Labour's policy on dual candidacy was included in the manifesto. I fought on that manifesto commitment, as did other members of my party.

**Lembit Öpik** (Montgomeryshire) (LD): The right hon. Gentleman is trying to send to the other place the message that, because this was a manifesto commitment, it should respect it. Does he not accept that it is entirely inconsistent for him to expect others to honour that commitment, given that, as the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) rightly pointed out, the Government themselves broke a fundamental promise on student funding? The right hon. Gentleman cannot have it both ways.

4.45 pm

**Mr. Murphy:** The point is being made that this policy simply appeared out of the blue and was dreamed up at the last moment, but it was not like that. The people of Wales knew precisely what the Labour party's policy was and what they were voting for, and in any event, it is a sensible one. If people do not like a particular Assembly Member who has been elected as a constituency Member through the first-past-the-post system, they can vote that Member out of the Assembly. However, if, as happened in Clwyd, West and other constituencies, someone chooses to stand dually—in the top-up AM list and in the constituency—and loses, they can still get back into the Assembly. I am sure that if we asked any of our constituents whether that is fair, they would say that it is not.

Another point that we must ram home constantly is that few top-up Assembly Members concentrate on safe seats. They often concentrate their activities in marginal seats: ones that they think they are most likely to win at the forthcoming election. That may be politically sensible—I am not saying that it is not—but is that the role of an AM who is a top-up Member? No, it is not. The role of an AM who represents a region of Wales is to represent that region equally and properly. That sometimes happens, but often it does not because of the concentration of political activity in marginal seats. Such concentration distorts and perverts the reason for having top-up AMs in Wales.

The best solution is to do away with the system altogether and to come up with a different one. That is a debate for another day, but today we are debating an issue that the vast majority of people in Wales understand: doing away with an unfairness. They were told about this policy during the general election, when a clear manifesto commitment was given. I urge the House to follow the wise advice that my hon. Friend the Member for Carmarthen, West and South Pembrokeshire (Nick Ainger)—he is not a junior Minister but the Under-Secretary of State for Wales—will give us when he winds up: to vote against these amendments.

**Lembit Öpik:** The right hon. Member for Torfaen (Mr. Murphy) said that the hon. Member for Chesham

and Amersham (Mrs. Gillan) added little that is new to this debate, but given that we have already discussed this issue comprehensively, it is hardly surprising that we should go over some of the same ground. I was slightly surprised by the position taken by the right hon. Gentleman, who seems to be arguing as his core case that because this policy was a manifesto commitment, others need to honour it. As I made clear in my intervention, and as the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) did in his, it is very difficult to take that argument seriously, given that the Government themselves do not respect their manifesto promises to this country. Such an approach certainly does not add any credence to whatever claims may be made that these changes will increase the democratic effectiveness of Wales as a nation.

I shall go through some of the points that have been made, some of which, hopefully, are new. First, we must recognise that there is an attractiveness in separating the constituency and list candidatures, as outlined by the right hon. Gentleman. That looks like a nice way of making it more difficult for opposing candidates from other parties to campaign in marginal seats. Indeed, I would go further: I have some experience of this issue, having observed what goes on in Montgomeryshire. Simply to argue for a change because it makes it easier for the incumbent has nothing to do with the democracy of the system. Surely the right hon. Gentleman does not think that it is justified to change the system to make it more difficult for other parties to marshal their resources and provide significant competition in a given constituency. Anyone who did that would be doing what the Government claim they are not doing, and that is gerrymandering the system.

**Chris Bryant:** If that were the case, I would wholeheartedly agree with the hon. Gentleman. However, Labour Members find it distasteful that the three Opposition parties who oppose the change cannot accept the fundamental principle that losers should not become winners. They hide the fact that the main reason they oppose the change is that they do not have enough members who want to stand and would be decent enough candidates to fill both the list and the constituency vacancies.

**Lembit Öpik:** The second part of those remarks is simply vexatious mischief. If the change goes through, we will see whether the parties have sufficient candidates. However, the change will harm the minor parties. It will necessarily cause a convergence towards larger parties and it is clear from what the hon. Gentleman says that he is pleased about that. He thinks that it is reasonable to make it difficult for start-up parties to do well in the Welsh system. The more important point is the hon. Gentleman's claim that it is fundamentally wrong that losers should become winners.

**Albert Owen:** The hon. Gentleman used the term "gerrymandering", and the shadow Secretary of State for Wales talked about "rigging". My understanding of gerrymandering is that it involves clear political gain for the party that undertakes it. What is the political gain for the Labour party from the changes? The hon. Gentleman must produce some evidence if he wishes to use such strong terminology.

**Lembit Öpik:** The answer to the hon. Gentleman's question lies in the comments by the right hon. Member for Torfaen. He is an effective parliamentarian and it has always been an honour to work with him, but he highlighted his belief that the change is necessary to reduce the likelihood of various parties focusing their resources in marginal seats. I am happy to give way to the right hon. Gentleman if I have misinterpreted what he said, but I am fairly sure that that is the meaning of what he said. We may have a genuine difference of view, but I do not think that that is a good enough justification for altering the democratic system that pertains. It is suggesting that the present system may cause discomfort and heat to the incumbent in a marginal seat, and that is a sufficiently good justification to pray in aid of this change.

**Mr. Murphy:** My point was that the system distorts the purpose of top-up Members. When the House debated the Government of Wales Act 1998, the purpose of those Members was not only to represent the proportion of votes for parties, but to represent all the parts of the region equally. That has been perverted and distorted because political resources are put into those constituencies where the party can go for both seats.

**Lembit Öpik:** In his heart of hearts, the right hon. Gentleman surely cannot pretend that this change has anything to do with forcing the regional list Members to represent their regions rather than their immediate locality—*[Interruption.]* Labour Members, including Front Benchers, seem to object to that, but I look forward to hearing the Minister's explanation of how this mechanism will ensure that individuals who have been elected as list regional Members will not tend to use their resources of time and money to focus on the locality within which they live. If the Minister is suggesting that is the reason, why has it taken five days of debate to reach that justification? Why was it merely a sedentary response to my comments?

**Chris Bryant** *rose—*

**Lembit Öpik:** I will give way to the hon. Gentleman in a minute, but I want to respond to the more interesting of the points that he made earlier on, which also ties in with something that the right hon. Member for Torfaen said. The hon. Gentleman said that losers should not be winners. What a dramatic change for the Labour party: losers should not be winners. Where does it say that manifesto commitments secured by only a third of the popular vote mean that a party has the justification, in any democratic sense, to force through such provisions?

Labour Members know as well as I do that two thirds of the British population voted for parties that were not Labour, yet when they are talking about democracy that fact seems to go out of the window. Today, it is convenient for Members sanctimoniously to masquerade as keepers of the democratic process, but we should never forget the complete contradiction in the Government's justifying their proposed changes on the basis that there is some kind of democratic deficit in Wales, while forcing through these and many other provisions when they very well know that most of the electorate voted against their manifesto.

**Chris Bryant:** The hon. Gentleman is getting into what the House of Lords should do to legislation from

*[Chris Bryant]*

this place. His argument seems entirely consistent with what other Liberal Democrats and Conservative Front Benchers have said since the last general election—that they have no intention of standing by the Salisbury convention because they believe that we did not properly win that election. The hon. Gentleman is introducing a second version of losers shall be winners.

Earlier, the hon. Gentleman said that he felt that I was urging that we have a system that disbenefited smaller parties, but the present system gives smaller parties an extraordinary advantage. My experience in south Wales is that smaller parties are smaller parties because they do not command the support of the people of Wales, and I do not think that we should give them an additional leg up.

**Lembit Öpik:** The hon. Gentleman is obviously beginning to panic about how the upper House may interpret this debate—as well he might. Sadly, and increasingly of late, the unelected upper House remains the last stand between the authoritarian autocracy of the Government and the interests of the people and democracy as a whole—

**Chris Bryant:** Autocracy?

**Lembit Öpik:** Yes, autocracy—*[Interruption.]* I will not be drawn on that. The hon. Gentleman should remember that English is my second language—

**Chris Bryant:** Not Greek?

**Lembit Öpik:** Greek is certainly not my second language, but English is, so the hon. Gentleman should cut me some slack if he has issues with my terminology.

I want to focus on the hon. Gentleman's suggestion that losers cannot be winners. Today and in previous debates, he and others have claimed as justification that the public in Wales want the proposed changes. However, just as two thirds of the British population as a whole voted against the Labour party in the 2005 general election, so too did a majority of electors in Wales. It is thus obvious that if Labour Members claim democracy as justification for making these changes to our electoral process they are contradicting their own arguments. Most people in Wales who used their vote did not support that manifesto commitment. I do not understand why it is so difficult for Government Members to grasp the contradiction between what the public said then and what the Government are saying now.

5 pm

Incidentally, I do not want to stray too far from the debate, but if the Government are suddenly so concerned about what the people think, how is it that they ignored the obvious anecdotal judgments of the public about the war in Iraq, about the anti-terrorist legislation or about something that we have discussed already—

**Mr. Deputy Speaker (Sir Michael Lord):** Order. I hope that the hon. Gentleman will take the advice that he has just given to himself.

**Lembit Öpik:** I value the person who gave that advice, so I will take it and I will stop there. I simply say in general terms that the Government cannot have it both ways. They cannot say that they will take the advice on one occasion and not on another.

We hear an age-old argument about the general public's confusion. We are told that they do not understand how the system works. Once again, I simply ask the Government to provide some solid hard-core data to show that people who voted either in the most recent Welsh Assembly election or perhaps even in the one before have genuinely said, "If I had understood the system better, I would have changed my vote."

**Mr. Llwyd:** The right hon. Member for Torfaen (Mr. Murphy) said that, when he spoke to people in the pubs about the issue, there was a certain amount of confusion. Perhaps they were confused because they were in the pubs anyway.

**Lembit Öpik:** And 24-hour drinking will not help the case of the right hon. Member for Torfaen. While sort of thanking the hon. Gentleman for his intervention, I want to point out that hon. Members are mixing up two things when they cite the public's alleged confusion as a justification for this change, which is nothing to do with changing the list and constituency system. All it will do is prevent individuals from exercising their human right to stand for election on the list as well as in a constituency. At the heart of it, there is nothing very complicated about our difference of view.

To summarise, it happens that it will be convenient in my constituency if the amendment is accepted, but that does not make it right. It is unquestionably convenient for some hon. Members to consider making it more difficult for their opponents; but, once again, that is not a good enough reason to monkey with the democratic system. The greatest irony of all is that the provision will make almost no difference in the way that the Government intend, but it will make a significant difference to the opportunity for individuals to express their democratic right to stand for election on the list and in a constituency.

**Mrs. Gillan:** Does the hon. Gentleman intend to join me, my party and Plaid Cymru Members in the Lobby if I ask for votes on amendments Nos. 1 and 2?

**Lembit Öpik:** To raise the suspense, I will come to that in just a minute.

To finish off, I ask the Minister to reflect on what he is asking us to do today. Is he really so sure that he will achieve the intended goals and that, if we have such a debate again in the Chamber in four years' time, he will be able to point to evidence and say, "Look at all the things we cleared up"? I simply do not believe that. I do not believe that he really believes it either. This is a sop to bitter Labour Assembly Members who are concerned about the trouble that the Opposition parties cause in their constituencies. Therefore, I suggest that if the Government are serious about democracy rather than opportunism, they will think again. To answer the hon. Lady's question, if she chooses to divide the House on the issue, the Liberal Democrats will unquestionably support her amendment.

BEST COPY AVAILBLE

**Ian Lucas** (Wrexham) (Lab): Opposition Members have repeatedly alleged that the proposal to disbar candidates from standing for election on the list and in constituencies is in some way to the party political advantage of the Labour party. I rise to suggest that that is entirely incorrect and that we have heard no evidence to that effect at all. On the contrary, one group will be disproportionately affected adversely if the proposal is accepted: Labour Assembly Members.

Labour Assembly Members are the largest group of directly elected Members and, if the proposal goes through, they will be prevented from using the safety net that exists under the current system for constituency Members who wish to preserve their position by remaining on the list.

**David T.C. Davies:** Does the hon. Gentleman accept that Opposition parties are being extraordinarily politically generous to the Labour party by suggesting that the system should not be changed, as if it is changed, it will be to the disbenefit of the Labour party? Does that not prove that we are acting from the highest possible motives?

**Ian Lucas:** With due respect to the hon. Gentleman, when someone—particularly him—puts that argument to me, I immediately move to preserve my pockets.

**Mark Tami:** (Alyn and Deeside) (Lab): To reinforce my hon. Friend's point, the Assembly Member, Carl Sargeant, who represents the same area as me, would, under our present system, be No. 1 on the list, as well as standing for the seat, which would obviously put him in a strong position to retain his presence in the Assembly, but he supports giving that up.

**Ian Lucas:** My hon. Friend is right. In north Wales, there are a number of individuals in Labour seats—some of whom are Ministers—who have very small majorities. Those are the individuals who are most at risk of losing their seats. They will not have the safety net that he described if the proposal goes through.

The Opposition, who seem to believe that the mere repetition of an argument somehow gives it logical weight, must concede that they have produced no evidence whatsoever at any stage in this extremely long and detailed debate that the proposals are to the party political advantage of the Labour party.

**Mr. Llwyd:** I have heard the Secretary of State make the same point that the hon. Gentleman is making: Labour constituency Members who might be in marginals will not have the luxury of being on the list. However, looking at the voting trends in 1997 and 2001, that is an irrelevance to Labour because it would not get any seats on the list.

**Ian Lucas:** The hon. Gentleman should wait for the outcome of the election, when he will discover that Labour will reassert and extend its current position. I am confident of that.

**Lembit Öpik:** That involves a slight contradiction: if Labour does even better, it is even less likely to win seats on the list.

**Ian Lucas:** But it will gain more constituency seats.

My next point concerns the placement of constituency offices by list Members. With due respect to the Opposition parties, they are confused about the role of Assembly Members, which is to serve their constituents. That is the role that they should fulfil when they are elected. It is not the role of an Assembly Member, or a Member of Parliament, to campaign for an individual political party at public expense. Hon. Members know very well that there are strict regulations in the House about the spending that we incur and what it can be used for. I have been concerned by some pronouncements from Opposition Members that suggest that it is in order to use public money to campaign in individual constituencies for the benefit of political parties. That is at odds with the long-standing conventions and rules of this place and I have little doubt that it is also at odds with the conventions and rules that apply in the Assembly.

It is the role of Assembly Members to represent their constituents. For list Assembly Members, that means representing, to the best of their ability, all the people in the region. It is not appropriate for them cynically to place offices to their own political campaigning advantage in individual seats. I have seen that in my constituency, where Plaid Cymru, when I was first elected, had an office in my constituency. That Assembly Member moved the office to the Clwyd, West constituency shortly before the last Assembly elections. I believe that that was not unconnected with the fact that that individual was a candidate in that constituency.

**Mrs. Gillan:** Does the hon. Gentleman agree that the answer is that regional Members should have an office in every constituency? The situation would then be even-handed. Regional Members would then be representing the regions that he says they should be representing. A Member of the European Union Parliament can open an office wherever he wants within his constituency. Since the Government entered office, that applies from Buckinghamshire down to Brighton and includes the whole of Wales. I think that the hon. Gentleman is misunderstanding the roles of our elected Members. Should he not be pleased that a regional Member can open an office in his constituency and give more representation to the people, instead of being such a dog in the manger? Or is he like the hon. Member for Glasgow, Central (Mr. Sarwar), who says that he has 11 MSPs interfering in his constituency?

**Ian Lucas:** I am surprised that such an experienced Member should make such a protracted and ineffective intervention. I fully understand the role of Assembly Members. If the hon. Lady had been paying attention to what I said earlier, she would understand that my argument was that the role of Assembly Members was to represent individuals within a constituency. If it is Conservative party policy to suggest that every Assembly Member in a region should be entitled to have an office in each individual constituency, perhaps the general electorate should be told that. That may influence people in casting their vote in the next Assembly elections.

**Mark Tami:** There are Assembly offices in north Wales. Does my hon. Friend think that it would be a

*[Mark Tami]*

good idea that Members should have an office there rather than wasting taxpayers' money having them where they obviously choose to target certain seats?

**Ian Lucas:** The essence of my point is that Assembly Members should represent the people in their constituency and not use public money for party campaigning and for political purposes. It is in this respect that the helpful memorandum from Leanne Wood of Plaid Cymru was so informative. The memo makes it clear what such expenses have been used for in the past.

I am an old-fashioned type of Member. I believe that it is the role of public representatives to represent each individual constituent, regardless of party political affiliation, to the best of their ability. Accordingly, I believe that the proposal before us will help each individual Member to fulfil that role in a better way.

**Mr. Llwyd:** I shall comment on what the hon. Member for Wrexham (Ian Lucas) said about what Leanne Wood had or had not included in her letter. Let us remind ourselves that she was fully exonerated by the Assembly Committee. There is no point in the hon. Gentleman shaking his head, or perhaps there is, because that is the sort of bloke that he is. The point is that Leanne Wood was fully exonerated, and that should be placed on record. We have to dwell on this issue to fill a void, because there is no real reason for the change other than narrow party political gain. It is astonishing that he has to pray in aid a young woman who has been exonerated for what she said already. I give way to the sponsor of the Bevan Foundation report.

5.15 pm

**Mr. David:** I thank the hon. Gentleman. I am very proud of that report. He referred to Leanne Wood AM. Does he think she was right or wrong to say what she said?

**Mr. Llwyd:** A certain gentleman from Wales was recently on "Question Time". He was asked about matters which he said were dealt with in this place, and he had no opinion on those matters. What we are discussing is a devolved matter. I have no opinion on it. Sauce for the goose is sauce for the gander.

Opening the debate, the hon. Member for Chesham and Amersham (Mrs. Gillan) mentioned the Richard commission. It produced an excellent piece of work. Eighteen months of deliberation, evidence taking and examination of all aspects of the governance of Wales resulted in a very useful report. I shall not dwell on it. My party's view is obvious: its recommendations should have been implemented.

Despite examining all aspects of Welsh governance and taking hundreds of pages of evidence from dozens of witnesses, the report made no such recommendation as the proposal under discussion. The Richard commission considered how many Members there should be in the Assembly and favoured increasing the membership. As we know, the commission recommended primary powers at the next stage, but it made no recommendation along these lines.

The commission was better placed at that time to look into everything. Everyone who wished to give evidence, from all political parties and none, was allowed to give evidence. That was a model way of dealing with the subject. Curiously, no one seems to have given evidence along the lines that hon. Gentlemen are arguing. Had that been the case, it would have been included in the report and the commission would have reached some conclusion about it. If there was the kind of concern that the right hon. Member for Torfaen (Mr. Murphy) encounters in the pubs that he obviously frequents, the commission would clearly have made some recommendation. We have heard nothing about the matter from the Richard commission, so that concern could not have been expressed.

I have a great regard for the right hon. Gentleman, who says that he has picked up on such concern when he visits his constituents. I can straightforwardly and honestly say that during my travels throughout Wales in the past seven or eight years, the matter has not been broached with me. I will admit that on occasion, one or two people have expressed some confusion about the new system, especially early on, but never from 1997 to the present day has anyone said to me, "This is unfair." I say that in all honesty. I have not heard it. Had I heard it, I would relay it to the House, as it would inform the debate. It has not happened, even during our debates over the past weeks.

Many people out there follow our debates, and they have not seen fit to raise the issue, even now. If there was such unfairness as is alleged, surely during the debate somebody would have expressed some opinion to that effect, perhaps in a letter column or in a local newspaper. Had such a complaint appeared in a local newspaper, I have no doubt that the Government would have used it in the debate today. The truth is that there is no evidence whatsoever, although I accept entirely what the right hon. Gentleman says. He is a truthful man and there may be some confusion on Torfaen. He would not mislead the House, of that I am sure, but I tell him, equally honestly, that I have never had the matter broached with me.

**Mr. Paul Murphy:** The issue that I have addressed both today and some weeks ago is that the system with which we now elect our Assembly Members is confusing in terms of accountability—who represents what and how people can be elected for different places. Generally, the system is confusing for our electors. I agree with the hon. Gentleman that the issues that we have been discussing for the past three or four weeks are not generally on everybody's lips in our constituencies. I am not saying for one second that they are, but people who are interested in such matters express dismay at what they see.

**Mr. Llwyd:** As I said, the right hon. Gentleman and myself are as one on the fact there has been some confusion about the system, especially early on. I admit that, but I also point out that, in the past few years, in the run-up to the previous election and since, I have heard nothing along those lines, although there was confusion to begin with.

On the so-called evidence that has been produced by the Bevan Foundation, we have been through all these matters before on 30 January. The hon. Member for Chesham and Amersham has given an excellent

synopsis of the rather threadbare Bevan Foundation report. We are told that the report is thoroughly independent and that the Bevan Foundation is politically unaligned. If anybody can listen to that suggestion without laughing, there must be something wrong because it is clearly nothing short of a front for the Labour party.

**Mr. David:** Is the hon. Gentleman aware that there are members of Plaid Cymru in the Bevan Foundation?

**Mr. Llwyd:** Yes, and one member of Plaid Cymru asked for the annual accounts and was refused them. [HON. MEMBERS: "Ah!"] The hon. Gentleman flew into that one. All I shall say is that a sample of 47 people is about as useful as a pair of paper socks, as it does not take us anywhere at all. The process is not scientific. I have heard programmes on which the hon. Gentleman has said about a political sample, "Oh, this is a sample of only 500; it is not indicative of anything." Well, 47 is not exactly persuasive. For all I know, some of the 47 had been in the pub that has been mentioned and were confused before they started. Who knows?

**Mrs. Gillan:** Does the hon. Gentleman agree that some of the narrative in the report is interesting? At one stage, it states that a substantial minority of respondents supported dual candidacy and commented that it was fair for people to have a second chance and that it gave voters a choice and spread power. The report says that it was regarded as part of the democratic system and essentially as not a problem. I hope that he will join me in the Lobby if we vote on the amendment.

**Mr. Llwyd:** Absolutely. We are fixed in our view that the premise is unfair and that the case has simply not been made. I recall comments made by the Secretary of State, who is not present, about Sir James Arbuthnott and what would have happened if he had been aware of the Welsh scene. The hon. Lady dealt with that point, so I shall not repeat it, but I think that it was appalling to make such assertions in respect of a highly regarded academic such as Sir James. It was not proper to pray in aid such sneering remarks to try to put together a cogent and believable case—a case that has clearly not been made. The hon. Lady also referred to what was said in response to such assertions, which was definite and clear. We can forget about that strand of the argument in support of this specious and rather nasty change in electoral practice.

The Secretary of State has not been exactly forthcoming in giving good reasons to support the proposed change in the law and he was not very good on police amalgamations either. Both examples show an abject failure to advance a credible case. I have to ask this question: what is the point of the Electoral Commission? Why do we have one? What is the remit of the electoral commissioner and why was he recently reappointed to that remunerated office at public expense? I may be wrong, but I thought that the electoral commissioner was there to ensure safeguards and fair play for all involved in the political system, regardless of party allegiance.

We all know that the electoral commissioner is an even-handed and fair-minded man who dealt with all parties equally when he was involved in the broadcasting scene. His report is definite that there is no case for change, and it contains some strong remarks, including saying that that particular issue did not figure in the extensive research:

> "We asked a whole series of questions and sought unprompted replies and this issue did not arise".

That ties in with my point. The report continues:

> "what concerns us is that there is no evidence whatever in the White Paper to back up this proposal. There is no evidence at all to back up this proposal and therefore we came to the conclusion that we think that the case for change has not been made".

**Mr. Paul Murphy:** The hon. Gentleman has prayed in aid various people in Wales, including Glyn Mathias and Lord Richard, who has said that there

> "is something wrong in a situation in which five people can stand in Clwyd, none of them can be elected, and then they all get into the Assembly. On the face of it that does not make sense".

Many people in Wales think that that does not make sense. What is the difference between what Lord Richard said and what Glyn Mathias said, and which one of them does the hon. Gentleman support?

**Mr. Llwyd:** It is a question of research and evidence. Lord Richard expressed his personal opinion before the Welsh Affairs Committee, but his report does not refer to the subject. Returning to my opening point, I find it strange that nobody raised the question in the 18 months of consideration, but that is by the by.

I will not labour the point with further quotations: suffice to say that Dr. Scully and Dr. Richard Wyn Jones from Aberystwyth have used strident language in stating that the measure looks like a purely party political move by the Labour party, and the evidence from Barry Winestrobe, reader in law at Napier university, is very clear, too. We did not receive any evidence in Committee, apart from the fabled Bevan Foundation report, and frankly we have not received any evidence today. In Committee, I asked the right hon. Member for Torfaen to bring the paperwork showing his constituents' concerns. I would not and do not doubt his word, but it would interesting to see some extrinsic evidence supporting the point made by Labour Members.

**Mr. Murphy:** I invite the hon. Gentleman to come to "The Mount" in Cwmbran on Friday night, where we can discuss the matter.

**Mr. Llwyd:** That is a kind offer, and I must look at my diary—I may well be going on a fact-finding tour on Friday evening.

The change has not been proven to be necessary. It will benefit the Labour party and it will disadvantage all other parties. Dual candidature is acceptable in other countries—in some countries, people are expected to stand both in a constituency and on a list—but it has suddenly become wrong in Wales. It has probably become wrong in Wales because Labour Members have done the sums and realised that they will not get anywhere in the National Assembly without cooking the books. However, I tell them that even after cooking the books, they will not get anywhere in 2007.

5.30 pm

**The Parliamentary Under-Secretary of State for Wales (Nick Ainger):** We have heard Opposition Members claim that this measure is partisan, gerrymandering, rigged, fixed and so on, yet not one has been able to provide any evidence whatsoever.

The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) asked why the ban on dual candidacy will apply in Wales whereas other countries with the additional member system do not ban it. He has not done his research. It applies in Ukraine, which people seem to laugh at—*[Laughter.]* They laugh again. It also applies in Thailand and Mexico.

Very few countries have the additional member system, so there is not a great deal of evidence. Independent commissions in New Zealand and in Canada have raised substantial issues in relation to dual candidacy.

**David T.C. Davies:** Will the Minister give way?

**Nick Ainger:** No, because I have only six more minutes.

In New Zealand, public opinion research conducted by the independent review committee appointed to examine the electoral system found:

"One key criticism was that it was possible for MPs to be defeated in electorate contests but returned to the House through their position on the list."

In New Brunswick, the independent commission endorsed the ban on dual candidacy, saying:

"The Commission heard that in some jurisdictions where candidates are able to run simultaneously on both ballots, voters are displeased with the case where a candidate is not successful in a single member constituency, but is elected anyway by virtue of being placed on the top of a party's list."

That is some of the evidence that is available, but there is more. My right hon. Friend the Member for Torfaen (Mr. Murphy) quoted Lord Richard on people not liking losers becoming winners. More than that, Lord Carlile, the predecessor of the hon. Member for Montgomeryshire (Lembit Öpik), said:

"I am sure that many in Wales will welcome . . . the removal of the absurd dual candidacy opportunity."—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1217.]

What about a Conservative peer? Lord Crickhowell, the former Tory Secretary of State for Wales, said:

"The present arrangements are really pretty indefensible".—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1216.]

A wide range of opinion across the political spectrum recognises that it is wrong.

**Mrs. Gillan** *rose—*

**Nick Ainger:** The hon. Lady is aware that I have to wind up by 5.36 pm. She had better be extremely brief, given that she spoke for more than half an hour.

**Mrs. Gillan:** That is because I feel strongly on the subject. I just wanted to quote some of the good people of Caerphilly, who say:

"It is good that people have more than one chance.";

"They should be free to stand in both ballots—that seems fair enough.";

"That means that the power is spread out which can make more of a difference in the end."

**Mr. David:** They are in a minority.

**Nick Ainger:** Absolutely. As my hon. Friend says from a sedentary position, they are in a minority. Does the hon. Lady want me to quote the others? For example:

"I think it is unfair . . . it's like people can sneak in the back door.";

"It doesn't seem right that they can stand for both somehow. Makes it too confusing for everyday people.";

"They should choose perhaps. They should have to decide.";

"You don't have two bites of the cherry."

Those are the quotes from the Bevan Foundation report that the hon. Lady did not use.

We had a good debate in Committee, where we spent more than two and a half hours discussing the matter. We have now debated it for a considerable time. Let me deal with some of the amendments briefly.

I urge my hon. Friends to oppose amendment No. 1. The ban on dual candidacy was a manifesto commitment and the amendment would reinstate the status quo. That means that dual candidacy and all that that entails would continue.

Amendments Nos. 8 and 9 and new clause 4 would also contradict the manifesto commitment, for which clause 7 provides, by allowing a candidate who has been elected to fill a constituency vacancy at a by-election to stand as both a constituency candidate and a regional list candidate at the subsequent general election. They go further and would enable candidates to stand on a regional list and in any constituency, even outside the region. That would not happen even under the current arrangements.

Amendment No. 2 would enable any candidate who was on a regional list to stay on it and fill a regional vacancy if one occurred. As drafted, it would even cover candidates whose return was void, but I take it that the intention was to cover those who decide to stand in a by-election. Voters clearly do not understand how defeated constituency candidates can be elected through the back door on their party's regional list. The new provision will restore voters' democratic right to reject a constituency candidate. That is as important as the right to elect a candidate but some hon. Members do not appear to appreciate that.

The current system undermines electoral confidence at a time when we need to increase voter turnout. The proposals would affect all parties equally, not least three members of the Assembly Cabinet who stand to lose their seats if there is a significant swing against them, with no parachute, which Conservative Members demand.

As I said, criticism of dual candidacy has come from across the political spectrum. I therefore ask the hon. Member for Chesham and Amersham (Mrs. Gillan) to withdraw the amendment.

**Mrs. Gillan:** I have listened to the Under-Secretary and I disagree with him. He has not made his case and I should therefore like to press the amendment to a Division.

*It being two hours after the commencement of proceedings on the programme motion,* MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

*Question put,* That the amendment be made:—

*The House divided:* Ayes 205, Noes 283.

**Division No. 172]** **[5.36 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and Michael Fabricant**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne

Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickthall, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Vernon Coaker and Mr. Dave Watts**

*Question accordingly negatived.*

MR. DEPUTY SPEAKER *then proceeded to put the remaining Questions required to be put at that hour.*

## Clause 11

ELECTORAL REGION VACANCIES

*Amendment proposed:* No. 2, in page 7, line 43, leave out subsection (8).—*[Mrs. Gillan.]*

*Question put,* That the amendment be made:—

*The House divided:* Ayes 204, Noes 289.

**Division No. 173]** **[5.52 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward

Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shappe, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and Michael Fabricant**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan

Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pleskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Vernon Coaker and**
**Mr. Dave Watts**

*Question accordingly negatived.*

## Clause 22

REMUNERATION: SUPPLEMENTARY

*Amendments made:* No. 32, in page 13, line 40, leave out 'immediately before' and insert 'when'.

No. 33, in page 14, line 2, leave out 'immediately before' and insert 'when'.—*[Nick Ainger.]*

## Clause 23

OATH OR AFFIRMATION OF ALLEGIANCE

**Mr. Llwyd:** I beg to move amendment No. 20, in page 14, line 15, after 'affirmation)', insert

'or in the form of the Assembly Oath set out in subsection (1A)'.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss the following: Amendment No. 21, in page 14, line 16, at end insert—

'(1A) The wording of the Assembly Oath shall be—

"I do solemnly swear to discharge the responsibilities required of me to the best of my abilities and faithfully serve the people of Wales whom I here represent".'.

New clause 5—*Oath to be taken or affirmation to be made in public*—

'An oath required by section 23 or 55 is to be taken (or the corresponding affirmation made) in public.'.

**Mr. Llwyd:** My hon. Friends and I have tabled amendments Nos. 20 and 21, which are self-explanatory and provide an alternative oath for incoming Members of the National Assembly for Wales. Amendment No. 21 provides the wording for such an oath:

"I do solemnly swear to discharge the responsibilities required of me to the best of my abilities and faithfully serve the people of Wales whom I . . . represent".

That is a modern approach to the swearing of an oath. The sovereignty of the people of Wales dictates that elected Members of the National Assembly are voted in by the citizens of Wales, so an alternative oath should be implemented. Ultimately, that may be a matter for the National Assembly itself, but we thought that it would be useful to hold such a debate now. I have nothing further to add, but I am sure that other hon. Members will wish to make a contribution. These are probing amendments, and I can tell the Minister that I do not wish to press them to a vote.

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): I do not support the amendments tabled by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) because, as I said in Committee, I have experience of the Scottish Parliament and am aware that a great deal of legislation is based on bringing Assembly procedures in line with those used in the Scottish Parliament. I do not know how many Members have followed in detail the work of the Scottish Parliament in

the past six years, but when swearing the prescribed Oath, members of fringe parties often seek to perform stunts by delivering another oath or affirmation. On one occasion, a Member sought to write a message for the wider public on their hand during the Oath-taking ceremony. I do not accept that such behaviour is worthy of Members of either the Scottish Parliament or the Welsh Assembly. There is no suggestion in the amendments that such activities are planned, but the wording of amendment No. 21 is very close to the wording that members of the Scottish National party have attempted to use in the Scottish Parliament. If Members do not wish to swear the oath to Her Majesty, I do not understand why they cannot be satisfied with the ordinary affirmation procedure, rather than seeking to bring forward some new procedure, which does not add anything to either the process or the solemnity of the duties that they are undertaking.

I wish for a change to be made in regard to the swearing of the oath or affirmation in public. I can see no reason why the ceremony should not be held in public. Indeed, if Members were to engage in public in the sort of antics that I have described, I think that the wider general public would see the respect, or lack of it, with which they treated the institution. Therefore, I, together with other colleagues, have tabled new clause 5, which would require the oath to be taken in public. I hope that the Minister will not have difficulty accepting such a proposal.

**Lembit Öpik:** Obviously, it would be a free vote if this matter were divided on in the House, but I understand that the amendment was tabled by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) in order to have a debate. That is a legitimate aim.

Speaking in a personal capacity, I have to say that I quite like the Queen and I hope she likes me. In case she reads this, I would want her to know that I am very keen on people having the opportunity to swear an oath of allegiance to her and indeed to the future king of England, currently the Prince of Wales. In that sense, perhaps we have a vested interest in keeping sweet with the monarch.

On the point made by the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), it is interesting and valid to suggest that the oath be taken in public. Many of us have benefited from the interest that taking the oath generates at the beginning of a parliamentary term. I cannot see why that would not be allowed. I seek the Minister's guidance on whether there is anything to prevent the oath being taken in public. Perhaps an etiquette could be established. Obviously, it is not for us but for the Assembly to decide whether it is a matter of etiquette, but it would be helpful to hear an assurance from the Minister that there is nothing in law to prevent the Assembly from ensuring that the oath be taken in public.

**David T.C. Davies:** I disagree with amendment No. 20 because I see it as another attempt to undermine the principle that all parliamentarians should swear an oath of allegiance to Her Majesty the Queen. That is very important. With all due respect to the hon. Member for Montgomeryshire (Lembit Öpik), it is not about whether we like the Queen or, indeed, whether she likes us; it is about supporting the British constitution, which has served us extremely well since 1688. It is vital that we recognise that it is the monarch who is the head of state. I do not think that that could be more vital at the moment, because we appear to have a Prime Minister who sometimes thinks that he is the head of state. That is another reason why I am pleased to read about the thoughts of the person who I hope will be the next monarch of the United Kingdom.

I support the principle of holding the oath ceremony in public. Perhaps I may be allowed briefly to relate an anecdote about how I happened to become the Father of the House in the Welsh Assembly. A couple of days after I was successfully elected to represent Monmouth, I went out to celebrate with the former Member of Parliament for Clwyd, West, who was elected at the same time as me. Waking up in his house in Cardiff, we decided to go to have a look at the Welsh Assembly before we were officially sworn in 48 hours later. We arrived, whereupon an official said, "Now you are here boys, why don't you come and swear the oath in my private office?" We did so. My colleague subsequently resigned. I then became the Father of the House, being the longest serving Member. The hon. Member for Montgomeryshire is laughing. I had the satisfaction, half an hour after taking the oath, of seeing the leader of the Liberal Democrats with his posse of Members arriving with a load of TV cameras thinking that they were going to be the first to take the oath.

**Madam Deputy Speaker:** Order. We must now return to the amendment under discussion.

**David T.C. Davies:** I think that it makes the point that there must surely be better ways of swearing in elected Members of the Welsh Assembly. I suggest that some public ceremony, perhaps taking the form that the ceremony takes when Members of Parliament are sworn in, would be a great improvement. Therefore, I support the comments of my hon. Friend the Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell).

6.15 pm

**Kevin Brennan** (Cardiff, West) (Lab): Amendments Nos. 20 and 21 are an attempt to alter clause 23. They would have the effect of allowing Assembly Members the option of swearing an alternative oath to

"serve the people of Wales"

rather than to

"be faithful and bear true allegiance to Her Majesty".

The wording of the current oath is the constitutional standard that has been established by the Promissory Oaths Act 1868. It is the same oath that is taken by Members of Parliament and Members of the Scottish Parliament. It is the Government's view that this Bill is not the place to challenge that long-standing convention.

Of course, there is a different position in respect of the Northern Ireland Assembly. Despite the comments of the hon. Member for Monmouth (David T.C. Davies), it has been recognised across the House, including by Conservative Front Benchers recently in the debate on allowances for Members from Sinn Fein, that Northern Ireland constitutes a special position. On that occasion, the Conservative party proposed that an oath of allegiance to the Queen should not be required for

*[Kevin Brennan]*

Members of Sinn Fein if they wish to take their seats in this House. However, the Government's position is that, in taking seats in the House and in the National Assembly for Wales, albeit acknowledging the special position of the Northern Ireland Assembly, the oath of allegiance should remain.

New clause 5 stipulates that the oath should be taken in public. As well as affecting clause 23, it would impact on clause 55, which deals with Ministers—we now have the separation of Ministers, the Assembly Government and the Assembly itself— taking the oath of office.

In response to the issue raised by the hon. Member for Montgomeryshire (Lembit Öpik), it is possible for the oath to be taken in public by Members of the National Assembly. In fact, if what I read in the newspapers is anything to go by, it will be extremely difficult for anyone not to take the oath in public in the National Assembly since all the walls are made of glass in the new building, but there is no reason why the oath should not be taken in public. In fact, at the Assembly Committee that considered the Bill on 1 February, there was a discussion of the oath and a similar amendment was moved by the Conservative Member David Melding. He agreed to withdraw that on the basis of the Minister's promise that the matter would be considered when the Assembly's Standing Orders were discussed in the near future. Therefore, there is no reason why Assembly Members could not take the oath in public.

As I have mentioned, clause 55 is a new clause and is consequential on the establishment of the Welsh Assembly Government. Again, it is in line with provisions for UK and Scottish Ministers.

The only change that has been made to the provisions from the Government of Wales Act 1998 is to specify that, under clause 23(2), the person before whom the oath is to be taken is to be specified in Standing Orders, which is properly a matter for the Assembly itself to determine. The approach that has been taken was agreed during the passage of the Government of Wales Bill in 1998 and the Government see no reason to change the decisions that were taken at that time. The ceremony has been in operation for six years in the Assembly, through two Assembly general elections and by-elections, without challenge, but there is the opportunity, during the discussion of the Standing Orders, as I have mentioned, for the Assembly to look at the matter again. I understand that that is what it intends to do. On that basis, I invite the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) to withdraw the amendment.

**Mr. Llwyd:** I am thoroughly unpersuaded but this is perhaps a debate for another day, so I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Clause 27**

ASSEMBLY COMMISSION

**Lembit Öpik:** I beg to move amendment No. 30, in page 17, line 17, at end insert

'not belonging to the same political group.'.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following: Amendment No. 14, in page 18, line 11, leave out clause 29.

Amendment No. 3, in page 18, line 14, clause 29, leave out subsections (2) to (9) and insert—

'(1A) The standing orders shall include provision for ensuring that in apportioning Members to committees and sub-committees regard is had to the balance of political parties represented in the Assembly.'.

Amendment No. 31, in page 18, line 14, clause 29, leave out subsections (2) to (9) and insert—

'(1A) The members of any committee established by the Assembly under section 28(1)—

(a) shall be elected by the Assembly from among the Assembly members, and

(b) shall, unless that committee exists solely to provide advice, be elected so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the committee.

(1B) The committees established by the Assembly under section 28(1) shall be, as far as is practicable, chaired by members of political parties in proportion to the number of members of the Assembly belonging to each party.'.

New clause 8—*Composition and chairing of committees*—

'(1) The provision included in the standing orders in compliance with section 28(3) must meet the requirements of this section.

(2) The provision must secure that the membership of each committee and sub-committee reflects the balance of political parties represented in the Assembly.

(3) The provision must secure that, taken together, the chairmen of the committees and sub-committees reflect the balance of political parties represented in the Assembly.

(4) The provision must secure that the Presiding Officer decides questions arising under provision made in compliance with this section.'.

**Lembit Öpik:** This string of amendments is about political balance and how the Assembly Commission will be set up. I look forward to hearing what other Members with amendments in this string have to say in defence of their ideas, but I believe that we have a lot in common in what we are trying to achieve.

Amendment No. 30 would ensure cross-party representation on the Assembly Commission, which will have various responsibilities and functions, such as those relating to

"property, rights or liabilities acquired or incurred in relation to matters to which the Assembly would otherwise be entitled".

As far as I can see, nothing in the Bill as drafted guarantees such cross-party representation, so I hope that the Government will accept the amendment, which is fairly uncontroversial. It would simply add to clause 27 the phrase

"not belonging to the same political group".

In other words, we are trying to ensure cross-party representation on the commission, and I hope that the Minister can assure us that the Government will accept the amendment. I really cannot see for the life of me how they could find it controversial.

On the composition of the Committees themselves, we have tabled Amendment No. 31, which would ensure that:

"The members of any committee established by the Assembly under section 28(1) shall be elected by the Assembly from among the Assembly members, and . . . shall, unless that committee exists solely to provide advice, be elected so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the committee."

It would also ensure that:

"The committees established by the Assembly under section 28(1) shall be, as far as is practicable, chaired by members of political parties in proportion to the number of members of the Assembly belonging to each party."

As I said earlier, other amendments allude to similar issues, but here we are seeking to ensure a fair balance of representation in the Assembly. When the Assembly was set up some years ago, we were assured that it would constitute a new kind of politics. Well, in order to ensure that, it is also necessary to ensure a cross-party kind of politics. We have spent a lot of time discussing the various proportions within the Assembly and Members' concerns about how Assembly Members are elected. Here is a chance for the Government to be consistent and to show that they really do embrace the concept of democracy that was so lauded in an earlier debate.

If the Government intend to refuse to accept Amendment No. 31, they need to assure us that proper cross-party representation will none the less be genuinely enshrined within the Assembly's structures. I do not want to pre-empt the Minister's comments, but I hope that he will allow me to intervene if he tries to argue that the import of amendment No. 31 is already covered elsewhere in the Bill. I do not believe that it is, and I shall be rather concerned if he neither accepts the amendment nor can actually point to a specific part of the Bill in which its import already exists.

I shall conclude with those few words, while retaining the option to respond to the Minister when he winds up.

**David Mundell:** I wish to state our broad support for amendment No. 30, which is in the name of the hon. Member for Montgomeryshire (Lembit Öpik) and his colleagues. We believe that it makes sense for the membership of the Assembly Commission to reflect the range of parties represented in the Assembly. In speaking to amendments Nos. 14 and 3 and new clause 8, I want also to express sympathy with amendment No. 31, tabled by the Liberal Democrats, which aims to achieve a similar outcome.

Our purpose in proposing to replace clause 29 with new clause 8 is straightforward. Unlike the Government, we want to ensure the greatest possible degree of inclusiveness and sharing of responsibility in the Assembly Committee system. As the Bill makes clear, the Committee system will continue to play a very important role in the Assembly's work by holding the Assembly Government and individual Ministers properly to account. However, under the Bill as drafted, the first place on each Committee will go to members of the largest political grouping in the Assembly, which is currently the Labour party. So as matters stand, in addition to having a Labour Assembly Government, the first place on each Committee will go to a Labour Assembly Member. Likewise, if the Conservative party became the largest party in the Assembly and formed the Government, it would have first place on the Committees. We are not making a partisan point—we believe that that arrangement gives an inbuilt and unfair advantage to one party.

The Committees should be representative of the Assembly as a whole. Instead of the complicated system set out in clause 29, we propose a simple formula that would ensure that, in appointing members to Committees and Sub-Committees, regard be had to the balance of political parties in the Assembly. It is worth noting that part 2 of the Bill contains a series of clauses relating to the Welsh Assembly Government under the heading

"'Inclusive' approach to exercise of functions".

We believe that the Committees should operate on the same principle and should be properly inclusive. Indeed, we feel so strongly about this issue that we will press the amendment to a vote, should the Minister not respond to our satisfaction.

**Mr. Llwyd:** The one-time Member for Llanelli, the right hon. Denzil Davies, was never a fan of things Belgian. Indeed, he was never a fan of things European in general. He once told me over a cup of tea in the Tea Room that he believed that Monsieur d'Hondt himself did not understand the d'Hondt system. What proof he had I am not sure, but I believed him at the time and I rather wonder whether applying the d'Hondt system to the Committee structure of the National Assembly for Wales has any merit whatsoever.

Clause 29 seems to place the Assembly in a unique position in comparison with other devolved UK legislatures. Section 29 of the Northern Ireland Act 1998 prescribes d'Hondt arrangements for Ministers, Committee Chairmen and Deputy Chairmen, but not for Committee membership as a whole; nor do the Standing Orders of the Northern Ireland Assembly require d'Hondt to be used. Strand 1 of the Northern Ireland agreement states:

"There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members."

That is the crux of the matter. In my view, it is unacceptable to apply d'Hondt to the selection of Committee Chairs and Vice-Chairs, but it is wrong in principle for it to be applied to the Committee places available to Assembly Members.

6.30 pm

In Scotland, an attempt was made to apply d'Hondt principles to Committee membership at the outset of the Scottish Parliament, but that was abandoned when changes were made to accommodate the minority parties with a single Member. The d'Hondt principles are, however, used in allocating Members' business and selecting Conveners—the Chairs of Committees. The principles are not used to allocate membership of Committees.

*[Mr. Llwyd]*

I was unable to find any evidence of other parliamentary bodies required to use the d'Hondt formula for selecting Committees by law, or indeed in rules of procedure. Nevertheless, it may be the case that some legislatures have the d'Hondt principles entrenched, but I have not come across them.

West Germany ceased using the d'Hondt method to distribute Committee seats in the Bundestag in 1970. The current Bundestag website states:

"At the beginning of each electoral term, one of the first tasks of the Council of Elders is to reach agreement on the distribution of committee chairs, and deputy chairs, among the parliamentary groups. The number and size of committees, as well as the system used to determine their composition, which is proportional to the relative strengths of the parliamentary groups, are decided ultimately by the Bundestag. As a rule, it bases its decisions on agreements reached among all the parliamentary groups in the House (cross-party agreements).

Until 1970, the relative strengths of the parliamentary groups were calculated using the d'Hondt method, which was also used to calculate the outcome of federal elections until the Bundestag's tenth term (1983). The result, however, tended to favour the larger parties."

One body that does use the d'Hondt formula to select its Committees is the European Parliament, but this is not prescribed by its rules of procedure.

Scottish Standing Orders were drawn up following the recommendations of the Scottish Parliament consultative steering group, which recommended:

"In making recommendations on Committee membership to the Plenary, the Business Committee must have due regard to the balance of parties within the Parliament. Selection of members must not be on the basis of random selection.

The Business Committee, having due regard to the balance of parties within the Parliament, should propose the political party from which a Committee's Convener should be elected. The Committee's members would then elect their Convener subject to that limitation."

Scottish Parliament Standing Orders state:

"1. The membership of each committee shall be decided by the Parliament on a motion of the Parliamentary Bureau.

2. Each committee other than a Private Bill Committee shall have at least 5 but not more than 15 members.

3. A member may indicate to the Parliamentary Bureau his or her interest in serving on a particular committee.

4. In proposing a member to be a committee member, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament and, where that member has expressed an interest in serving on that committee, to his or her qualifications and experience as indicated by him or her."

However, early in the life of the Parliament, the intention had been to apply the d'Hondt principles. In the debate on the selection of Committee members on 17 June 1999, the then Parliament Minister, Tom McCabe MSP, stated:

"The Parliamentary Bureau asked the four party business managers if they could reach agreement on this potentially difficult issue and they undertook to discuss the matter. In the background of those discussions was the desire that Messrs Harper, Sheridan and Canavan could be accommodated on a committee within the Parliament. Clearly, in determining the size of the committees, we had to strike a balance between the need to manage MSPs' time for their chamber and constituency commitments and the time that they would spend in committee.

We agreed to use the d'Hondt formula for the allocation of committee places. That formula would not provide any places for Messrs Canavan, Harper or Sheridan, but the parties were determined to resist that. In a spirit of fairness, they were determined to find some formula that would allocate a place to each of those three members.

The d'Hondt formula would have allocated six places on an 11-member committee to the Labour party. To Labour's credit, it immediately recognised that, as it does not have a majority in this chamber, it would not be fair for it to have six places."

That is the crucial point.

According to the best evidence that I have been able to garner and the advice that I have taken, even if Labour were narrowly beaten in the National Assembly next summer—as I hope—it would still be in the majority on all the Committees. That cannot be right for a democratic institution and I urge the Minister to look again at the whole matter. If clause 29 goes through, it will bring the whole process into disrepute. We have already heard the word "gerrymandering" this evening, but this is gerrymandering writ large, and it is an unacceptable way to proceed. There is an Independent AM in Cardiff, who would never sit on a Committee. However, it would be even worse if the Labour party were to retain a majority on the Committees without being in power. That would be unacceptable to any parliamentary set-up. I hope that the proposal will be reconsidered as a matter of urgency.

The Minister has been shaking his head from time to time while I have been speaking, but I have models that prove what I have said. A Committee of 10 members would provide the best match for the political balance, but 10-member Committees are not normal in the National Assembly because it would mean AMs having to serve on several Committees, given that there are only 60 AMs. Under the pure d'Hondt formula, single Independent Members would not gain a seat on a Committee until each Committee had more than 50 members.

Two models were considered by the Panel of Chairs in December. Both involved six-member Committees. Further options have been considered, some with eight members and some with 10 members. With eight-member Committees and under the pure d'Hondt formula, Labour would have four members, Plaid Cymru would have two and the Conservatives and Liberal Democrats one each. That does not come close to reflecting the current party balance. It does not give a minimum number of places to reflect current party group membership for Labour or the Conservatives, unless Measure Committees are also included—but the Conservatives would still be under-represented—and there would be no room for Independents. That model, and the same model with an additional Standing Committee, would not come close to the minimum number of places to reflect the current party balance. The Conservatives would still be under-represented and Independents would not be included.

A 10-member Committee would produce five places for Labour, two for Plaid Cymru, two for the Conservatives and one for the Liberal Democrats, which is closer to the current party balance. However, the Conservatives would still be under-represented and other parties would be over-represented. Such a Committee would give the minimum number of places to reflect current party group membership, but it would not include Independents and would mean a far greater work load, because Members would have to serve on at least two, and possibly three, Committees. There are

two further models but, to cut things short, I can find no evidence that a d'Hondt system would reflect the true political balance of the Assembly.

As the Minister knows, in earlier debates we tabled an amendment drawn largely from Scottish Standing Orders. In effect, it would have made it incumbent on Committees to reflect political strengths in the Assembly. With respect, I suggest that that is the way to proceed. I cannot understand why we need to consider such a complex procedure, which has been shown to be unfair to several political parties—although, curiously, it is always over-fair to the Labour party except in one model.

I mentioned earlier the danger that the clause will be seen as gerrymandering. It is insidious. I have had private discussions with the Minister about the clause and hope that he will reflect on it, because it has caused outrage across the Assembly and I feel sure that their lordships will take a dim view of it. Much of the Bill is commendable and acceptable and I want it to proceed quickly, but I fear that the clause will be a sticking point in the other place. The Minister said that he had been discussing it with officials over the past three or four weeks. Obviously, I am not privy to discussions between Ministers and civil servants so I do not know how far they have gone. Suffice it to say that if clause 29 is retained, it will be a red rag to a bull in the other place. It will reflect badly on the whole Bill and make its passage far more difficult and—I regret to say—rightly so. I do not like to use the word, but the clause is nothing short of gerrymandering and has no evidence base. If I am wrong, the Minister can explain why.

When the Minister replies, will he tell me what is wrong with the Scottish model, whereby Committees are formed according to the relative strengths in the Parliament, and on which we based our earlier amendments? That would be the best way forward. It would give some slight latitude, but more important it would provide for minority parties as well as for the majority party. Clause 29 is the wrong avenue and if the amendments are pushed to a Division, I shall vote for them.

**Mr. Paul Murphy:** I want briefly to make two points. First, many people regard the d'Hondt system as extremely fair. We cannot go into mathematical details, but we can consider the precedents. The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) referred to the Northern Ireland example and to strand 1 of the Good Friday agreement, which I chaired, and which set up the Northern Ireland Assembly. Often, when the parties were trying to find the fairest system, they fell back on d'Hondt as the fairest method for appointing Ministers and Chairs of Committees.

As the hon. Gentleman is aware, the system was used in calculating the number of regional list Members of the Welsh Assembly—something we discussed an hour or so ago. It is not a discredited system. He did not say that, but certain people in Wales claim that the system is unfair and discredited. The hon. Gentleman said that it was used to appoint the Chairs of Committees but not for the membership; none the less I am sure that he would be the first to agree that the system as such is not deemed unfair. I spent many weeks discussing it and people came to the conclusion that it was a fair system of allocation.

6.45 pm

My second point, which the hon. Gentleman did not mention, is that the Assembly, on a two thirds majority, can decide to adopt a different system. A good aspect of the clause is that it would enable people, if they felt strongly about d'Hondt, to arrive at a system that was acceptable across the political spectrum. Under subsection (8) the clause can be overridden in its entirety by a two-thirds majority of the Assembly. It would provide a stable fall-back provision if the parties in the Assembly were unable to reach agreement on determining political balance.

The Assembly can also determine the size and numbers of Committees; for example, there was an argument for small Committees. The most significant point is that the Assembly itself has the opportunity to decide what method of proportionality it uses for Committee membership. It is better for the Assembly to do that than for a method to be imposed, but if that has to be done the d'Hondt system is a reasonable one.

**David T.C. Davies:** I have been asked to keep my remarks short, so I shall make only one point.

We spent the first two hours of our debates today listening to the Government maintain that changes to the electoral system had to be made because the current system was too complicated. Indeed, the right hon. Member for Torfaen (Mr. Murphy) made a fine speech pointing out that members of the public said that the system was too complicated and that nobody understood it, yet the Government want to make a change to the Committee structure of the Welsh Assembly that will clearly be more complicated than the existing system. Not even the right hon. Gentleman could say that it has been called for by any member of the public. In all my years as a Welsh Assembly Member, no one has ever said to me: "Mr. Davies, I think we should change the way Committee members are chosen and move over to the d'Hondt system." I challenge any Member to say that members of the public have said that to them.

**Lembit Öpik:** The hon. Gentleman has not been listening, because the right hon. Member for Torfaen (Mr. Murphy) informed us that people in his local pub said, "We want d'Hondt." Instead of just the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) going to Torfaen, perhaps we should all go, to visit the most politicised pub in the country.

**David T.C. Davies:** With the exception of the right hon. Member for Torfaen's local, not many people seem to be calling for the d'Hondt system to be imposed on the Committee structure of the Welsh Assembly. It certainly does not happen in Monmouthshire.

**Mr. Paul Murphy:** Of course people would not say that. I entirely agree that d'Hondt is not on the lips of every one of our constituents, but I think they would say that if the Assembly had the chance to work out a system on which all its Members agreed, they would support that. That is the point of the clause.

**David T.C. Davies:** With respect, I think people would say that any Government organisation that sets a bar of

*[David T.C. Davies]*

two thirds to change Standing Orders does so to make such a change difficult. The right hon. Gentleman has many years of experience and knows perfectly well that, just as turkeys would not vote for Christmas, the Labour party in the Welsh Assembly will not vote for a system that would make it harder for its Members to have a majority in Committees.

The right hon. Gentleman said that members of the public have talked about winners and losers, but they will say that it is grossly unfair that the Labour party can be in a minority in the Welsh Assembly while its Members are in a majority on all the Assembly's Committees. That is gerrymandering. It is rigging, and not even someone with the right hon. Gentleman's many years in the House could pretend anything else.

**Nick Ainger:** Obviously, this is a very complex matter and I hope that hon. Members will bear with me while I go through the detail, especially in addressing some of the points made by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd).

On amendment No. 30, which was moved by the hon. Member for Montgomeryshire (Lembit Öpik), clause 27 sets up the Assembly commission, thus ensuring that the Assembly has all the property, staff and services that it requires. Amendment No. 30 would insert a requirement that the members of the Assembly commission, other than the Presiding Officer, should not belong to the same political group. The amendment would impose an unnecessary statutory constraint. The Government of Wales Act 1998 has been criticised for placing too many limits on the Assembly, and the Government have made it clear that we intend to give the Assembly as much freedom as possible to make its own decisions about how it will work.

**Lembit Öpik:** The Government are increasingly schizophrenic. They have introduced some incredibly complicated arrangements, such as the d'Hondt system, while saying that they want to keep things simple. Surely, the Minister must accept that, with something as important as the commission, the Government have a responsibility to ensure statutory cross-party representation. Of all things, the commission should be above party politics.

**Nick Ainger:** As I move on through my brief, perhaps I can explain to the hon. Gentleman the fact that we are seeking to allow the Assembly to determine how it wants to set up the commission. Bearing in mind all the work that has gone on in the Assembly during the past six years, I would be surprised if the Assembly commission did not reflect the political balance or certainly include members of all parties.

If the Assembly wishes to ensure that the members of the Assembly commission all belong to different political groups, that can be specified in the Standing Orders. There is no reason why a requirement should be included in the Bill to establish that the Assembly must ensure that each political party is represented. As the arrangements in the Scottish Parliament have been cited at length during the debate, it might be of interest to note that the position is the same in Scotland under the Scotland Act 1998—that is, there is no equivalent requirement in that Act to that proposed in the amendment. Such a provision has not been applied in Scotland; nor is there a requirement to make such provision in the Standing Orders.

The other amendments in the group relate to clause 29, which deals with the composition of Assembly Committees using the d'Hondt formula. It would be helpful to hon. Members if they referred to the Bill, because I shall refer to certain subsections of clause 29, which may help hon. Members to understand. In the new Assembly, Committees will play an important role in scrutinising proposed Assembly measures, which the Administration, in the main, will introduce. The express purpose of clause 29 is to provide a stable fall-back for calculating the political balance of the Committees. I emphasise, particularly to the hon. Member for Meirionnydd Nant Conwy, that this is a fall-back position.

The d'Hondt formula is widely seen as a fair and practical way to apply political balance. It is used across the globe to determine election results and in clauses 8 and 9, as well as in Argentina, Austria, Finland, Japan and Turkey, as the Conservatives have pointed out in their press release, in which they condemn the Labour party for trying to fix the Assembly's Committees. In the same press release, they liken the proposals in the Bill to those of a "banana republic". Are they seriously comparing the Northern Ireland Assembly to a banana republic? As my right hon. Friend the Member for Torfaen (Mr. Murphy) was explaining, the d'Hondt system has formed an important part of the Good Friday agreement. The formula is also used in the European Parliament to allocate Committee places and has been used in Scotland to appoint Committee Chairs. The Government have not plucked the system out of thin air.

**Mr. Llwyd:** The Minister stops short. He says that the system has been used in Scotland to appoint Committee Chairs, but he did not go any further, obviously because it does not apply to the membership of Committees. That is the greatest problem that we have, and I was trying to concentrate on that earlier. Is he saying that his colleagues in the Scottish Parliament have done something wrong in some way by saying that they reject the d'Hondt system and that they are looking for a more equitable means to distribute Committee seats?

**Nick Ainger:** As I go on, I shall certainly quote examples that may be helpful to the hon. Gentleman. The fact is that the d'Hondt system and political balance are exactly the same thing in many cases. I shall quote the example of the size of Committees. Perhaps that will give him some reassurance, although I doubt whether he will agree.

The aim is for political parties in the Assembly to reach agreement on the size and make-up of Committees. That is exactly what has been achieved over the past few months by the Assembly in moving to new, smaller Committees. It has moved from Committees of 10 to Committees of eight. Surely, the intention of all parties—I certainly understand this to be the intention of the present party in government in the Assembly—will be to reach such agreement in the future, but if agreement is not possible, a way forward must be found.

We must recognise that the electoral arrangements discussed earlier today are likely to result in a very close balance between the political groups in the Assembly, as we have seen in the past two Assembly elections. There is nothing partial about the reality that the electoral system will produce very close results. All clause 29 will do is to ensure that, if deadlock were to occur, disagreement about Committee membership should not be allowed to create a stranglehold on the rest of the Bill's provisions. There are important flexibilities in clause 29. In fact, the Assembly will have more flexibility over the number and purpose of Committees as a whole under the Bill than under the 1998 Act.

First, clause 29 will enable parties to reach a consensus. The formula can be overridden by a two-thirds vote in the Assembly. I would expect consensus to be the norm, with agreement reached through the Assembly's equivalent of our usual channels. The d'Hondt arrangements will provide a secure fall-back if agreement cannot be reached. Secondly, clause 29 will ensure that every Assembly Member—whether independent Members or those who belong to smaller parties—is entitled to a place on a Committee, subject to there being enough Committee places to make that possible. I refer the hon. Gentleman to clause 29(9)(a) and (b).

Applying the d'Hondt formula to 10-Member Committees in the current Assembly gives exactly the same allocation of seats among the parties as was adopted by the Assembly when it was operating Committees of that size. I have here a table—I am more than happy to provide the hon. Gentleman with a copy and place one in the Library—that shows the current balance: the Labour party has 48.3 per cent., Plaid Cymru has 20 per cent., the Conservatives have 18.3 per cent., the Liberal Democrats have 10 per cent. and other parties have 3.3 per cent.

Under the d'Hondt system and the present Assembly political balance, four members of a Committee of eight would come from the Labour party, two would come from Plaid Cymru, one from the Conservatives and one from the Liberal Democrats. So the Labour party would have 50 per cent. of the membership. Plaid Cymru would have 25 per cent., compared with its 20 per cent. representation on the Floor of the Assembly, so it would gain. The Conservatives and the Liberal Democrats would have 12.5 per cent., compared with their representation of 18.3 per cent. and 10 per cent. respectively on the Floor of the Assembly.

I cannot see how one could come up with a different political balance. I have to say to the hon. Gentleman that the same is true of Committees of 10. One could not come up with a political balance by agreement that was better than d'Hondt. The idea that the d'Hondt formula is unfair and unreasonable is not borne out by the table, which I am more than happy to share with him.

7 pm

I accept that in the case of small Committees, such as a Committee of six, there may be a problem. I know that the Opposition have expressed concern about Committees of six, but, frankly, it is virtually impossible, whatever system one uses, to get political balance on such a Committee. If I were a business manager, I would seek an agreement that the Assembly would never have Committees as small as six.

**Lembit Öpik:** The Minister is giving us the firm impression that he is the full master of the d'Hondt process. To reassure us that he is not simply reading out a brief, will he describe some of the weaknesses of the d'Hondt system that have shown themselves in other countries' systems and say how he would respond to them? That will ensure that he has given us the depth that he implies that he has.

**Nick Ainger:** Absolutely. The d'Hondt system does not work for Committees with small numbers. In that case, there are distortions. However, Rhodri Morgan, the First Minister, has recognised that. He has put it on the record that, if the Assembly wanted to set up a Committee of six, he would not force through d'Hondt on any Committee that small. If it was felt that a Committee of six was wanted, for whatever purpose, I hope that the usual channels would be able to agree the numbers in the way in which they will in 99 per cent. of cases—hopefully 100 per cent. In most cases, agreement will be reached through the usual channels, recognising the political balance. Again, it is up to the Assembly to determine the size of Committees.

If the Opposition are seeking reassurance about the Labour party's intentions, as I think that the hon. Member for Montgomeryshire (Lembit Öpik) was, I can put it on record now. Two weeks ago in the Assembly the First Minister said:

> "I am quite happy to place on record the fact that, in the case of any committee for which we thought it advisable to have six committee members, we would not want to see ... d'Hondt ... applied".

I hope that that reassures the hon. Gentleman.

The form of the requirement imposed by new clause 8 would leave the Assembly with very little flexibility, in contrast to clause 29. It would oblige Standing Orders to ensure that each Committee and Sub-Committee reflected party balance. There would be little room to cater for different circumstances, or to vary from a strict application of party balance. There could also be real practical problems in applying the requirement to ensure that, taken together, the Chairs of the Committees and Sub-Committees reflected party balance in the Assembly. Every time a Committee or Sub-Committee started or finished its work, the allocation of Chairs would have to be revisited. I think that hon. Members would accept that that would not be a sensible way to proceed.

The problem with amendments Nos. 3 and 14 is that they do not provide any direction about what should happen in the event that the parties cannot reach consensus. Without the fall-back provision—I emphasise again that it is a fall-back provision—that clause 29 provides, the Assembly could end up with a stalemate, unable to choose between the variety of mechanisms available to define party balance. That is not a hypothetical concern: it is based on experience.

Amendment No. 31 would reinstate the existing provision in the Government of Wales Act 1998 in place of the provisions in clause 29. That would be entirely inappropriate following the separation of the legislature

*[Nick Ainger]*

and Executive. The existing requirements in the 1998 Act were designed to deal with the possibility that the Committees might exercise Executive functions of the Assembly. Following separation, such functions will lie with the Welsh Assembly Government and not the Assembly and its Committees. In so far as the provision would have any meaning at all, most Committees, other than, for example, those carrying out detailed consideration of Assembly Measures or Acts after a referendum, would arguably exist "solely to provide advice", in which case there would be no requirement in place at all as to party balance on the vast majority of Assembly Committees.

The provisions of clause 29 are a sensible, impartial and flexible way of ensuring that seats on Committees are allocated to political parties in accordance with their overall representation in the Assembly. As I stated earlier, the d'Hondt formula has not been plucked out of thin air. We have ensured that the interests of small political parties and independents are properly protected and provided the ability for the Assembly to override the formula altogether, which, as I said, I expect to be the norm rather than the exception. In conclusion, for the reasons that I have given, I urge the hon. Member for Montgomeryshire to withdraw the amendment.

**Lembit Öpik:** I will not withdraw my amendment and I will tell you why, Madam Deputy Speaker.

**Mr. David Heath** (Somerton and Frome) (LD): Quite right.

**Lembit Öpik:** I thank my hon. Friend for his support. So enraged are the true experts on d'Hondt that they are flowing into the Chamber and on to the Liberal Democrat Benches. The Minister makes fun of me for speaking in such detail about d'Hondt, but I fear that, by contrast, he spoke with very little passion, but from a brief that suggested that he ought to speak up for a system that I suspect fails on the confusion criterion that the Government used only one hour ago to get rid of the split candidature, which they said that the public would not understand.

The Minister dug his own grave in his speech. He said that he wanted to allow the Assembly to come up with Committees as it sees fit and then that he would be extremely surprised if the Committees did not have cross-party representation. I assume from that that his expectation is that the Assembly will see the importance of fair cross-party representation. Further than that, I assume from the tone of his comments that he thinks that there is a moral obligation on the Assembly to ensure proper cross-party representation. Why, then, is he so afraid to enshrine that important moral expectation in the commission's structure in the Bill, rather than simply leaving the matter to fate and hoping that the Assembly decides to have the right format?

The Minister prayed in aid of his argument the fact that no similar provision existed in the Scotland Act 1998. However, in response to a question from, I believe, the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who pointed out that Scotland had rejected d'Hondt, the Minister had nothing to say about the fact that he was forcing something different on Wales. In simple terms, the Minister cannot claim that something is right because it is done in one way in Scotland and then ignore the claim that something else is not right because it is done differently in Scotland from Wales. I am afraid that, on that basis, he was entirely implausible. Based on that argument, we have to press amendment No. 30 to a Division. If the Minister thinks about his own argument, far from opposing the amendment, he should show that he is consistent and vote for it, at which point he will have won the undying admiration of all true democrats in the Chamber.

On cross-party representation on the Committees as a whole, I spoke to amendment No. 31.

Amendment No. 3, introduced by the official Opposition, is supported by Plaid Cymru. The principal amendments, Nos. 31 and 33, are the same. However, they are very different from the d'Hondt system for the reasons that the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) so eloquently outlined. It seems that we have the assurance that we do not need amendments Nos. 3 or 31. Rhodri Morgan has assured us that if there are six members of a Committee, he will ensure that the d'Hondt system is not applied.

That is a dramatic revelation on two bases. First of all, Rhodri Morgan has an opinion about something that Westminster is due to decide. Clearly this is much more important to him than the questions put to him about the Iraq war, but we shall pass over that. The second important discovery is that far from the reassurances that we have had that Rhodri Morgan intends one day to retire, it seems that he will go on for ever, simply to ensure that the promise that he has made as an individual—not ex officio—will be sustained in perpetuity. Rhodri Morgan has no jurisdiction to commit his successors to ensure that the d'Hondt system will not apply if there are six or fewer members on a Committee.

In effect, the Minister has given us a promise from his mate that as long as his mate is the First Minister, everything will be all right. That is no way to frame legislation. That cannot be done on the basis of who happens to be in a job at present. I am sure that the Minister knows from his slightly ashen appearance that he has committed a monumental gaffe in suggesting that Rhodri Morgan's word is sufficient to convince the Opposition to fall back from amendments Nos. 3 and 31. There are many holes—

**Mr. Llwyd:** Is it not the simple fact that, given that the Labour Administration in Cardiff, for their own reasons, want to engineer a deadlock on this issue, which they can, the d'Hondt system has to come in? The mere suggestion then that a two thirds majority—a supramajority—could suddenly overturn d'Hondt is fantasy and nonsense.

**Lembit Öpik:** It is almost as weak as being offered an assurance from someone who does not have the jurisdiction to make such commitments.

As the hon. Gentleman says, as I have suggested myself and as those on the Opposition Front Bench have pointed out, these arguments have not been advanced plausibly. The Minister falls back on hearsay assurances from individuals who are not qualified to give those

assurances. The only hope that these debates would carry water or weight is the assumption that the verbiage of the debates would be the more powerful than the interpretation by any future Administration of the law itself. That is no way to frame legislation. That, by the Government's own admission, will have to carry us through well into the 21st century, when it comes to Welsh devolution.

For that reason, I feel that I have to put amendment No. 32 to the vote. It will be a matter of shame if the Government still feel obliged to oppose such a common-sense proposal. If the hon. Member for Chesham and Amersham (Mrs. Gillan) chooses to press amendment No. 3 to a separate vote, my colleagues and I will have no alternative but to support it.

*Question put*, That the amendment be made:—

*The House divided:* Ayes 179, Noes 269.

**Division No. 174]** **[7.13 pm**

**AYES**

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Beldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Bread, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Featherstone, Lynne
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Widdecombe, rh Miss Ann
Williams, Hywel
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and**
**Mr. Roger Williams**

**NOES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit

Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Alan Campbell and Mr. John Heppell**

*Question accordingly negatived.*

*Amendment proposed*: No. 3, in clause 29, page 18, line 14, leave out subsections (2) to (9) and insert—

'(1A) The standing orders shall include provision for ensuring that in apportioning Members to committees and sub-committees regard is had to the balance of political parties represented in the Assembly.'.—*[Mrs. Gillan.]*

*Question put*, That the amendment be made:—

*The House divided:* Ayes 181, Noes 270.

**Division No. 175]** **[7.27 pm**

**AYES**

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Featherstone, Lynne
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian

Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew

O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Roaindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Widdecombe, rh Miss Ann
Williams, Hywel
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and**
**Mr. Roger Williams**

## NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon

Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.

Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug

Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary

McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Walley, Joan
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Parmjit Dhanda and**
**Mr. John Heppell**

*Question accordingly negatived.*

## Clause 35

### EQUALITY OF TREATMENT

**Hywel Williams:** I beg to move amendment No. 17, in page 21, line 40, leave out from 'effect,' to 'to' in line 41 and insert

'save in exceptional cases where it is not reasonably possible to do so'.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following: Amendment No. 18, in clause 61 , page 36, line 14, at end insert

', including the implementation of any of the provisions of the Welsh Language Act 1993.'.

Amendment No. 19, in clause 110, page 60, line 35, leave out from 'Welsh' to end of line 37.

New clause 10—*Welsh language legislation—*

'(1) Sections 106 to 112 and 114 shall come into force on 1st April 2007 in respect of subject 20 in Part 1 of Schedule 7 (the Welsh language).

(2) Section 102 shall not apply to the commencement of subsection (1).'.

**Hywel Williams:** The amendments and new clause were discussed in Committee, but we believe that further points need to be made.

Amendment No. 17 deals with Assembly proceedings under clause 35, which concerns equality of treatment. The amendment aims to make it clear that treating the Welsh and English languages on the basis of equality is the norm and that any deviation from that practice is exceptional. The Welsh Language Act 1993 states that the Welsh and English languages should be treated on the basis of equality, where it is

"reasonably practicable and appropriate in the circumstances",

but it is arguable that that puts the onus on people who want to see material in both Welsh and English to make the case that that is reasonably practicable and appropriate.

Amendment No. 17 turns the tables on that argument. It establishes that bilingualism is the norm in the proceedings of the Assembly, in which case the argument would have to be made why it is exceptional that bilingualism should not apply.

**David T.C. Davies:** I am surprised, because so far as I am aware, every Assembly publication is bilingual. I have never seen any other kind of Assembly publication—indeed, I question whether it is necessary to translate documents in some cases.

**Mr. Llwyd:** Not everything is bilingual.

**Hywel Williams:** I thank my hon. Friend for his sedentary intervention. The argument concerns why things should not be bilingual rather than why they should be bilingual. When the Secretary of State discussed that point in Committee, I gave him examples of circumstances in which it would be exceptional for documents to be produced bilingually. For example, if a document is likely to be superseded within a couple of months, it would clearly waste time and money to translate it, but such circumstances are self-evidently exceptional. I seek a reassurance from the Minister that bilingualism is the norm in the Assembly and its proceedings. The point may appear to be a fine one, but fine points that go missing between cup and lip can cause dissatisfaction.

I want to draw the Minister's attention to a point made by Mr. Hugh Rawlings of the Assembly's constitutional affairs unit. Will the Minister explain the difference between the Government of Wales Act 1998 and the Bill? The 1998 Act states:

"The Assembly shall in the conduct of its business give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on the basis of equality."

However, the Bill concerns:

"the conduct of Assembly proceedings".

Will the Minister explain the difference between the two wordings? Mr. Hugh Rawlings has pointed out that the Bill could be construed to be narrower than the 1998 Act. "The conduct of business" is a broad point, whereas "the conduct of proceedings" might be confined to the proceedings of the Assembly itself.

7.45 pm

**Mr. John Gummer** (Suffolk, Coastal) (Con): I hope that the hon. Gentleman sticks to that point. In my ministerial experience, there is a civil servant somewhere who has made that distinction for a good reason, which the House has a right to know.

**Hywel Williams:** I thank the right hon. Gentleman for that intervention. We want to clarify the matter to avoid argument and dissent. Language is an important issue in Wales and tempers get frayed, so it would be useful if that point were clarified.

Amendment No. 18 is straightforward. We merely seek a reassurance that anything that the Assembly Minister does to support the language will include the provisions of the Welsh Language Act 1993. The Secretary of State addressed that point in Committee, but if the Minister were to provide such a reassurance, it would be helpful.

Amendment No. 19 refers to clause 110—there has been a mistake, because it refers to line 28 rather than line 35. Its purpose is to ensure that Bills passed by the Assembly are in both Welsh and English and that there are no circumstances in which a Bill might be passed in Welsh only or in English only. We think it important that the principle of equality applies to the use of both the languages of Wales—English and Welsh—in the Assembly. Again, an assurance would clear up the matter.

New clause 10 is possibly the most contentious provision in the group. It would allow the Assembly to pass a Welsh language measure now as primary legislation without holding a referendum. I accept that that might be contentious, but I hope that the new clause signals to the Minister the importance that we place on that particular issue, because there is a great deal of dissatisfaction in Wales about the operation of the Welsh Language Act 1993.

In Committee, I referred to the great strides taken in 1993 and 1967—in 1967, the then Labour Government passed the Welsh Language Act 1967—but the 1993 Act is 13 years old and the situation has moved on. One would expect any Government to review social legislation in the light of ever-changing circumstances and perhaps to introduce new proposals. The Assembly has given the 1993 Act some attention and introduced its plans, but, as I have said, there is a great deal of dissatisfaction in Wales, because people see that the 1993 Act does not go far enough given the change in the nature of language use in Wales.

Use of the Welsh language is growing, especially among young people. About 30 per cent. of young people speak Welsh, compared with about 20 per cent. of those aged over 65. Welsh is a younger, growing language. Not only that, but the proportion of Welsh speakers who live outside the traditional heartland areas is growing every year. Nowadays, 40 per cent. of Welsh speakers live in the south and east, in areas where the Welsh language is not socially prominent and one cannot assume that one can speak Welsh merely because one is a Welsh speaker. In my own town of Caernarfon, I would not dream of using English in a greengrocer, whereas I would consider doing so in Monmouth or Cardiff.

We need to make much more explicit the absolute right to use Welsh. People should have limited rights for using Welsh in some public services. As regards speech therapy, for example, why should Siôn have a different standard of service from John? John will find it extremely difficult to get speech therapy in English but Siôn will find it impossible, in most places, to get it in the medium of Welsh. There should be parity of treatment and a positive right in respect of that aspect of a public service. I do not think that any of my colleagues, or anyone in Wales, would say that there should be an absolute right for everything to be bilingual—that would not be a practical proposition at present—but that is an example of the dissatisfaction in Wales about the working of the 1993 Act, and why a reasonable Government would review whether the rights could be extended.

Let me explain why some aspects of the 1993 Act support my case for new clause 10. Like many hon. Members, I have recently done a great deal of work on tax credits. That is difficult enough as it is, but, as the Minister will know, Revenue and Customs has found it impossible to generate letters in Welsh with its current computer system, so letters in English are produced, sometimes sensible and sometimes not so sensible. If there were to be a move in language legislation, one would hope that the production of such material in Welsh in Wales would become the norm rather than the exception, so that hon. Members would not waste their time banging the counter at Revenue and Customs and pushing for their constituents to have such material in Welsh.

Last year, I had discussions with the Under-Secretary of State for Culture, Media and Sport, the hon. Member for Stalybridge and Hyde (James Purnell), about the forms for licensing. When people were applying for licences before the passage of the Licensing Act 2003, the forms were available only in English. The Minister was very reasonable and said that he would move as quickly as possible to provide them in Welsh. In a written reply to me about two weeks ago, he told me that a working party had met and was discussing the forms, and that that might lead to a statutory instrument some time in the spring, followed by the forms in the summer. That will be one full year after the forms were available in English. I am not trying to ascribe any blame, but that is what happens when the provision of bilingual services in Wales is not the norm, so that almost by default people are denied the right to use the Welsh language.

I will not say much about the variable standards of service from the privatised utilities or the difficulty of getting answers in Welsh from Swansea about the pension system. However, I mention in passing the difficult issue of third parties acting for local or central Government. Private organisations working for local government are supposed to be subject to the provisions in the local authority's language scheme, but that does not often happen. To give a humorous example, during a case in the local Crown court that was conducted in the medium of Welsh, when the order came, "Take him

*[Hywel Williams]*

down", everybody in the court moved apart from the two private guards, who had come from Liverpool and had no idea what was going on. That third-party service was not subject to the Welsh language.

As I said, there is a great deal of dissatisfaction. At the very least, I would like the Minister to give some indication that the Government take that seriously and will think about how we can effect, through discussion and agreement, a positive change that would confer to Siôn rights to some limited public services through the medium of Welsh and ensure that third parties are subject to Welsh language schemes. Central Government Departments should be encouraged to see bilingual provision in Wales as normal, so that, for example, the Welsh language could have an explicit statement that it is an official language. In 1993, when Lord Roberts of Conwy was Minister of State at the Welsh Office, he said that the Welsh language is official and has always been so. However, it would be useful to have an explicit statement that Welsh is a legitimate occupational qualification.

Unfortunately, the Governments here and in Cardiff have already said that not a moment of Government time will be available for such legislation. We have in Cardiff a National Assembly for Wales that Labour Members say does not have much to do. In Committee, it was said that there is no problem in staffing committees in Wales because Members are sitting on their hands most of the time. The National Assembly has the interest, expertise and personnel to consider such legislation, so why should not we enable it to do so?

I am a realist and I do not expect the Minister to be immediately persuaded by my words, but some indication that the Government are prepared to take these issues forward would be most acceptable.

8 pm

**Mr. Gummer:** I rise to support the thrust of what the hon. Member for Caernarfon (Hywel Williams) said, although I am not sure that the amendments are the ideal way in which to achieve his aims.

One of the most heart-warming facts of recent years has been the recovery of the Welsh language from a dying one to a living one. It is crucial for the continuance of the variety of culture in the United Kingdom that the Welsh language be supported. I pay tribute to all those who have made that a success. In many ways, it is probably the most successful attempt at recovering a language. The reason for that lies deep within the Welsh cultural tradition, which is very much a vocal tradition, in singing, in poetry, and in the great works of Welsh art.

It behoves the United Kingdom Parliament to take seriously what is said about the Welsh language because, for our convenience, we have long insisted that English is the only language that is spoken in the Chamber of the House of Commons. That is necessary. We might gain less understanding and knowledge of Welsh concerns if Welsh Members always spoke in Welsh. It would also give the Minister some difficulty, which would be unfair. We therefore need to right that balance by leaning in favour of the language in Wales. It is difficult to understand how the House of Commons can provide enough time for the evolution and the reflection of the growth in importance of Welsh, especially, as the hon. Member for Caernarfon said, among young people and outside its heartland.

When my father learned Welsh, he was thought to be odd. It was not something that a young person did. He did it to be able to sing in Welsh, which one cannot do well without knowing what the songs mean. One can make terrible mistakes and that would have been embarrassing to a clergyman, which my father later became. He liked to know what he was saying or singing. He therefore took an early step in what became a much wider movement.

I have great sympathy with the amendments' intentions, which are to provide that it should be assumed that the two languages are the languages of Wales. I would have been unhappy if the Welsh nationalists had tried to suggest that English was not as much a language of Wales as Welsh. However, we who speak English and not Welsh—learning Welsh was for only one generation; I am English on both sides—must remember that the submerging of the languages of the United Kingdom is a symbol of conquest by the English. We who are English should also remember that the best compliment that we can pay and the best statement about the difference in attitude nowadays that we can make is to ensure that, when languages have survived despite the appalling effort to destroy them, they are encouraged, not least because, unless they are perceived as automatically equal—as the amendments propose—the cultural base that is so important in the Principality will be greatly eroded.

**Lembit Öpik:** The right hon. Gentleman makes a good point. As he rightly observes, the cultural conquest was largely the attempted extermination of the language. Does he agree that a key goal of the political strategy that we must adopt is to ensure that Welsh has parity of esteem with English, especially in the eyes of younger people? On some occasions, I observe people who feel a little awkward about speaking Welsh because, due to the cultural history that he outlined, it is downgraded in the communities where they live. To that extent, the amendments are in line with achieving parity.

**Mr. Gummer:** I am sure that the hon. Gentleman is right. We need to make it clear that the two languages of Wales are equal and, whenever possible, they should be presented as equal. I therefore want to ask the Under-Secretary two questions. First, if he does not support the amendments, does he acknowledge the concern that lies behind them? If so, will he ensure that the language used in future is generous and not mean? I use generous in the sense of ensuring that the emphasis is on ensuring the parity of languages, and not giving an impression that a concession has been squeezed out of any political party. That is why I intervened to support the point of the hon. Member for Caernarfon about the difference between words. The difference in the meaning of the words "business" and "proceedings" may be difficult to imagine, but its existence gives rise to concern, which has a pretty good basis in historical fact. It is therefore important for the Government to be seen to be generous in the matter.

Secondly, I am sure that the Government could ensure the withdrawal of new clause 10 if they would undertake to listen regularly and seriously to proposals

for changes in the way in which the language is offered in the Principality that arise from genuine changes in society. If the Welsh Assembly knew that time would be found to give voice to proposals that are made on the basis that Welsh is a living language and that the position changes year by year, I am sure that the extension that the new clause suggests would not be pressed. However, if the Government say that they will do nothing about the matter and that they will not undertake to grant extra time, it would be understandable if the Welsh nationalists felt that the new clause should be pressed, simply because it covers an important issue in the Principality that should be aired in this imperial Parliament. It is a proper matter for the Member of Parliament for Suffolk, Coastal to comment on because it is important to our culture as a whole that we do not lose the culture of a part of the United Kingdom.

If the United Kingdom is to mean anything, we should be as proud of the fact that there is a culture that is special and particular in Wales as I hope the Welsh would be of our culture in the east of England, especially Suffolk. I hope that they would perceive it as important to them, even though the current Government are trying to snuff it out through their regional policy.

**David T.C. Davies:** I agree with my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) that the matter is as relevant in Suffolk as anywhere else. After all, we are considering a language that was called Brythonic and was once the language of Britain before various waves of Angles, Saxons, Danes and Norsemen came to England and pushed it further west. "Cumbria" and "Cymru" are descended from the same word. Hon. Members will guess from that that I have an enthusiasm for the language, which I am told that I have learned to speak with some proficiency.

I am sorry to say that I must stop short of supporting the amendments because I have some concerns about them. I pay tribute to the previous Conservative Government who rightly did so much to protect and preserve the language. It has started to grow even in places such as Monmouthshire. People used to joke that I had doubled the Welsh-speaking population of that county when I learned Welsh, but I assure hon. Members that that is not the case.

Overall, there is a positive attitude to the language, but concerns have been expressed not only by those who want more Welsh, but those who feel that there is too much at the moment. Some people complain about the cost of road signs and of translating every document. I have some sympathy with some points about road signs; the policies could be tailored slightly more to the areas in which they apply, but I would not generally argue with the comments about the positive attitude to the Welsh language. However, if we go too much further and start giving the Assembly powers to legislate without the same amount of scrutiny that applies to all other legislation, is not there a danger that we will begin to turn people against the Welsh language, especially in the anglicised parts of Wales?

The hon. Member for Caernarfon (Hywel Williams) pointed out that statistics show that 20 per cent. of the population speak Welsh. I am not sure about that. I believe that 20 per cent. have a knowledge of Welsh, but whether one in five could hold a conversation in Welsh is another matter. He underlined the problem when he used the example of speech therapy. There is a huge general shortage of speech therapists in Wales. One cannot legislate for more speech therapists and certainly not for more who conduct their treatment only through the medium of Welsh.

**Mr. Llwyd:** I am following the hon. Gentleman's argument carefully. One can legislate for more Welsh language speech therapists. For example, one can offer incentives to students to study speech therapy. On almost a monthly basis, I am confronted with the problems of youngsters who need Welsh-speaking speech therapists.

To follow the comments of the right hon. Member for Suffolk, Coastal (Mr. Gummer) and my hon. Friend the Member for Caernarfon (Hywel Williams), the Welsh Language Act was passed in 1993, but since then only nine Departments have adopted Welsh language policies. Last year, wearing my lawyer's hat, I had to advise somebody who had been refused forms to apply for legal aid through the medium of Welsh. Much remains to be done without offending non-Welsh-speaking people. Obviously, their good will needs to be kept, but much work needs to be done.

**David T.C. Davies:** I would rather look at the bigger picture. There is a danger that we might end up going a bit too far and alienating the many people in Wales who do not speak the language but who have a very good attitude towards it and are prepared to support policies such as compulsory Welsh up to the age of 16 in all state schools, which is something that I have a problem with after key stage 4.

I am not going to go so far as to say that I support the amendments, but I do support the Welsh language. Years ago, my great-grandmother, who came from west Wales, caused shock and horror by saying that she thought that it was important to learn Welsh in order to be able to communicate with the servants—*[Laughter.]* I am sure that I am going to regret sharing that. However, if we were to go to some parts of Cardiff nowadays—particularly the Pontcanna area, which is inhabited by quangocrats—we would probably find that it was the other way round, and that people would have to learn English in order to talk to the domestic servants. I shall finish by reminding people of the Welsh phrase, "Gan bwyll mynd yn bell", which roughly translates as "Go a little bit more slowly and you'll get a lot further in the long run."

**Nick Ainger:** This has been a good debate, and the fact that it is now 8.11 pm and we have all this time to debate this issue proves what an excellent programme motion we tabled. Most of the issues were discussed in Committee, and I know that the hon. Member for Caernarfon (Hywel Williams) is seeking some reassurance on them. I hope that I shall be able to help him. The right hon. Member for Suffolk, Coastal (Mr. Gummer) also made some points on the amendments, and I hope to be able to reassure him as well.

Amendment No. 17 would alter the obligation on the Assembly to treat English and Welsh equally in the conduct of its proceedings so that, rather than using

*[Nick Ainger]*

the formulation in the Government of Wales Act 1998 that everyone accepts has worked well, the Assembly would have to do so

"save in exceptional cases where it is not reasonably possible to do so".

The Bill provides minimum legal requirements with which the Assembly must comply. The new legislature should have some limited discretion to decide on its own procedures in this respect, which is what clause 35 proposes. We are not in a position now to say what will not be "reasonably possible" in relation to treating the Welsh and English languages on a basis of equality, but that is what the amendment suggests, by including the condition relating to "exceptional cases". The hon. Member for Caernarfon tried to come up with an example of an exceptional case, and he suggested that a document that was about to be superseded by a new one would present just such a case. However, that would not be exceptional at all; it happens quite regularly. It is actually quite difficult to provide examples of cases that would be considered exceptional.

It has been suggested that the amendment would enhance moves towards full equality of the two languages in the Assembly, but good and continuing progress is already being made under the existing provision. Last year, for example, the Assembly began producing part-bilingual verbatim transcripts of its Committee proceedings on a routine basis. The amendment is therefore unnecessary.

The hon. Gentleman sought reassurance that issues relating to the Welsh language would be taken forward, and that there was a commitment to bilingualism in the Assembly. I can give him that assurance. Clause 61 already gives Welsh Ministers the power to do anything that they consider "appropriate" to support the Welsh language. Together with the Welsh Ministers' functions under the Welsh Language Act 1993, this provides a broad basis for promoting the Welsh language.

The hon. Gentleman spoke at some length to new clause 10. We believe that the new clause is unnecessary because legislative competence for the Assembly on matters relating to the Welsh language could be sought under the Order in Council process in part 3 of the Bill. Immediately after the part 3 powers come into effect, following Royal Assent, in May 2007, it will be possible for an Assembly Minister or a Committee of the Assembly to ask for powers relating to the Welsh language to address any of the issues that the hon. Gentleman raised, including those relating to speech therapists.

**Hywel Williams:** Will the Minister confirm that that relates only to devolved matters, and that some Welsh language matters are retained here at Westminster?

**Nick Ainger:** I believe that the only retained function relates to the use of Welsh in courts; that is virtually all that is left. I accept that there might be problems in regard to a particular Government Department producing bilingual forms, and we are all aware of what happened with the Licensing Act 2003. Clearly, such problems need to be addressed, but they can be addressed directly by an Assembly Minister making representations to his counterpart here in London. Many of the issues that the hon. Gentleman raised will be able to be addressed immediately after May 2007, through the part 3 procedures. One of my concerns about new clause 10 is that it would provide a move towards giving primary powers without a referendum, whereas everywhere else in the Bill, such a move requires a referendum.

**Mr. Gummer:** I have great sympathy with that argument, but does the Minister accept that the fact that it took a year for the Department for Culture, Media and Sport to produce a Welsh form, when it ought to have been automatic—it really should never have got to that stage—undermines the confidence of the House in the ability of Ministers here and in the Welsh Assembly to get the simple things done? It would be helpful if he could promise that these things will not happen in future, and that such documents will be produced automatically.

**Nick Ainger:** I agree with the right hon. Gentleman about the production of the licensing forms. I believe that the Department responsible has apologised for not getting that right when it would not have been too difficult to get it right. The powers to address such issues are in part 3 of the Bill. We want a streamlined system because, as the right hon. Gentleman said, it can often take too long to sort these problems out. The Order-in-Council procedure will enable the Assembly to take powers in regard to any Welsh language responsibilities that it wants to change or enhance. Use of the part 3 procedures will get rid of the logjam that we now face whenever we want to make significant changes to the Welsh Language Act 1993.

**Mr. Llwyd:** I want to underline the point made by the right hon. Member for Suffolk, Coastal (Mr. Gummer). My hon. Friend the Member for Caernarfon (Hywel Williams) and I met the Minister to talk about the Welsh language forms required under the Licensing Act 2003, and we warned him in the kindest and most respectful way about the issue six months before the cut-off date. That was in the November, but the problem carried on for almost a year. That is not good enough. Had the competence for these matters been in Cardiff, they would have been able to move a darned sight more quickly.

**Nick Ainger:** I am sure that the hon. Gentleman is right. As I said, I think that the Department has apologised for that. For the production of something that was not particularly difficult, the process was far too long.

I want to reassure the House, and particularly the right hon. Member for Suffolk, Coastal, about the commitment of the Welsh Assembly Government, and this Government, to the language. Perhaps I can draw his attention to the report produced by the Welsh Assembly Government on Iaith Pawb, its policy to promote Wales as a bilingual country. It builds Welsh language considerations into all policy developments. There is lots of evidence that, certainly since the Assembly's inception, the language is taking its place in

the hearts of the Welsh people and in the administration of government at all levels in Wales. We have made significant strides and continue to do so.

I hope that I have been able to give the hon. Member for Caernarfon the reassurances that he was seeking.

**Hywel Williams:** It would be useful if the Minister could respond to my point about "proceedings" and "business".

**Nick Ainger:** I am glad that the name of Hugh Rawlings has featured in our debates, because he has been an important member of the Bill team. That team has worked hard over many months to get to where we are today. I want to put on the record my gratitude to Mr. Rawlings and all the other members of the Bill team for their excellent work in supporting me and my right hon. Friend the Secretary of State.

The reason why we changed from "business" to "proceedings" is that "business" was used to cover the existing Assembly when it was acting as both a legislature and an Executive. The change reflects the separation. When the Assembly acts as a legislature, the term "proceedings" will be used, as in Parliament and the Scottish Parliament. "Business" will now equal "proceedings" plus the Executive functions. I hope that that explains the change, which is basically due to the separation of the Executive from the legislature. We will now use the same sort of terms as we use here.

**Mr. Gummer:** Will the Minister assure the House that nothing that the word "business" would have comprehended will be left out because of the use of the word "proceedings"? Does "proceedings" cover everything that was covered by "business"?

**Nick Ainger:** Yes.

Having reassured the hon. Member for Caernarfon, I hope that he will now withdraw the amendment, so that some of us can have something to eat tonight.

**Hywel Williams:** I am happy to withdraw the amendment. This has been a positive debate, and I thank Members who have contributed and the Minister for his response. These issues will not go away, and my colleagues in the Assembly will be looking to use the part 3 powers as early as possible to address the language issues there. I still have concerns about the matters retained here, and we will return to those issues in future. In the meantime, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

Further consideration adjourned.—[*Mr. Alan Campbell.*]

*Bill to be further considered tomorrow.*

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): On a point of order, Mr. Deputy Speaker. On a major constitutional Bill, which the Secretary of State said would define the Government of Wales for a generation, it cannot be satisfactory that so much time for debate is lost, even giving regard to the Minister's need to eat. If the programme motion had allowed us to move on to the next set of amendments, pressure that might be exerted on tomorrow's business would automatically have been relieved. Large parts of a major constitutional Bill will now go unscrutinised.

**Mr. John Gummer** (Suffolk, Coastal) (Con): Further to that point of order, Mr. Deputy Speaker. There is an additional point. People outside will feel that we have had too much time and have not been able to fill it. The real problem, however, is that the way in which it has been apportioned means that we have had too little time in certain areas and too much in others. Dealing with that would be a great help.

**The Parliamentary Under-Secretary of State for Wales (Nick Ainger):** Further to that point of order, Mr. Deputy Speaker. I am shocked. We cannot win on this matter. We give sufficient time for proper scrutiny, but when the Opposition do not take up that time, we are criticised for giving too much time. It is up to the Opposition to table amendments and scrutinise the Bill. We have given them sufficient time to do it, and they have decided not to take up that time.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** I sense that I have been a little generous in listening to those points of order, because it was starting to become a debate. The Chair can only point to the fact that the House passed a programme motion earlier, and we are governed by that motion, which could only have been effected by negotiations with the usual channels beforehand. The motion that we had was approved, however, and that is what controls proceedings.

## CULTURE, MEDIA AND SPORT

*Ordered,*

That Mr. Tim Yeo be discharged from the Culture, Media and Sport Committee and Philip Davies be added—*[Rosemary McKenna, on behalf of the Committee of Selection.]*

## PETITIONS

### Bus Services

8.27 pm

**Bob Spink** (Castle Point) (Con): For many, public transport is not an optional extra but essential. Hon. Members on both sides of the House know how difficult and damaging it is when a bus service is cut, especially for vulnerable, older and disabled people who rely on it. This petition was compiled by Mr. Howard Norton, a worthy campaigner, and it comprises around 500 signatures. I congratulate and thank everyone who signed it and sincerely hope that it will be successful.

The petition states:

To the House of Commons.

The Petition of the residents of Castle Point and others,

Declares that the Petitioners wish to formally record their objections to the removal of the No. 12 bus service from Pitsea to Benfleet by First Essex Buses Limited because there is no alternative service and the removal will cause great inconvenience and hardship to those residents who rely solely on public transport and that this loss is unacceptable and particularly hurts vulnerable people in our community.

*[Bob Spink]*

The Petitioners therefore request that the House of Commons call upon the Government to accept the views of local people and find a way to encourage the Bus Company to maintain the No. 12 service.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Pedestrian Crossing (Furtherwick Road)

8.28 pm

**Bob Spink** (Castle Point) (Con): There is a new political and public acceptance that road safety for all, particularly older people and children, must come before motorists' convenience, especially around schools and shopping areas and where there are fast roads to be crossed. I am delighted to present a petition with about 1,000 signatures, which was organised by Mrs. Margaret Finch, a lady who cares about people and about her community. It was signed by many people, to whom I pay tribute and give sincere thanks.

The petition states:

To the House of Commons,

The Petition of residents of Canvey Island and others,

Declares that the petitioners are deeply concerned about road safety around the parade of shops at the seafront end of Furtherwick Road. And further declares that the petitioners are aware of the relatively high speed of traffic and a number of near misses and great danger, especially for elderly people and children and notes that there are no reasonably accessible means of crossing the road at this point.

The Petitioners therefore request that the House of Commons call upon the Government to impress upon Castle Point borough council and the Highway Authority the importance of serving local people by providing a pedestrian crossing to improve road safety, particularly for children and elderly people on this stretch of road.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Civil Service Widows (Pensions)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell.]*

8.30 pm

**Mr. Clive Betts** (Sheffield, Attercliffe) (Lab): The circumstances of tonight's debate, and the timing thereof, remind me of another happy occasion some years ago, in the early 1990s, when I was fortunate enough to secure an Adjournment debate on opencast mining. On that occasion, too, the House's business had finished rather earlier than expected. I am pleased to report that we did a thorough and proper job of scrutinising the issue and that the Minister rose to reply at the appropriate time of 10.15 pm. I am sure that the thought is now crossing the Minister's mind that there is a way for him to prevent a similar fate from befalling him tonight. He need only intervene on me at any point to satisfy my requests to be assured of an early night so that he can get on with revising for his intensive Committee work tomorrow.

This is a serious matter, which affects thousands of people in our country today. It involves the pension arrangements for civil service widows and widowers under the co-called classic pension scheme which operated before the introduction of the premium pension scheme in October 2002. Under the classic scheme, if surviving spouses of civil servants remarried or decided to cohabit, they would automatically lose all rights to a civil service pension. At least, that would happen unless their new relationship also unfortunately ended as well, in which event I understand the pension could be reactivated. The current arrangement, the so-called premium scheme, allows for a pension for life. Widows or widowers of civil servants who remarry or cohabit in future will not lose their civil service pensions. The fundamental problem for which I seek redress is that someone can be married to a civil servant, go through life with that husband or wife, lose that person, be entitled to a widow's or widower's pension, but—if owing to changed circumstances he or she decides to remarry or cohabit—lose the pension at some future date.

A number of principles are involved. The situation, which is of serious concern to many widows and widowers, was drawn to my attention not by a civil service widow but by one of my constituents, Mrs. Gillan Cooper, who happened to be the widow of a police officer. She wrote to me at the time. When people go through life with a partner, whether they are married or not, they live their lives together, but often also live their jobs together. By the very nature of a partnership, they experience all the travails, worries and difficulties that people encounter in their daily work. That is shared with a partner; it is something that partners go through.

At the end of the relationship, when a partner dies, it is impossible to wipe out at any stage in the future the fact of the marriage or partnership—the fact that the two lived their lives together and were involved in a job together. One person may have undertaken the job—whether as a civil servant, a police officer or a member of the armed forces—but the other had lived with that person as a partner and had experienced all the concerns and heartaches of job as well. They supported their

partner in their activities and their work, and are thus entitled to a pension as a widow or a widower. When someone who has lived with their partner for a long time and who has experienced their job is widowed, they are entitled to a pension. There is something fundamentally wrong if, as a result of the act of remarrying or cohabiting, all that history, everything that they have been through and their entitlement to a pension, is suddenly removed at a stroke by the enforcement of a pension regulation. That is very unfair indeed.

**Mr. Jim Cunningham** (Coventry, South) (Lab): I congratulate my hon. Friend on securing this debate. We have taken a number of measures over the years against discrimination, but does my hon. Friend agree that the operative word for this pension provision is "discriminatory"? A married couple—in this case, a civil servant and his wife—may be married for a long time, and the wife ultimately expects a share of his pension because of the hardship, which takes various forms, that she experiences as a widow. Surely, the measure is discriminatory, especially as only about 10 per cent. of women are entitled to a pension.

**Mr. Betts:** My hon. Friend makes a very good point indeed. It is a matter of entitlement. The spouse of a civil servant, a police officer or an officer in the armed forces effectively achieves entitlement to a pension when they are widowed. The removal of that entitlement at any stage is a fundamental injustice that goes against the grain of the British sense of fairness.

The regulations say that the pension will be taken away if the individual remarries or cohabits. It is quite simple to prove that someone has remarried. Indeed, because everyone knows that it is possible to discover whether someone has remarried, people will write a letter to officials saying, "Hands up, I know that I will lose my pension, but I wish to inform you that I have remarried." Although they do not like it and disagree with it profoundly, they accept that the pension that they receive as a widow or a widower will come to an end. Does my hon. Friend the Minister believe that that happens in all cases of cohabitation? How do the Government know whether someone is cohabiting? Does the Duchy of Lancaster employ an army of individuals who go round the country late at night or in the early hours of the morning to discover whether the widow or widower of a civil servant, a police officer or an Army officer is cohabiting? Do they go out once or twice in the middle of the night to discover whether they are cohabiting? Unless someone puts up their hand and says that they are cohabiting, there is not the faintest possibility that the Minister or his civil servants will know whether someone is cohabiting and should not claim a pension.

Individuals may do something to alert the authorities dealing with pension payments to the fact that they are cohabiting. For example, a widow and a widower who both receive civil service pensions may start to cohabit and provide the officials administering the pension scheme with the same address. Under those circumstances, the officials might put two and two together and work out that the couple are cohabiting. Alternatively, anonymous phone calls might be made, and officials could respond to them. The reality of the situation, however, is that if a widow or a widower remarries they will lose their pension, but if a widow or a widower cohabits they probably will not do so—so the Government are effectively discriminating against people who remarry.

I do not believe that the state should give people financial incentives to marry. The Government have been right in saying that it is not their responsibility to interfere in people's relationships and say that people should or should no, marry. If people want to live together outside marriage, that is fine. Equally, the state should not give people incentives to co-habit rather than to marry. However, that effectively is what it is doing. One can prove marriage very easily—to prove that someone is co-habiting is much more difficult.

I do not know what the cost of the proposal to bring back the pension for all those who have lost it in this way would be. I have seen a number of figures. I have heard that a one-off payment of £3 billion would have to be made. I find that a little difficult to get my head around. It must extend beyond civil servants to all public servants in this situation. It must assume that people in these circumstances will be paid the pension that they lost over the years after they remarried or cohabited.

I accept that that would be a substantial sum of money and perhaps another thing that the Civil Service Pensioners Alliance would not press for, but I see many different figures for providing a pension from now on to the people who have lost it, or for in future not taking away the pension of people who remarry or cohabit. The Civil Service Pensioners Alliance has given me the figure of £300 million over 30 years. According to its estimate, that would add 0.4 per cent. to the current pension cost. If a further demand for a pension for post-retirement marriage widows and widowers were accepted—I understand that widows are not entitled to benefits if they retired before 1978 and widowers if they retired before 1988—that would add another £75 million over 20 years, or about 0.14 per cent. to the cost. Therefore, about 0.5 per cent. in total could be added for both proposals. It does not seem an awful lot of money.

When I asked questions of the then Minister of State, Cabinet Office, my right hon. Friend the Member for Bolton, West (Ruth Kelly), in October 2004, I was told that in the previous two years only 325 widows or widowers' pensions were suspended due to remarriage or cohabitation, and that to reinstate all the pensions that were suspended over the previous 10 years would cost about £50 million. It does not seem that we are talking about enormous sums of money.

Is there not something fundamentally wrong with a system that says to someone, "If you are going to go into a new relationship, we are going to financially penalise you for that. We are going to make you choose whether to go into that relationship without any income of your own and to rely on your new partner absolutely, or whether to accept that you cannot go into a new relationship because the financial penalty imposed on you is so great that it is not worth while"? Forcing people into that dilemma—the choice between the pension that they were entitled to because of their previous spouse's employment and having a new relationship—is fundamentally wrong. The state is interfering in matters, albeit not by design but by effect, in which it should not be involved. It should not be putting people in the position of having to make that appallingly difficult choice.

*[Mr. Betts]*

My final point must have crossed the Minister's mind. He must have got copious briefing from his civil servants about it because it is about equal opportunities. As my hon. Friend the Member for Coventry, South (Mr. Cunningham) said, the Government have to address that issue seriously. We have a very good record on equal opportunities across the board on a series of matters.

**Mr. Jim Cunningham:** My hon. Friend raises an important point, which I touched on earlier. The Government have a very good record on equal opportunities, but a report will be published tomorrow or the day after on equal pay for women. It seems that what he has described affects not only men but women. It could be seen as a sanction. If we think about it, the two things are linked. Nine times out of 10, it will be the woman who will face the sanction and be forced into a situation where, as he said, she does not declare the fact that she is cohabiting. Perhaps she will just decide not to have a relationship. At the end of the day, she made a major contribution through bringing up a family for 30 or 40 years. Does he agree that things have to be looked at in a broader sense?

**Mr. Betts:** I agree entirely and my hon. Friend makes a very important point. Indeed, today's report deals with the inequality between women's pay and men's pay, and the Government have rightly expressed concern about that issue and spoken of the need to address it. Of course, pay is not something that they can directly influence in every circumstance, but they can directly influence pensions because it is within their remit to do so.

The Government recently dealt with the equal opportunities problems to which the 85-year rule for the local government pension scheme has given rise. In general, women do not serve in local government for quite as long as men because their service is often broken, so they cannot benefit from the 85-year rule to the same extent. The Government have therefore said that because the rule disadvantages women, it is fundamentally unfair and must be removed. However, here we are talking about a rule for civil service widows and widowers that by its very nature discriminates against women, because the fact is that the vast majority of those who lose their pension in this way are women. The Minister doubtless has the precise figures, but we know that to be the case. This rule significantly disadvantages women because more widows lose this pension entitlement than do widowers.

I suspect that if the Government applied to the rule for widows' and widowers' civil service pensions—and elsewhere in the public sector—the same test that they applied to the 85-year rule for the local government pension scheme, they would objectively conclude that the former rule is equally discriminatory. I urge the Government to re-examine it because it is fundamentally unfair. It is unfair because it removes a right that a person has built up over time by being married to someone who was in a job that, in a sense, the couple shared during their lives together. That entitlement should not be removed. It is unfair because it requires people to choose between keeping their financial entitlement and entering into a new relationship. It is unfair because it discriminates between those who remarry and those who cohabit. Ultimately, it is unfair because it discriminates against women in a way that could be subject to challenge in the courts under equal opportunities legislation. It would be much better if the Government accepted responsibility and removed this rule, rather than leaving it to the courts to do so.

8.47 pm

**The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy):** I begin by congratulating my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) on securing a debate on this important subject. In my time in Parliament, I, like others, have come to know him as a diligent worker on his constituents' behalf; this is but the latest example of that work. Indeed, he mentioned—in a modest fashion—the work that he has done on behalf of Mrs. Cooper, his constituent, in the past two years or more. I was also pleased that we had a chance to hear from my hon. Friend the Member for Coventry, South (Mr. Cunningham), who, equally, continues to raise such issues on his constituents' behalf when he feels that they are not getting a fair deal under the current regulations. Indeed, he has a reputation throughout the House for standing up for his constituents and the industry in his constituency. I am pleased that my hon. Friend the Member for Sheffield, Attercliffe has allowed me almost an hour and three quarters to sum up; that is very kind of him. I am sure that he will understand if I do not take the full time allocated to me.

Before dealing with the specific matters raised by my hon. Friend, I want to stress, as I have done before, that the Government are committed to enabling all our pensioners to share in the country's rising prosperity. We have introduced a variety of measures since 1997 to achieve that aim and I will touch on them later. The Government have, of course, recently reached an agreement with the public service unions that aims to put public service pension schemes on a more sustainable footing. We have agreed that pensions for existing staff will continue to be calculated under the current rules and we are negotiating with the unions on the form of the scheme for new entrants. But we have made it clear that the costs of the civil service pension provisions as a whole must be contained within an agreed cost envelope. That is intended to deliver savings of £2.1 billion to the taxpayer over 50 years. So any improvements in one area of pension provision must be funded by further savings from elsewhere.

Turning now to the substance of the debate and the specific points that my hon. Friend raised, I want to outline how the rules for the payment of pensions to spouses of members of the civil service pension scheme have evolved over the years. In the past, as now, the Government have sought to provide their staff with pension arrangements consistent with those of other good employers. While some of the historical provisions may seem very restrictive now, at the time they would have been seen as unremarkable or, indeed, as relatively generous.

Widows' pensions have featured in civil service pension arrangements since 1949. At that time, there was no legal requirement for an employer to provide any

benefits whatever to its employees' widows. The Superannuation Act 1949 introduced widows' pensions provided that the marriage took place during the civil servant's period of service. That was seen as consistent with the role of a good employer at that time.

Attitudes and social legislation have developed. Since April 1978, as my hon. Friend mentioned, pension schemes that contracted out of the state earnings-related pension scheme have to pay a widow's pension whenever a contributor dies and leaves a widow, irrespective of the date of the marriage. The civil service scheme was changed, but only in relation to service from 6 April 1978. Only service from that date counted for a widow's pension where a member married after leaving civil service employment.

The situation for women was slightly different. Female civil servants were not required to pay contributions for a widower's pension until July 1987. That change anticipated the requirement from April 1988 for contracted-out schemes to pay a widower's pension, irrespective of the date of the marriage. Again that was not applied retrospectively and only service from April 1988 counts for a widower's pension where the marriage has taken place after the woman left civil service employment.

The intention behind the payment of pensions to widows and widowers was to provide some measure of financial compensation for the loss of financial support that the beneficiary had received from their late husband or wife. So, if the beneficiary remarried or cohabited, the expectation was that they would look to their new spouse or partner for financial support. The UK state scheme has similar provisions. It was on that basis that the civil service pension scheme was costed and member contribution levels set. Some 127,000 widows' and widowers' pensions are currently payable under those provisions. My hon. Friend mentioned some specific facts and figures, but it is my understanding that some 150 to 200 pensions a year are stopped because the widow or widower no longer meets the conditions for payment.

My hon. Friend asked specific questions about how the Government track eligibility for payment of widows' and widowers' pensions. In the past, widows and widowers were sent an annual statement of entitlement to complete. If the individual did not respond after two reminders, the pension was stopped. However, some 20 years ago, the Treasury, which was then responsible for civil service pensions, decided to abandon the annual statement of entitlement exercise. Since then, all pensioners receive an annual letter from the payroll authority, which includes a reminder to all recipients of a widow's or widower's pension that they must notify Capita—the payroll authority—if they have remarried or begun cohabiting. As my hon. Friend suggested, notification may come from a third party, at which point the certificate of entitlement is sent directly to the person receiving the pension. In practice, some relationships may end prematurely. The civil service pension scheme rules allow the restoration of widows' and widowers' pensions if a new marriage or relationship ends.

As I said, some of the provisions may appear out of date. When we introduced a new civil service pension scheme in October 2002, the deal agreed with the unions was that the entire cost of the scheme improvements would be met by members paying higher contributions. The new scheme, which as my hon. Friend rightly said is called the premium scheme, provides higher pensions for members and improved provisions for dependants, but members of the premium scheme pay contributions of 2 per cent. more than those in the former scheme, now called the classic scheme. The difference is that contributions are 3.5 per cent. compared with 1.5 per cent, which, for the average civil servant in the premium scheme, means extra contributions of about £300 a year after tax.

Although the new scheme was intended for new entrants, it is important to note that we gave civil servants in service when the new scheme was introduced the option to transfer to the premium scheme, if they were prepared to pay the higher contributions. Those who chose to transfer all their service across also agreed that it would be reduced to reflect the improved, and more costly, benefits.

Inevitably, comparisons have been drawn between the more generous provisions of premium and the benefits paid under classic, which apply both to those who left the civil service before October 2002 and to the majority of serving civil servants who opted to stay put rather than transferring to premium. My hon. Friend understandably made that comparison this evening.

It is true that premium is more generous in certain aspects of the benefits available to widows and widowers of members. It provides a pension based on the member's entire service, even if the marriage began after the member left service. It also provides for a pension for life for a widow or widower, even if she or he remarries or cohabits, and pensions for unmarried partners.

Many other improvements have been made to public service pensions over the years, which, it has been argued, should be applied retrospectively. They all have clear benefits for members so it would be difficult to implement some and not others.

**Mr. Betts:** Did my hon. Friend say that notification by an individual or a third party is the only way that the rules can be enforced and that the Government do not have a proactive policy for finding people who may be in breach of the rules? Can he give a breakdown of the number of people whose pensions have been taken away due to their remarriage or cohabitation?

**Mr. Murphy:** I will be happy to provide the information that we have on those points. My hon. Friend's interpretation of what I said earlier is right. Previously—about two decades ago—the Treasury actively sought confirmation from recipients that their marital or cohabitation status had not changed, but it was faced with the challenge of responding to about 100,000 requests for information. The decision was taken, under the previous Government, not to continue with that process. My hon. Friend is right to conclude that the current process relies on recipients notifying the authorities of their changed status. He can of course try to reverse the position if he wants to do so. If there is additional information about the tracking procedure that I feel it necessary to provide, I will write to him.

The costs of retrospectively improving benefits above those originally promised to members are substantial. I cannot verify the figures cited by my hon. Friend, but the scheme actuary estimates that if the civil service

*[Mr. Murphy]*

scheme were to pay widows, and widowers, pensions for life, rather than stopping them on remarriage or cohabitation, we would face a one-off cost of about £300 million, plus an ongoing cost in respect of current members of about 0.1 per cent. of pay, which would be £15 million for the civil service scheme, but £150 million annually across the public services.

If the Government were to agree to a taxpayer-funded improvement in civil service widow and widower pension benefits, it would inevitably lead to pressure to provide similar improvements for other public service employees. My hon. Friend was generous enough to acknowledge that, if such a principle were included in the civil service scheme, there would be pressure to apply it across the public sector. For the whole public service, the Government Actuary's Department estimates the one-off cost at about £3 billion. Of course, in both cases there would also be a year-on-year cost to cover the build-up of further liabilities.

**Mr. Betts:** I am trying to get the figures correct. The figure of £3 billion is in the public domain, but most people scratch their heads and wonder how it is calculated. Does it include the cost of paying back the pensions to which people would have been entitled if the rule had not existed in the first place? It is difficult to understand how there can be a one-off cost if all that happens is that people's entitlement is restored from now on.

**Mr. Murphy:** My hon. Friend identified in his opening remarks some of his own estimates from a retired civil servants' organisation, and rather than discussing the methodology this evening, I undertake to share with him some of the analysis of how the Government Actuary arrived at those figures. I hope that he will find that the most appropriate way to deal with the issue.

Of course, the Government recognise the strength of feeling on this issue, and the issues on which the Civil Servants Pensioners Alliance, which my hon. Friend mentioned, are campaigning will be considered during negotiations with civil service unions on the wider public service pensions reform agenda. There is a commitment to discuss these matters with the civil service unions, as part of the wider reform of civil service pensions; but of course, as before, any change must be met from within the existing cost envelope.

On support for pensioners more generally—of course, including those who are former civil servants—the Government have listened to pensioners and taken numerous initiatives to address their concerns. Reforms to state pensions and other measures introduced since 1997 have helped virtually all pensioners and targeted substantial resources on those most in need. The Government are setting up a £300 million fund over the next three years to provide pension credit recipients with free central heating, and providing discounts of £300 on central heating systems for pensioners who do not have them. Of course, we are continuing with the winter fuel payment, which is popular among hon. Members on both sides of the House and in all constituencies. I understand that there are about 18,500 recipients of the winter fuel payment in my hon. Friend's constituency.

We are also spending about £10 billion extra in real terms on pensioners, following the introduction of pension credit: £7 billon more in 2005–06 than if the basic state pension had been linked to earnings since 1998. Pension credit was in payment to an estimated 6,300 claimants in my hon. Friend's constituency towards the latter part of last year. From April 2006, people aged over 60 and disabled people will be entitled to free off-peak local area bus travel in England, with separate arrangements already in place for Scotland. That will benefit up to 7 million over-60s.

**Mr. Jim Cunningham:** We all appreciate the tremendous efforts that the Government have made with issues such as pensioner poverty and pensions in general, but will my hon. Friend clarify something that he said earlier? Some spouses are unable to claim civil service pensions because they get married again. He knows that, very often in trade union negotiations, 1 per cent. might be traded off a wage increase to get something else, perhaps relating to pensions. Will such things be part of wage negotiations, or will there simply be a general discussion with the trade unions?

**Mr. Murphy:** My hon. Friend was a trade union official, so he talks from experience. I have no idea whether the processes have changed since he was at the height of his powers as a union negotiator, but I am happy to confirm to the House that we are content to discuss the pension entitlement of widows and widowers in the event of remarriage or cohabitation with the relevant trade unions as part of negotiations on the wider reform of civil service pensions. The matter is an aspect of pensions negotiations, rather than wage negotiations. However, before my hon. Friend takes too much heart from that statement, I reiterate that negotiations on civil service pensions must progress with regard to the existing cost envelope.

**Mr. Cunningham:** I thought that the Minister was going to say that. He made a key point when he said that there was a ceiling on the amount of money that could be spent. As he and I know, one does trade-offs in such a situation. I asked the question in the first place for clarification on whether the matter was being considered as part of wage negotiations, or as a separate issue relating to civil service pensions, and I think that he has answered me.

**Mr. Murphy:** We cannot hold such negotiations on the Floor of the House, although I sometimes think that if one wants to keep a secret, this is perhaps the best place to say something. If civil service unions feel strongly about the matter and wish to enter into dialogue with us, we are happy to hold a discussion, albeit on the premise that we keep to the existing spend and cost envelope.

Let me draw my remarks to a conclusion, albeit earlier than I promised. In 2006–07, as a result of the Government's measures, pensioner households will be on average £26 a week better off than they were under the 1997 system. The poorest 10 per cent. of pensioners in our constituencies will be £42 a week better off. Regardless of the outcome of the negotiations on pension reform, civil service pensioners and their dependents will benefit from the measures that I have outlined.

I thank my hon. Friend the Member for Sheffield, Attercliffe for giving the House the opportunity to have this debate. He raised what he rightly called an important issue and brought a technical debate to life with his passionate contribution. I also thank my hon. Friend the Member for Coventry, South for taking an interest in the debate and participating in it, and hope that I have explained the Government's position effectively.

*Question put and agreed to.*

*Adjourned accordingly at seven minutes past Nine o'clock.*

# House of Commons

*Tuesday 28 February 2006*

*The House met at half-past Two o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## SCOTLAND

*The Secretary of State was asked—*

### Members' Voting Rights

1. **Mr. Peter Bone** (Wellingborough) (Con): What recent discussions he has had with ministerial colleagues on the voting rights of hon. Members representing Scottish constituencies in relation to matters that affect only England. [54018]

2. **Mr. David Amess** (Southend, West) (Con): What discussions he has had with Cabinet colleagues on the voting rights of hon. Members representing Scottish constituencies on matters not affecting Scotland. [54019]

3. **Adam Afriyie** (Windsor) (Con): What recent discussions he has had with ministerial colleagues regarding voting rights of hon. Members representing Scottish constituencies on matters not affecting Scotland. [54020]

**The Secretary of State for Scotland (Mr. Alistair Darling):** With your permission, Mr. Deputy Speaker, may I express the good wishes of the whole House to Mr. Speaker? We look forward to seeing him back as soon as possible and hope that he makes a good recovery.

I have frequent discussions with ministerial colleagues on a wide range of issues.

**Mr. Bone:** Does the Secretary of State agree that it cannot be fair or democratic for hon. Members from Scottish constituencies to vote on matters that affect only England? The only reason proposals have not been introduced to address that anomaly is that it would be to the Government's electoral disadvantage.

**Mr. Darling:** No, I do not agree. The hon. Gentleman should read the letter sent to the *Financial Times* by Professor Vernon Bogdanor, who is an expert on such matters—I believe that he tutored the Leader of the Opposition—and who has pointed out the difficulties in creating two classes of MPs. He has made the case for hon. Members being able to vote on all matters that come before them.

**Mr. Amess:** Does the Secretary of State realise how offensive his remarks are to those of us who firmly believe in democracy? Given that there is a Scottish Parliament, will the Secretary of State do something to address the disquiet felt among the splendid Scottish Labour Members who feel that the creation of a two-tier membership system for this House of Commons is very wrong?

**Mr. Darling:** Given the hon. Gentleman's past performance, I look forward to his representing a Scottish seat one day.

**Adam Afriyie:** Will the Secretary of State explain the precise logic by which Scottish MPs can vote on English laws?

**Mr. Darling:** Those elected to this House are entitled to participate in all of its proceedings, debates and votes. On his website, the hon. Gentleman makes the point that we need to preserve the British constitution. Our constitutional settlement is currently asymmetrical, but the principle that there should be one class of MP that participates in all proceedings is sound.

**Mr. David Marshall** (Glasgow, East) (Lab): Does my right hon. Friend agree that the Scottish public have no interest in the West Lothian question, apart from remembering that English Tories imposed the poll tax on Scotland? The Tories object to Scottish MPs participating in English business, but Tory Members are participating in Scottish questions as usual. We do not object to that—in fact, we welcome it—because every time English Tories take part in Scottish questions, support for Labour in Scotland goes up.

**Mr. Darling:** I agree with my hon. Friend. I have no objection to MPs participating in any proceedings. I see that the Conservative spokesman, the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), who is the sole Conservative MP in Scotland, voted no fewer than five times on the Government of Wales Bill last night. In June last year, he voted on special schools and special education, NHS dentistry, council tax and licensing, all of which affect England. I would be interested to know when he established his great principle of not voting on English matters.

**Mr. Tom Harris** (Glasgow, South) (Lab): My right hon. Friend knows that Northern Ireland had its own legislature and Prime Minister for 50 years, but it continued to send Members of Parliament to this House. Will he enlighten the House on why the Conservative party supported the right of Northern Ireland Members to vote on all issues before this House during those 50 years?

**Mr. Darling:** Since 1987, I recollect many Northern Ireland Members voting more often than not with the Conservative party, so the issue was not a problem for the Conservative party. We are seeing sheer, naked

opportunism from a party that used to stand in Scotland as the Conservative and Unionist party—now it has given up on Scotland altogether.

**Miss Anne Begg** (Aberdeen, South) (Lab): Does the Secretary of State understand the strange logic by which a Scottish borders MP, whose constituents travel across the border daily for work and pleasure, refused to vote on a smoking ban but felt it right to vote on the Government of Wales Bill last night?

**Mr. Darling:** I find it difficult to follow, too. If I were to represent a constituency from which several thousand people travel across the border every day, I would take an interest in their well-being at work, which might be affected by the smoking ban. I had no difficulty in voting on that matter, and I cannot understand why any other hon. Member would, too.

**Mr. Alex Salmond** (Banff and Buchan) (SNP): May I associate the Scottish National party with the Secretary of State's remarks about Mr. Speaker and our hope for his early restoration to the Chair and to good health?

Let me understand this issue correctly. English Conservative MPs are revolting because the Secretary of State for Scotland is threatening to vote on English education with the Prime Minister, and with English Conservative MPs, but against what any normal person in England would like. Will the Secretary of State for Scotland therefore stop upsetting the revolting English Conservative MPs and undertake not to agree with them or to vote with them on the English Education and Inspections Bill?

**Mr. Darling:** This cannot be one of the hon. Gentleman's more lucid days. I would say, though, that Conservatives and Unionists should think long and hard about going down a road whereby they would end up in the same bed as the Scottish National party.

**Jim Sheridan** (Paisley and Renfrewshire, North) (Lab): My right hon. Friend will be aware of the early-day motion submitted by SNP Members on the principled position that hon. Members should not vote on matters not relevant to Scotland. Why, then, have they voted consistently on the Government of Wales Bill?

**Mr. Darling:** I think that my hon. Friend will find that the nationalists vote when it suits them—there is no issue of principle at all. The big difference between us and them is that they want to break up the United Kingdom. The Conservatives should think very hard before they go down that road.

**John Thurso** (Caithness, Sutherland and Easter Ross) (LD): With your permission, Mr. Deputy Speaker, may I associate my hon. Friends with the Secretary of State's remarks about Mr. Speaker and wish him a speedy recovery?

Does the Secretary of State agree that for as long as the Scotland Act 1998 provides for any legislation enacted here at Westminster subsequently to be imposed in Scotland by Order in Council, it is vital that all MPs maintain their right to vote on that legislation? Does he further agree that the only logical answer to the West Lothian question is devolution for England, not the parliamentary gerrymandering of the party formerly known as Unionist?

**Mr. Darling:** I agree with the hon. Gentleman. I am trying to work out which one of his leadership candidates he will support, since I have not heard such a clear exposition of a principled position for some time. The key principle is that we are all elected to the House of Commons in the same way and are all entitled to take part in all the proceedings and Divisions. Once that changes and there are two classes of MPs, there are profound constitutional consequences. What we have from the Conservatives is sheer, naked opportunism. I do not know whether the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) will try to catch your eye, Mr. Deputy Speaker, but I am looking forward to him explaining why he has managed to vote on so many measures that affect purely English matters, given that he claims that he will not do so on a matter of principle.

## Climate Change

4. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): What discussions he has had with Scottish Ministers on the contribution from Scotland to the UK's international climate change targets. [54021]

**The Parliamentary Under-Secretary of State for Scotland (David Cairns):** My right hon. Friend the Secretary of State and I have regular discussions with Scottish Executive Ministers on a wide range of matters.

**Mark Lazarowicz:** My hon. Friend will be aware that one of the contributions that Scotland can make to tackling climate change is by tapping our immense reserves of renewable energy. In that connection, I am glad that the go-ahead has at last been given to funding for the development of wave power, such as that undertaken by a company based in my constituency. Given that it took some time for that fund to get going, through no fault of the Government, will my hon. Friend ensure that applications to it are dealt with quickly so that we do not lose the immense advantage that we have in this field and let the lead that we have in this technology be taken by other countries in Europe?

**David Cairns:** I pay tribute to my hon. Friend for the progress that he is making with his private Member's Bill, which will make a considerable contribution to the debate. I understand that the Committee considering it has a further sitting this afternoon. He is right to highlight the Government's commitment to marine renewables. I welcome, as he does, the announcement made on 8 February by the Minister for Energy of a £50 million marine renewable development fund, building on the £25 million that has already been made available. The company that my hon. Friend mentions, Ocean Power Delivery, has already benefited from some £3.2 million of this development money. The deadline for applications is 8 May, so there is some time left. I look forward to that money going out to those who are successful in getting a grant so that they can carry on

with research into the important contribution that marine renewables can make to our energy commitments.

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): I associate Conservative Members with the Secretary of State's good wishes to Mr. Speaker.

I am sure that the Minister agrees that Scotland's climate change targets will be best met through a balanced energy policy; that is why I welcome Scottish Labour's decision to support nuclear power. But how will the Scottish Executive be able to deliver on that commitment when the Secretary of State says that the Liberal Democrats run away from hard decisions and fail to face up to their responsibilities?

**David Cairns:** The hon. Gentleman has a cheek to talk about people running away from tough decisions when the Conservatives have called for a moratorium on the development of wind farms, which make a significant contribution to tackling climate change.

We have said all along that it is foolish to rule out completely the possibility of renewing Scotland's nuclear-generating capacity or having a new generation—that is part of the energy debate. We believe that there will have to be a mix of energy—some will come from renewables, which the Conservative party opposes, and some may come from nuclear, to which some parties, with one or two honourable exceptions, have simply closed their minds. We are taking a balanced view.

**John Robertson** (Glasgow, North-West) (Lab): As a Glasgow Member of Parliament, may I associate myself with the sentiments expressed about Mr. Speaker?

Will my hon. Friend congratulate the Scottish Labour party on the decision that it made at the weekend? Does he agree that clean coal technology, nuclear and all other forms of energy should be part of a balanced energy policy? Will he ensure that the dinosaurs that still exist north of the border do not stop the process of getting energy for this country through stupid planning means?

**David Cairns:** The essential question that must be asked during the energy review is: how can we provide the energy that our country needs without wrecking the planet in the process? We have two commitments: we need to keep the lights on and tackle fuel poverty, and do it in a way that is consistent with our international obligations on climate change. Some parties pay lip service to the environment, others pay lip service to the economy, but we have to manage both.

### Nuclear Submarine Facilities

5. **Mr. Philip Hollobone** (Kettering) (Con): What recent discussions he has had with the Secretary of State for Defence on the future of nuclear submarine facilities in Scotland. [54022]

**The Parliamentary Under-Secretary of State for Scotland (David Cairns):** My right hon. Friend has regular discussions with the Secretary of State for Defence on a range of issues.

**Mr. Hollobone:** Given the importance of the naval base at Faslane to the Scottish economy, by what date does the Under-Secretary expect a decision on the replacement for Trident to be announced?

**David Cairns:** My right hon. Friend the Secretary of State for Defence said yesterday in Defence questions that it was hoped that a decision would be made during this Parliament. Of course, the decision does not have to come into force for 20 or 25 years, so there is no rush.

The future of Faslane does not depend on a replacement for Trident. It depended on the Government's decision to base the Astute class submarine at Faslane, which means £135 million of investment in Faslane and the local economy. I hope that the hon. Gentleman welcomes that.

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): Will the Under-Secretary confirm whether the Scottish Executive has any form of veto over future nuclear defence development in Scotland?

**David Cairns:** No, defence is reserved.

### Road Network

6. **Mr. Stephen Hepburn** (Jarrow) (Lab): What improvements are planned to road links between Scotland and the rest of the UK. [54023]

**The Secretary of State for Scotland (Mr. Alistair Darling):** Traffic to and from Scotland benefits from many of the improvements to the strategic road network.

**Mr. Hepburn:** In the past decade, one casualty a week on average has occurred on the A1 between Scotland and Newcastle. The road accidents and the road's effect on economic development cause considerable anxiety to residents on both sides of the border. When will my right hon. Friend, in his role as Secretary of State for Scotland, convince himself in his role as Secretary of State for Transport for the United Kingdom that the road needs dualling once and for all?

**Mr. Darling:** We have many useful and productive discussions about those matters and we happily find ourselves in complete agreement.

My hon. Friend knows that, five or six years ago, my right hon. Friend the Deputy Prime Minister commissioned a report on what was required for the A1 north of Newcastle and up to the border, on the basis of which I came to the view that there was neither an economic nor an operational case for dualling the road. It recommended improvements for safety and other reasons and work has continued on working up such schemes. I am surprised that the north-east region did not prioritise them in the recent exercise and I shall have to consider how to proceed in the light of that. Although there is no case at the moment for dualling the road all the way to the border, there is a case for making

improvements, especially to deal with the safety points that my hon. Friend raised. I hope to say something further about that, probably in the late spring.

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): When the Secretary of State next lobbies himself, perhaps he could raise the case of the M74 between Gretna and Carlisle. Will he then let us know the exact start date for that project and give us an assurance that there will be no further delays?

**Mr. Darling:** I hope that we shall be able to make an announcement about that fairly quickly, and that construction will start imminently. Both Secretaries of State will make an announcement at the appropriate time. I must point out that those improvements have been made possible only by the huge additional investment that we have promised, every single penny of which was opposed by Tory MPs, both north and south of the border.

## Arbuthnott Report

7. **Mr. Brian H. Donohoe** (Central Ayrshire) (Lab): What assessment his Department has made of the Arbuthnott report on electoral arrangements in Scotland. [54025]

**The Parliamentary Under-Secretary of State for Scotland (David Cairns):** As my right hon. Friend the Secretary of State said on the day of publication, and as I confirmed in the recent Adjournment debate secured by my hon. Friend on the Arbuthnott report, we now have an opportunity for consideration and debate, and we will respond to the proposals in due course.

**Mr. Donohoe:** I thank my hon. Friend for that response. I understand the practical problems associated with changing the voting system in time for the 2007 elections, but does my hon. Friend agree that it would be possible to introduce legislation in this Parliament to change it in time for the elections in 2011?

**David Cairns:** My hon. Friend is quite right to say that we have ruled out the possibility of legislating in advance of the 2007 elections. They are only just over a year away, and preparations for them are very much under way. I want to take this opportunity to thank the members of the Arbuthnott commission for the work that they have done. We now need to respect their work by giving it the most careful consideration possible.

**Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): When considering the Arbuthnott commission's report, will the Minister pay special attention to its observations on the benefits of having a system of proportional representation for UK parliamentary elections? Although that was not one of the report's recommendations, it was a subject on which the commission took evidence. Will the Minister give the matter careful consideration when responding to the report?

**David Cairns:** The hon. Gentleman will have to wait to see what our response to the report says.

**Rosemary McKenna** (Cumbernauld, Kilsyth and Kirkintilloch, East) (Lab): We all welcome the hard work that went into the Arbuthnott commission's report, but many of us were disappointed at one aspect of it in particular, namely that it did not recommend the abolition of the practice of standing in the list and in a first-past-the-post election. Will the Minister assure us that that matter will be considered when these issues come before Parliament?

**David Cairns:** My hon. Friend is quite right to point out that Sir John Arbuthnott did not recommend that change; indeed, he specifically recommended that it should not be made. No such change will be made before the 2007 elections, and any change that could be made would undoubtedly affect only subsequent elections.

## Members' Voting Rights

8. **Mr. Philip Dunne** (Ludlow) (Con): What discussions he has had with ministerial colleagues on hon. Members representing Scottish constituencies voting on the Education and Inspections Bill. [54026]

**The Secretary of State for Scotland (Mr. Alistair Darling):** I have frequent discussions with my ministerial colleagues on a wide range of matters.

**Mr. Dunne:** Given the anticipated publication of the Education and Inspections Bill later this afternoon, has the Secretary of State been able to assure the Prime Minister that he will be able to rely on the votes of Labour MPs representing Scottish constituencies during the passage of the Bill, which has no jurisdiction over schools in Scotland? How many of those MPs support the alternative White Paper?

**Mr. Darling:** We discussed this matter a short while ago, and our position remains exactly the same. I suspect that the Conservatives' interest in this issue stems not so much from principle, given that, in the last two general elections, they have managed to get only one MP elected in Scotland. The Conservatives spent more than £1.3 million in Scotland at the last election, and all they got for it was the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell). And to cap it all, they also want him to be a part-time MP.

**Mr. Jim McGovern** (Dundee, West) (Lab): We are given 30 minutes once a month to raise specifically Scottish issues. It would appear that the Opposition have conspired to ensure that we end up debating English issues today. Does my right hon. Friend agree that that helps to illustrate why the Tories in Scotland have, to all intents and purposes, been wiped out?

**Mr. Darling:** I am very pleased that so many Members from different parts of the country have come along today. That ought to be encouraged. As I have said, I believe that all Members should take an interest in every matter that is put before the House.

**Mr. Douglas Hogg** (Sleaford and North Hykeham) (Con): The right hon. Gentleman referred to principle a moment ago. Does he not understand that the basic

principle of any democratic Assembly is that Members of Parliament should not be able to vote on matters that concern neither themselves nor their constituents?

**Mr. Darling:** I do not think that that is right.

**Mr. Jim Devine** (Livingston) (Lab): Surely the answer to the so-called West Lothian question is Bill Shankly. When a new offside rule was introduced, allowing a goal when a player was in the penalty box and not interfering with play, he famously retorted that if his players were not interfering with play for 100 per cent. of the time, he would want to know why. We are on the park and we are playing. We are from Scotland, we are from Northern Ireland, we are from Wales. I seem to recall that the Conservative party believed in the Union at one point. In this debate, the only logical conclusion—

**Mr. Deputy Speaker:** Order. I remind the hon. Gentleman that this period should be devoted to the asking of questions.

**Mr. Darling:** My hon. Friend makes his point eloquently, and I agree with it. The difficulty for the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell)—the solitary Conservative spokesman—is that in the past year he has voted on a range of matters relating to, for instance, English dentistry, English health care, English education and English local government. I find it hard to believe that he has now discovered a principle according to which he should not vote on those matters. He should recall that his predecessor, the previous Conservative Member, said that he did not vote on English matters, but we learned that he had voted on the Mersey Tunnels Bill.

The hon. Gentleman is getting into a huge amount of trouble. As I have said, it is all driven by the Tories' frustration at not being able to get anyone elected north of the border.

## Members' Voting Rights

9. **Mr. David Gauke** (South-West Hertfordshire) (Con): What discussions he has had with colleagues regarding voting rights of hon. Members representing constituencies in Scotland on matters that do not affect Scotland. [54028]

**The Secretary of State for Scotland (Mr. Alistair Darling):** I refer the hon. Gentleman to the answer that I gave to Questions 1, 2 and 3. I suspect that it is remarkably similar to the answer that I shall give him in a moment.

**Mr. Gauke:** I am grateful to the Secretary of State.

Next month various Scottish right hon. and hon. Members will support the Education and Inspections Bill, including the Secretary of State and the Chancellor of the Exchequer. Conservative Members will welcome them in the Lobby on that occasion. Is it not the case, though, that the Bill will not apply to Scotland, and that it is wrong and unfair—and, indeed, recognised to be wrong and unfair by many Labour Members—for MPs to vote on a matter that does not affect their constituencies?

**Mr. Darling:** Of course, the constituents of the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) go and enjoy an English education south of the border. He therefore has an interest in voting for the Bill, although he does not seem to accept that.

As I have told the House before, it is difficult to distinguish between matters that are wholly Scottish, wholly English or wholly Welsh and matters that are not. We find ourselves in difficulty when we start saying that some MPs have more rights than others. The hon. Member for South-West Hertfordshire (Mr. Gauke) and his colleagues ought to think long and hard before taking a route that is more likely than not to lead to exactly where the nationalists would like them to end up.

**Pete Wishart** (Perth and North Perthshire) (SNP): Will the Secretary of State acknowledge that there are two classes of Member of Parliament? There are Members like him and me, who have no say on education, health or criminal justice in our constituencies, and Members who do have that right. Is it not absurd, and grossly unfair, that we intervene in those constituency interests?

**Mr. Darling:** The hon. Gentleman is right to the extent that there are two classes of MP. There are those of us who believe in the Union of the United Kingdom, and those of us who are against it. I have no difficulty in saying that I support the United Kingdom: that is why I am a Member of the United Kingdom Parliament. I know that the hon. Gentleman believes in breaking up the United Kingdom, but I think that that would be an act of monumental stupidity.

## Fisheries

10. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What recent discussions he has had with the Department for Environment, Food and Rural Affairs on the Scottish fishing industry. [54029]

**The Parliamentary Under-Secretary of State for Scotland (David Cairns):** My right hon. Friend has had recent discussions with the Secretary of State for Environment, Food and Rural Affairs on a range of issues.

**Mr. Crabb:** Given that the common fisheries policy has failed so comprehensively to protect either the livelihoods of our fishermen or our fish stocks, what specific steps is the Minister taking to repatriate control of our fish stocks and to ensure that we have a viable fishing industry in the future?

**David Cairns:** This is another example of the Conservatives and the SNP sharing exactly the same policy, and the hon. Gentleman really ought to question himself very closely whenever he finds that he and his party are occupying the same position as the SNP. During our presidency of the European Council, this Government achieved a good deal last December that will preserve marine stocks and the marine environment, and help the long-term future of the fishing industry. Calls to pull out of the common fisheries policy are a complete distraction from the real issue.

**Parliamentary Relations**

11. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What recent assessment he has made of the relationship between the Scottish Parliament and the UK Parliament. [54030]

**The Secretary of State for Scotland (Mr. Alistair Darling):** The relationship is strong and constructive.

**Mr. Hands:** I thank the Secretary of State for that answer but it is my understanding that under the Scotland Act 1998, Scotland is supposed to have the same electoral quota for parliamentary constituencies as England. Will he look again at reducing the number of Scottish MPs from 59 to 57, thereby henceforth having the same electoral quota as parliamentary constituencies in England?

**Mr. Darling:** As the hon. Gentleman is, I think, aware, the number of Scots MPs was reduced at the last general election and the quota is broadly the same. The boundary commission recognised that the Western Isles and the Northern Isles present particular difficulties in terms of reducing the number further, but there is now broad parity between constituencies, even allowing for the problems associated with the geographical spread. However, these are matters for the boundary commission and the Electoral Commission, and they will doubtless keep them under review.

## CONSTITUTIONAL AFFAIRS

*The Minister of State was asked—*

**Electoral Registration (Barnet)**

14. **Mr. Andrew Dismore** (Hendon) (Lab): If she will make a statement on the level of electoral registration in the London borough of Barnet. [53918]

**The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman):** In the London borough of Barnet, there are probably some 22,000 people who are eligible to vote but who are not on the electoral register, and who are therefore unable to vote.

**Mr. Dismore:** Does my right hon. and learned Friend not agree that this is a lamentable performance by Conservative-run Barnet council, given that almost a quarter of voters have not been registered? Does this not demonstrate the council's complete lack of commitment to the democratic process? It put out 64 canvassers only last year and it is now reduced to paying them £1.50 per voter signed up; such paying by piece rate is a real sign of desperation. It has not, so far as I can see, taken up the issue of data matching or been imaginative by, for example, trying to register people at supermarkets and further education and sixth-form colleges. Does this not show that the Conservative party really has no interest in democracy?

**Ms Harman:** My hon. Friend raises an important point. There are probably more than half a million Londoners who are eligible to vote at the forthcoming council elections, but who will be unable to do so because they are not on the electoral register. The important thing is for electoral administrators in all boroughs to find those hard-to-register voters. This is not, by and large, a problem associated with white home owners aged over 55; rather, it is associated more with young members of black and minority ethnic groups who live in private rented accommodation. That is the information given to us by the Constitutional Affairs Committee and the Electoral Commission, and all electoral administrators in London need to work on this issue.

**Mr. David Heath** (Somerton and Frome) (LD): The situation in Barnet—and, indeed, across London—is, as the hon. Member for Hendon (Mr. Dismore) says, disgraceful. It is unacceptable that more than half a million Londoners who should be registered to vote are not. Has the right hon. and learned Lady had a chance to progress the excellent suggestion, made by my hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes) during Second Reading of the Electoral Administration Bill, of having a democracy day, on which we can really sell the concept of electoral registration? Can she report such progress to the House?

**Ms Harman:** I agree with the points that the hon. Gentleman makes, and I pay tribute to the contribution made by the hon. Member for North Southwark and Bermondsey (Simon Hughes) to the debate on electoral registration. Those Opposition Members who do not represent inner-city areas, where there are very low levels of registration, might not understand the true position in the way that we do. The point is that our democracy is worth its name only if it is equal, and at the moment it is not equal. Those who are black and young and live in rented accommodation in an inner city are less likely to have a vote. We should all be concerned about this issue.

**Emily Thornberry** (Islington, South and Finsbury) (Lab): Is my right hon. and learned Friend aware that in Islington, which has a Liberal Democrat-run council, only just over 67 per cent. of those eligible to vote have been registered? The Labour group attempted to pass a motion relating to this issue at a council meeting, but it was voted down by the Liberal Democrats. The Liberal Democrat councillor responsible for performance, Terry Stacy, shouted, "That's why we win elections"—

**Mr. Deputy Speaker:** Order. The hon. Lady should have read the original question, which is on Barnet. Although she can allude to London, she cannot major on another London borough within the scope of this question.

**Constituency Electorates**

15. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): If she will make a statement on Government policy on equalising the number of registered electors per parliamentary constituency. [53919]

**The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman):** The Parliamentary Boundary Commission reviews parliamentary boundaries according to the number of registered electors and other geographical and community factors. It will next report to the Government by April next year. That report will be laid before this House, and its proposals will be in force for the next general election.

**Mr. Hands:** I thank the Minister for that answer, but does she accept that our democracy is being damaged by unequal representation in this House? In that regard, I pay tribute to the work done by my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) through his Parliamentary Constituencies (Equalisation) Bill. There are 239 constituencies in this country that diverge by more than 10 per cent. from the national average. They are not confined to English rural areas: my constituency of Hammersmith and Fulham in inner London has 79,807 electors, is the 57th largest in the UK and is more than 16 per cent. larger than the average. What proposals does she have to amend the Parliamentary Constituencies Act 1986 to correct those undemocratic disparities and to make more frequent boundary reviews—

**Mr. Deputy Speaker:** Order. I think that the Minister has probably got the point.

**Ms Harman:** I should like to thank the boundary commission for the very difficult work that it does. It is not party political, and every hon. Member has an axe to grind with it but, by and large, the House should have confidence in its work, which is independent, neutral and based on research and consultation. The smallest UK constituency—Na h-Eileanan an Iar, in Scotland, formerly the Western Isles—has only 23,000 electors because it is an island. However, the largest has 107,000 electors, but that is also because it is an island. We must take account of geographical factors, and I hope that the hon. Gentleman will join me in looking for the estimated 17,000 unregistered voters in his constituency of Hammersmith and Fulham who do not have the right to vote.

**Mr. Clive Betts** (Sheffield, Attercliffe) (Lab): Will my right hon. and learned Friend say what is the Government's policy in respect of equalising the number of residents who are eligible to be registered as electors in each parliamentary constituency? That is a more important question. Merely to equalise the number of people registered would discriminate against people in the inner cities and those who live in private rented accommodation or houses of multiple occupation or who belong to the black and ethnic minority communities. All of those people are less likely to register in practice.

**Ms Harman:** My hon. Friend is absolutely right. The boundary commission bases its estimate of a constituency's size on the number of registered electors. If 500,000 possible electors were missing from the register in London, for example, that total would amount to the number of voters in eight parliamentary constituencies. My hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) told us about what is happening with her council, but perhaps the hon. Member for North Southwark and Bermondsey (Simon Hughes) should get on to his friends on that local authority and ask them to deal with the same problem there.

Another problem has to do with the electoral administration canvassers who go around knocking on doors to find the hard-to-register voters. There are only 64 such canvassers in Barnet, but in Southwark we have 170. All areas should aspire to the standards of the best in their work to find our unregistered voters.

**Mr. Oliver Heald** (North-East Hertfordshire) (Con): Surely the Minister is not saying that we should count people who are not registered to vote. How could we possibly guess who they were, or how many of them there were? However, a party that gains the majority of voters in England but ends up with 93 fewer seats cannot say that the system is fair. We need a system that is genuinely fair, so that first past the post works, rather than a flawed proportional representation system. Should not the boundary commission rules be changed so that there is a fixed electoral quota in constituencies across the UK? The Minister may say that the country has plenty of islands, but in reality there are not that many. An equal quota should be the general rule, and the boundary commission's rules need to be changed.

**Ms Harman:** I confess that I am not following the hon. Gentleman's line of argument—but I hope that he is not criticising the way in which the boundary commission goes about its work. The House agreed, on an all-party basis, what the framework for the boundary commission should be, and that is the framework on which it operates. I am saying that we should estimate the number who are not registered and get those people registered; then the boundary commission's basis would be much more robust.

## Members' Voting Rights

16. **Adam Afriyie** (Windsor) (Con): If she will make a statement on the voting rights of hon. Members representing constituencies outside England on matters relating exclusively to England. [53920]

**The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice):** Hon. Members are entitled to speak and vote on any issue in this House.

**Adam Afriyie:** But we must face the fact that there is a constitutional injustice here. To most reasonable people it is illogical, unfair and unjust that Scottish MPs can vote on laws that relate only to England, but English MPs cannot do likewise for Scotland. What specific actions are she and her Department taking to address that democratic inequality?

**Bridget Prentice:** The Department has absolutely no intention of taking any action to address what is not an inequality. The hon. Gentleman asked the same question a few moments ago, and I was tempted simply to refer him to the answer that my right hon. Friend the Secretary of State for Scotland gave a few moments ago. As the hon. Gentleman voted five times on the Government of Wales Bill last night, I find it difficult to

understand why he has difficulty in understanding why every Member of this House has the right to vote on every issue within it.

**Mrs. Gwyneth Dunwoody** (Crewe and Nantwich) (Lab): Could my hon. Friend arrange a series of teach-ins for Members of Parliament who do not understand how long it took to get members of the whole of the United Kingdom—men and women—represented in this House, to explain why they should not lightly, for party political purposes, launch forth on absurd, ill thought-out and farcical campaigns to change that status?

**Bridget Prentice:** I do not think that my response could put that any better than my hon. Friend has done.

**Mr. Jonathan Djanogly** (Huntingdon) (Con): Does the Minister not agree that if it was iniquitous for English rule to be imposed on Scotland, it would be just as iniquitous for Scottish rule now to be imposed on England?

**Bridget Prentice:** The hon. Gentleman needs to remember the history of the Conservative—and, at one time, Unionist—party, which imposed laws on Scotland against the wishes of the Scottish people. *[Interruption.]* I think that everyone knows that I am referring to the poll tax. May I say to the hon. Gentleman—he too voted five times on the Government of Wales Bill last night—that every Member of the House should be treated equally? We should not have two classes of MPs in the House, and matters that affect Scotland are entitled to be voted on by English MPs and vice versa.

## Electoral Commission

17. **Julie Morgan** (Cardiff, North) (Lab): What recent assessment she has made of the operation of the Electoral Commission. [53921]

**The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman):** The Electoral Commission is an independent body established by Parliament, reporting to the Speaker's Committee. The Committee on Standards in Public Life and the Speaker's Committee are currently reviewing separate aspects of the operation of the Electoral Commission.

**Julie Morgan:** Does my right hon. and learned Friend not agree that although the Electoral Commission has independent status, it needs clear, transparent accountability too? Does she think that reporting to the Speaker's Committee fulfils that function?

**Ms Harman:** The fact that the Electoral Commission is answerable to the Speaker's Committee fulfils an important function, but Members of Parliament can ask Constitutional Affairs Ministers about its work on electoral registration, election fraud and, for example, registration of service voters, so we have that additional transparency. Representatives of the Electoral Commission are also happy to meet individual Members of Parliament to discuss its work.

**Mr. Andrew Turner** (Isle of Wight) (Con): Will the Minister refer to the Electoral Commission for its consideration the question that has arisen six times since 2.30 pm today? We understand that Ministers do not like English votes on English matters. Do they understand, and could she remind the Electoral Commission, that many English people do not want regional assemblies or extra politicians? Could she ask the Electoral Commission to come up with a solution that would be acceptable in all parts of the House?

**Ms Harman:** I do not think that that would come within the Electoral Commission's remit. That is not what it was set up to do, and it would be odd and wrong to give it that responsibility, which is a matter for this House.

## Judicial Appointments Commission

18. **Keith Vaz** (Leicester, East) (Lab): How many of her civil servants are being transferred to the Judicial Appointments Commission; and if she will make a statement. [53922]

**The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice):** No departmental staff will transfer to the Judicial Appointments Commission on 3 April 2006. It is currently anticipated that 80 staff will be seconded to the commission for up to two years. The commission, as an independent body, has the power to recruit its own staff.

**Keith Vaz:** While I welcome the establishment of the Judicial Appointments Commission, which is a great constitutional change for the judiciary, transferring or seconding staff amounts to the same thing. Does my hon. Friend agree that it is important that the new organisation, which is intended to be truly independent, should start with no staff from the Department, because some may have preconceived ideas about the method of selection or the qualities of particular candidates? Can she give an assurance that that independence will remain?

**Bridget Prentice:** I can give my hon. Friend the assurance that that independence will remain. I have every confidence that the chair of the commission, Baroness Prashar—of whose appointment I notified the House a month or two ago—will provide the necessary leadership to forge a new and independent body. The JAC will be able to determine its own staffing strategy after its launch on 3 April.

## Judiciary

19. **Mr. Graham Allen** (Nottingham, North) (Lab): What steps the Department has taken to encourage the judiciary to interact with other professionals and the public in order to improve mutual understanding. [53923]

**The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice):** It is for judges themselves to decide the extent and frequency of their engagement with the local community. However, the Department has taken many steps, in conjunction with the judiciary, to interact with the professions and the public, such as the local crime and disorder reduction

partnerships of local authorities and local criminal justice boards, local family justice councils, a judges in schools guide, and developing a protocol for case management to deal with delays in care cases.

**Mr. Allen:** Would my hon. Friend the Minister congratulate the clerk to the magistrates in Nottingham, Mr. Graham Hooper, on convening a conference on Saturday about the community justice options that are now available, including the appointment of community judges? Will she go further and urge all similar colleagues to reach out, so that the criminal justice system can start to play a full part in the attack on antisocial behaviour and criminality, and in the regeneration of our communities? Health services, the police, the education services and many others are involved in that battle, so can we ensure that the criminal justice system also plays its full part?

**Bridget Prentice:** I certainly support my hon. Friend in congratulating Graham Hooper and his team on the conference that will take place on Saturday. I also add my thanks to my hon. Friend for his part in organising that conference, and I am sure that it will be a great success. I know that he is the chairman of the local regeneration partnership in Nottingham, One Nottingham, whose vision statement of reducing inequality so that no one is disadvantaged is one that we can all endorse. I assure my hon. Friend that we will do all that we can to ensure that the judicial community participates in its local community and that the ideals that he and Mr. Hooper seek to encourage and develop on Saturday are taken further.

**Mark Pritchard** (The Wrekin) (Con): The Minister will be aware of the excellent work of the armed forces parliamentary scheme and the Industry and Parliament Trust. What consideration has been given to helping humble Back Benchers such as me to improve their knowledge of the judiciary, perhaps through day-release schemes—*[Interruption.]* Perhaps I should say early release schemes. Such a scheme would enable me to spend more time learning about the important role of the judiciary.

**Bridget Prentice:** I missed the last half of the hon. Gentleman's question. I am sure that he is not suggesting that we should tag hon. Members so that we know where they are. As a fellow of the Industry and Parliament Trust, I recognise how important such schemes are in giving Members of Parliament an opportunity to understand what is happening in terms of other aspects of our country. To further his knowledge, he might like to sit in on his local court and see what happens there. He could also visit the partnerships in his local authority and discover what crime reduction schemes are in place. I recommend sitting in on his local magistrates court for a day as a good way of learning exactly what happens there.

### Small Claims

20. **Dr. Vincent Cable** (Twickenham) (LD): What assessment she has made of the administrative procedures for those recovering small claims following a court determination. [53924]

**The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice):** The courts offer a range of effective enforcement methods, each tailored to dealing with different financial set-ups, without which it would be far easier for recalcitrant debtors to avoid their responsibilities to judgment creditors.

**Dr. Cable:** Is the Minister aware that for people who achieve the feat of obtaining a small claims court ruling there is a major bureaucratic obstacle course involving four separate processes, in each of which there are up to three consecutive applications to the courts with form-filling? Can she get rid of some of that red tape?

**Bridget Prentice:** I understand the issue that the hon. Gentleman raises, which he has also raised with my noble Friend Baroness Ashton, in respect of one of his constituents. We made improvements in enforcement methods in April 2002. The target recovery for 2005–06 is 85p in the pound, but we are actually recovering 93.8p in the pound, so those improvements are beginning to take effect. We continue to monitor the situation and have publicised further improvement proposals in the White Paper, "Effective Enforcement". Those changes need primary legislation and we shall ensure that it is brought forward when there is parliamentary time.

## LEADER OF THE HOUSE

*The Leader of the House was asked—*

### Pre-legislative Scrutiny

28. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will make it his policy to enable all Bills to undergo pre-legislative scrutiny. [53988]

**The Deputy Leader of the House of Commons (Nigel Griffiths):** We fully endorse the value of pre-legislative scrutiny. Since 1997, more than 50 Bills have been published in draft and 39 have been the subject of pre-legislative scrutiny. I am keen to ensure that as many Bills as possible benefit from that procedure where appropriate.

**Mr. Allen:** Does the Minister agree that we make better law when Government and Parliament work together?

**Nigel Griffiths:** Yes, I do.

**Sir Nicholas Winterton** (Macclesfield) (Con): We were all taken aback by that brief and succinct, but positive, reply. I support the hon. Member for Nottingham, North (Mr. Allen). If we had more pre-legislative scrutiny, the nonsense of programming nowadays, whereby much legislation goes through without important parts being adequately debated either in Standing Committee or at remaining stages, would be removed, and the House would be a better place and legislation would be better for the people of this country.

**Nigel Griffiths:** Would that all right hon. and hon. Members shared the optimistic and progressive view of the hon. Gentleman, but the sad fact is that from looking at programme motions of one kind or another over a couple decades I do not consider that pre-legislative scrutiny or any other parliamentary mechanism for scrutiny would stop the inexorable trend for Oppositions to maximise the time for programme motions to complain that there is not enough time. However, I do not want to depart from the present all-party consensus; we support pre-legislative scrutiny and think it should be extended as far as is practical, but there are cases where it is not appropriate or practical.

## HOUSE OF COMMONS COMMISSION

*The hon. Member for North Devon, representing the House of Commons Commission, was asked—*

### Star Chamber Court

29. **Norman Baker** (Lewes) (LD): What the final cost was of erecting the cover over the walkway in Star Chamber Court. [53989]

**Nick Harvey** (North Devon): The final cost of designing, fabricating and erecting the cover over the walkway in Star Chamber Court was £435,000.

**Norman Baker:** That is a grotesque sum to spend on such a feature. Is my hon. Friend aware that while almost £500,000 was being thrown away on that absurdity the energy efficiency budget of the House has been cut by 40 per cent. since 1997 and electricity consumption has gone up by 45 per cent? Is not it time that he brought some sanity, common sense and clarity to the House of Commons Commission?

**Nick Harvey:** The House of Commons Accommodation and Works Committee approved the construction of the canopy in March 2004, after the estates directorates of the House had identified the need to cover the walkway along the east side of Star Chamber Court following the review of access and security arrangements for visitors to the Palace, which led to the plans for the new visitor reception area. The Parliamentary Works Services Directorate developed the brief and design for the canopy in consultation with English Heritage and Westminster city council under grade I listed building and world heritage site status. The requirements of those consultations led to the costs of the project working out at much more than originally anticipated.

### Cyclists

30. **Mary Creagh** (Wakefield) (Lab): If the Commission will take steps to improve the signage for cyclists on the House of Commons estate. [53990]

**Nick Harvey:** The Commission encourages cycling to and from the estate. I am happy to convey to the appropriate authorities any specific proposal that the hon. Lady may have, whether on signage or any other matter.

**Mary Creagh:** I thank the hon. Gentleman for that reply. I have several suggestions to make about signage. First, there are absolutely no signs around the building warning unwitting cyclists that they should not park their bicycles against the railings. Many is the time that I have seen police officers removing with angle grinders three and five bicycles that have been left there. Will he perhaps take that back to his colleagues and discuss it? The problem—

**Mr. Deputy Speaker:** Order. One question is enough. Perhaps those matters might better be the subject of correspondence.

**Nick Harvey:** I am very happy to convey the burden of the hon. Lady's point to the relevant authorities, but increasing provision has been made for cycling spaces in various parts of the estate. Certainly, if there is evidence of further unsatisfied demand, further spaces will indeed be sought.

**Sir George Young** (North-West Hampshire) (Con): As president of the all-party parliamentary cycling group, I welcome the increased provision that is made on the estate, but I strongly endorse what the hon. Member for Wakefield (Mary Creagh) has just said. Those cyclists who come to the Palace of Westminster to lobby their MPs find it very difficult to park anywhere nearby. Will the Commission improve the facilities for visiting cyclists who are trying to save the planet?

**Nick Harvey:** It has been concluded thus far that, for security reasons, we cannot let visitors cycle on to the estate, any more than we would allow people to drive in to park. For similar reasons, street cycle parking in the immediate area is not permitted, but visitors can use the cycle parking facilities on Millbank.

## LEADER OF THE HOUSE

*The Leader of the House was asked—*

### European Legislation

31. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): What plans he has to bring forward proposals to reform the way in which EU business is scrutinised. [53991]

**The Deputy Leader of the House of Commons (Nigel Griffiths):** We intend to introduce proposals in response to the detailed report from the Modernisation Committee shortly.

**Mark Lazarowicz:** I am grateful to my hon. Friend for that commitment, but he will know that it has been some years since the proposal for a major change in the scrutiny of EU legislation was first discussed by the House. It is accepted across the House and beyond that scrutinising EU legislation is not something that we do well, so can he give us a more specific indication of when the proposals will be made?

**Nigel Griffiths:** There have been ongoing discussions and changes in the way we scrutinise legislation in response to the sort of valid point that my hon. Friend makes, and we want to continue such improvements as quickly as is practical.

**Mr. David Heath** (Somerton and Frome) (LD): The Leader of the House has been intending to introduce such changes for rather a long time now, and those ongoing discussions are apparently happening in the Cabinet, rather than with colleagues across the House, which is a misfortune. Can the hon. Gentleman tell me whether direct discussions were held with the Chancellor of the Duchy of Lancaster—when we had such a creature—about part 3 of the Legislative and Regulatory Reform Bill? Quite obviously, there is no point in improving the legislative background to introducing EU legislation if we cannot improve the scrutiny by the House.

**Nigel Griffiths:** We have every intention of improving the scrutiny by the House. Indeed, the House has been divided on the issue. The European Scrutiny Committee, by the narrowest of margins, made a recommendation on which it changed its mind. That gave problems to the members of other Committees who were considering the issue. So it is not quite as simple as perhaps some hon. Members would make out, but there is the desire to ensure proper scrutiny. Many hon. Members are critical of the amount of legislation that must be passed, some of which is consequential on European legislation, and therefore there is good will on all sides to tackle the issue, but there is not yet an agreed solution. I hope that we will reach that shortly.

## HOUSE OF COMMONS COMMISSION

*The hon. Member for North Devon, representing the House of Commons Commission, was asked—*

### Braithwaite Report

32. **Martin Linton** (Battersea) (Lab): When the Commission will reconsider the need for a review of the Braithwaite report on the administration of the House of Commons. [53992]

**Nick Harvey** (North Devon): The Commission plans to consider the matter shortly.

**Martin Linton:** I am glad to hear that, but since the original Braithwaite report recommended in 1999 that there should be a review in five years' time and since seven years have now passed, does the hon. Gentleman not feel that it is high time that there was a review—unless, of course, he believes that the administration of the House could not be improved?

**Nick Harvey:** The Commission agreed a little over a year ago that, as we were at the end of a Parliament, which coincides with a certain turbulence for House departments, it was not the right moment to start. If we go ahead this year, that will be seven years after the Braithwaite review, which was itself eight years after the 1990 inquiry by Sir Robin Ibbs, so the intervals seem about right.

### Smoking

33. **Julie Morgan** (Cardiff, North) (Lab): What effects the Commission expects the new legislation on smoking will have on the House of Commons accommodation. [53993]

**Nick Harvey:** The Administration Committee has asked for a paper on that subject and the Commission expects to reconsider the policy on smoking on the House of Commons estate once recommendations have been received from that Committee.

**Julie Morgan:** I thank the hon. Gentleman for his reply. I am sure that he welcomed the decision made by the House a couple of weeks ago about the ban to be introduced in most workplaces and public places. Does he not think that the House of Commons should take a lead and implement the proposals that we passed as quickly as possible, and that our role should be to lead the nation?

**Nick Harvey:** The hon. Lady will have heard the answer that I have just given: specific proposals will come from the Administration Committee. It is impossible for the Commission to make judgments on the matter until the exact form of the new legislation and regulations is clear, but those are the sort of issues that the Administration Committee will have the chance to think about. The estate—including the vast majority of the catering outlets—is already largely smoke-free, but I am sure that there is room to go further and we await the recommendations of the Administration Committee.

**Mr. Peter Bone** (Wellingborough) (Con): Can the hon. Gentleman confirm or deny that immediately after the smoking ban was passed in the House, Officers of the House visited Members' rooms to see whether people were smoking?

**Nick Harvey:** I have no knowledge of that.

## BILL PRESENTED

EDUCATION AND INSPECTIONS

Secretary Ruth Kelly, supported by The Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Darling, Ms Secretary Hewitt, Secretary Tessa Jowell, Mr. Secretary Clarke, Mr. Secretary Hain, Mr. David Miliband, Mr. Secretary Hutton and Jacqui Smith, presented a Bill to make provision about primary, secondary and further education and about training; to make provision about food or drink provided on school premises or in connection with the provision of education or childcare; to provide for the establishment of an Office for Standards in Education, Children's Services and Skills and the appointment of Her Majesty's Chief Inspector of Education, Children's Services and Skills and make provision about the functions of that Office and that Chief Inspector; to provide for the amendment of references to local education authorities and children's services authorities; to amend section 29 of the Leasehold Reform Act 1967 in relation to university bodies; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 134].

## Trespass with a Vehicle (Offences)

3.32 pm

**Mr. James Paice** (South-East Cambridgeshire) (Con): I beg to move,

That leave be given to bring in a Bill to create an offence of criminal trespass with a vehicle; and for connected purposes.

The House is familiar with the many issues surrounding the Traveller population and the local uproar that arises, particularly in rural areas, when a group of Travellers arrive with one or more caravans and set up home on land that they do not own. Such land may be owned by public authorities, most often the county council, or privately owned. Fences and gates can often be broken to gain access. While the Travellers remain, they frequently desecrate the surrounding area, cutting down fences and trees for fires and then leaving piles of rubbish and detritus, sometimes including human excrement. The costs of clearing it all up fall on the local taxpayer or the individual owner of the land.

I am sure that I am not the only one to have had numerous cases of that in my constituency. Recently, in the small village of Swaffham Prior, Travellers camped on the village playing field, preventing the football club from using it and costing the parish council more than £4,000 the first time to clear up and £1,600 the second time in legal fees to get them evicted and to clear up. That is unacceptable. A direct consequence is that property owners, including local authorities, have to take action to prevent access. Large unsightly mounds of earth or rubble are put in gateways and farmers use redundant machinery to block access to their fields. Why should law-abiding people have to do those things?

The House will be well aware that Cambridgeshire is particularly affected by unauthorised encampments. Some say that that is for historical reasons deriving from casual labour for fruit and vegetable harvesting, but a minimal number of Travellers, if any, are engaged in such activities today. A far more likely reason for the large number of Travellers in the county is that successive Government policies have created a honeypot effect. While the Government use half-yearly counts of unauthorised sites to indicate demand, it is inevitable that it can never be satisfied. The Travellers know that and therefore go to the areas where the problem is greatest, in full knowledge that the Government will then put pressure on the local council to provide more sites. Nowhere is that more obvious than in south Cambridgeshire. In the past two years, the number of unauthorised sites has risen by 63 per cent., yet the number of authorised sites has also risen. Last July, at the time of the last count, in the whole of the eastern region there were 325 unauthorised sites on land not owned by Gypsies.

Before I go any further I want to make two specific points. First, most Members of the House know that the village of Cottenham is in my constituency. Unfortunately, it has received a considerable amount of unwelcome publicity over the past few years as the result of a substantial incursion by Irish Travellers. However, this Bill is not directed at that issue because those Travellers own the land, and the problems there are issues of planning and enforcement. The second point follows from that—namely, that not all Travellers cause the problems that I have described. Inevitably, there are

generalisations, but illegal encampments, however tidy, must be stopped. In Cottenham, whatever the planning issues, the pitches are generally clean and tidy, although it has to be said that the surrounding area appears to suffer, and certainly a privately owned orchard has been destroyed.

There have been a number of attempts by successive Governments to resolve those problems, some designed to help, some to hinder, but few, I am afraid, have made any difference. Section 34 of the Road Traffic Act 1988 makes it an offence to drive a vehicle more than 15 yd from the highway on to private land without consent, yet there have been few, if any, prosecutions. The Criminal Justice and Public Order Act 1994 gives police officers the power to move on Travellers if the landowner has asked them to leave, and the Anti-social Behaviour Act 2003 slightly strengthened that legislation as a result of amendments that I tabled. Yet in the last three years there have been no prosecutions.

It is clear to me that more must be done. In doing so, we should look at Ireland, which has addressed the problem robustly. In 2002, the Irish Government made trespass a criminal offence. The result for them was as expected: the problem reduced significantly. The result for us was unexpected—it led to a significant increase in the number of Irish Travellers in Britain. I quote from a letter that I received only this morning from an individual who had seen the publicity surrounding my presentation of the Bill:

> "My wife, who is of Irish descent, and myself often holiday in the Republic where the Irish people cannot believe their good fortune to be getting rid of their problem. There are thousands of these gypsies wanting to come to the UK".

Even allowing for a little exaggeration, that underlines the problem as seen from the Irish perspective.

My Bill does not go as far as the Irish legislation, which made all trespass a criminal offence. I seek only to make trespass with a vehicle a criminal offence if someone does not move on when told to do so by a constable. There can be no ifs or buts about this, and no spurious arguments about welfare—the people in question should have thought about that before they arrived at the site.

My Bill also addresses other activities, not involving Travellers, where motor vehicles are used in trespass. My hon. Friend the Member for Isle of Wight (Mr. Turner) has drawn my attention to serious problems on the Tennyson trail, where off-roaders have killed sheep and caused serious damage to the landscape. Similarly, vehicles are used to gain access to property for an illegal rave, yet the police frequently decline to act to prevent them.

Quite rightly, many people will ask where the Travellers should go. There is a shortage of sites in some areas, and in my view their provision should be included in local plans, but that is not the point at issue here. I came to the House believing that we are all equal under the law. It is not acceptable for some sectors of society to be able to get away with activities which the rest of us could not; nor is it acceptable for owners of private land to have to spend several thousands of pounds obtaining eviction orders and clearing up the abominable mess that is left behind.

I conclude with a reference to a Bill that is currently before the House. Through the Natural Environment and Rural Communities Bill, the Government are, rightly, trying to prevent further damage to green lanes and byways by off-road vehicles. Why bother, if Travellers can continue to use them with impunity?

*Question put and agreed to.*

Bill ordered to be brought in by Mr. James Paice, Mr. Peter Ainsworth, David T. C. Davies, Mr. Dominic Grieve, Gregory Barker, Mr. Geoffrey Clifton-Brown, Mr. Mark Prisk, Andrew Selous, Mr. Andrew Turner and Bill Wiggin.

### Trespass with a Vehicle (Offences)

Mr. James Paice accordingly presented a Bill to create an offence of criminal trespass with a vehicle; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 12 May, and to be printed [Bill 135].

# Orders of the Day

## Government of Wales Bill

[2ND Allotted Day]

*As amended in the Committee, further considered.*

**Clause 45**

WELSH ASSEMBLY GOVERNMENT

3.41 pm

**David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): I beg to move amendment No. 11, in page 27, line 32, leave out 'Assembly Government' and insert 'Executive'.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** With this it will be convenient to discuss amendment No. 12, in page 27, line 37, leave out 'Assembly Government' and insert 'Executive'.

**David Mundell:** The purpose of the amendments is to ensure a consistent approach to the devolved Administrations of the United Kingdom. Such consistency has not been evident in much of the debate—we seem to have moved away from the idea that there should be a coherent approach to the devolved Administrations. In Spain, there is something that is often called "asymmetric devolution," whereby different parts of the country are governed in different ways, but I do not accept that difference is needed for difference's sake.

In Scotland for the past six and a half years, the clear and accepted description of the Administration in the Scottish Parliament has been "the Scottish Executive." Were the equivalent body in Northern Ireland fully functioning, it would be called "the Northern Ireland Executive". It seems logical, coherent and beneficial to efforts to promote wider understanding of the functions of the devolved bodies that in Wales we replace the rather uncomfortable phrase, "Assembly Government" with "Executive."

To have a coherent system throughout the United Kingdom, with a Scottish Executive, a Northern Ireland Executive and a Welsh Executive, would allow and promote better understanding of what the Executives do, compared with the Assembly or Parliaments. Indeed, it would also assist debates in this House, because hon. Members' references to "the Executive" would be clearer. A degree of coherence that has not previously been evident would be brought to the whole package if the amendments were made.

As I am sure the Minister knows, the Select Committee on Welsh Affairs thought that "Executive" was a better term than "Assembly Government". The arguments advanced within the Committee have merit, which should commend them to the Minister. I hope that the amendments will be regarded as non-contentious and that they will attract Government support.

3.45 pm

**Lembit Öpik** (Montgomeryshire) (LD): Briefly, the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) has made a coherent case for the amendment, but I counsel him against building up his hopes, as the hallmark of this Government on naming things is inconsistency. He will recall the debate in which the Government opposed a proposal to call the Welsh Assembly the Welsh Senedd, because they were worried that the public would mix up the political institution with the building. We now have the Welsh Assembly in a Welsh Senedd building, which is typical of the fuzzy logic that we have come to expect on naming. Here is my tuppenny-worth: consistency is needed, but we should also accept that we are aiming to establish a Welsh Government.

**Mr. Roger Williams** (Brecon and Radnorshire) (LD): My hon. Friend will agree that it is important that the people of Wales should be able to distinguish between the Government and the Welsh Assembly. Too often, the Assembly has taken the blame for poor action by the Government. That contrasts with the golden age of Welsh devolution, in which a Liberal Democrat-led coalition delivered for Wales. The Labour Government, however, do not deliver for Wales.

**Lembit Öpik:** My hon. Friend has made a brilliant and insightful point, which doubtless makes the Minister's skin crawl as he remembers paradise lost and the brief halcyon era of the Welsh Assembly in which the Liberal Democrats led the way and ensured the only period of stability during the Assembly administration. He makes an important point, too, about the need to distinguish between the Government of Wales and the Assembly as an institution.

In conclusion, the hon. Member for Dumfriesshire, Clydesdale and Tweeddale rightly pointed out that that can be achieved with his wording, but I would prefer the whole thing to be called the Senedd. On balance, I prefer the word "Government" to "Executive".

**Adam Price** (Carmarthen, East and Dinefwr) (PC): This is a modest demand, and a perfect opportunity for the Government to concede one amendment to the Opposition parties. We are only talking about a name change—it does not change the concrete constitutional settlement one iota, so I hope that the Under-Secretary will find it in his heart to offer us some charity. Names are important—we know that is the case in Wales, which has a logocentric culture—because they are part of the means by which people understand their political institutions. The separation of powers is one of the most important principles in the democratic tradition, and it has been enshrined belatedly but happily in the new settlement.

The problem is terminological inexactitude, which was cobbled together—[HON. MEMBERS: "Oh!]. All without notes, I hasten to add. An informal arrangement was cobbled together in about 2000, but it is now being formalised, unfortunately. The phrase is inelegant, infelicitous and inaccurate, and it does not allow us to clarify for the Welsh electorate where political responsibility lies. There is an important principle at the heart of accountability. The National

Assembly for Wales includes all the parties that are represented, and its Government includes the party—*[Interruption.]* I am reminded that it includes more than one party in coalition. We therefore require clarity on the issue.

I am all for constitutional innovation, but I could find only one other example of a national assembly Government in history. The Turkish republic had two Governments at one time—an Ottoman Government in Istanbul and a national assembly Government in Ankara under Kemal Atatürk. That was a difficult period in Turkish history, and it is the one example in history of something like a national assembly Government. It is a misnomer and we should take the opportunity offered by the Bill to bury it. We do not have a United Kingdom Parliament Government. We do not have a Scottish Parliament Government. Why should we be left with the strange phrase, "Welsh Assembly Government"? It mystifies most of us, it will certainly mystify the Welsh electorate, and the Minister should accept this not unreasonable demand from the Opposition parties.

**The Parliamentary Under-Secretary of State for Wales (Nick Ainger):** I have carefully considered the arguments advanced by the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) and by the Welsh Affairs Committee in its report on the Bill. However, the Government do not agree that using the title "Welsh Assembly Government" will perpetuate confusion over the different roles of the Executive and the Legislature. Rather, changing the title at this stage is likely to cause even more confusion than keeping the names with which people are already familiar. As the hon. Member for Carmarthen, East and Dinefwr (Adam Price) said, the name has been in place for five or six years. People understand what the Welsh Assembly Government is, and a change to another name would cause confusion.

**Hywel Williams** (Caernarfon) (PC): May I ask a common-sense question? Does not the Minister find the acronym WAG a little silly?

**Nick Ainger:** No, I do not, and nobody burst out laughing when the hon. Gentleman mentioned it.

Hon. Members referred to the Scottish Executive. In Scotland, the term "Scottish Executive" has been used since devolution and it is now familiar and well understood, but the Government do not believe that that is a reason for changing a term that is now familiar in Wales. I see no problem. It has been argued that there is confusion between the Assembly and the Government. The term "Welsh Assembly Government" provides clarity. It is not a terminological inexactitude, as the hon. Member for Carmarthen, East and Dinefwr suggested. It is quite clear. We have no intention of changing the name, so I ask the hon. Member for Dumfriesshire, Clydesdale and Tweeddale to withdraw his amendment.

**David Mundell:** I am disappointed by the Minister's response to a reasonable suggestion. Earlier in our consideration of the Bill we were told that it was designed to set the framework for a generation, so it would have been worth taking the opportunity to add a much clearer definition of the roles of our devolved institutions within the United Kingdom. The hon. Member for Montgomeryshire (Lembit Öpik) made a valid point. One of the great challenges of the devolved arrangements is the attempt, particularly under Labour stewardship, to tie in the institution with the Government, and to channel towards the institution any form of public dissatisfaction with the Government. With respect to public services, it is not necessarily the Scottish Executive or the Welsh Assembly that is not delivering, but the Administrations within those institutions, and we need to work further—

**Ian Lucas** (Wrexham) (Lab): Will the hon. Gentleman explain why the Labour Welsh Assembly Government introduced the distinction between the Welsh Assembly Government and the National Assembly for Wales?

**David Mundell:** The Labour Welsh Assembly Government had to take a degree of responsibility for their actions. Both the Scottish and Welsh institutions are governed by majority decisions, rather than by communal decisions of the entire body. The Welsh Affairs Committee has recognised that the addition of the word "Executive" would provide the new UK devolved settlement with a degree of coherence, so the Minister's argument is unsatisfactory. I will not divide the House on this issue.

**Lembit Öpik:** The hon. Gentleman was right to table the amendment. The point made by the hon. Member for Wrexham (Ian Lucas), who has unfortunately left the Chamber—no doubt he was blown away by the force of the hon. Gentleman's argument—underlines how important it is that we never again get into a situation in which an entire institution carries the blame for the errors of the Government of the day.

**David Mundell:** I agree with the hon. Gentleman. If the Minister had been willing to accept the amendment, common sense would have prevailed. Sadly, that is not the case, but I am glad that we have had the opportunity to put the issue on the record.

I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Clause 51**

LIMIT ON NUMBER OF MINISTERS

**David Mundell:** I beg to move amendment No. 10, in page 30, line 25, leave out clause 51.

**Mr. Deputy Speaker:** With this it will be convenient to discuss new clause 6—*Limit on number of Ministers (No. 2)*—

'(1) Not more than eight persons are to hold the office of Welsh Minister appointed under section 48 at any time.

(2) Not more than three person are to hold the office of Deputy Welsh Minister at any time.'.

**David Mundell:** The amendment and the new clause are designed to engender a debate about the appropriate number of Ministers in the Welsh Assembly Government and the difference between full Ministers

*[David Mundell]*

and Deputy Ministers. We also need to consider how many Assembly Members are not members of the Welsh Assembly Government. If the Assembly contains 12 Ministers, the First Minister and Presiding Officers, then the number of Members available to carry out non-governmental functions in the Assembly is reduced. We must be confident that the number of Members who do not hold Government office is sufficient to scrutinise the work of the Assembly Government.

No such limit was stipulated in the Scotland Act 1998, and it is clear from experience in Scotland that following the arrival of an institution the number of Ministers can grow exponentially. Scotland had five Ministers under the Conservative Government, but it now has 22 Ministers performing the same functions—at a significantly greater cost.

4 pm

Irrespective of whether one argues in favour of devolution, it cannot be argued that more people doing the same thing is a successful form of it. We must instead focus on whether the proposed number of Ministers is appropriate in light of the value that they bring to the role and the ability of the Assembly's Committees to function satisfactorily. The ability of Committees to function with a number of non-governmental or Presiding Officer Members would leave in the mid-40s the number of Members who are available for Committee work. The provision does not differentiate the role of Minister from that of Deputy Minister, so we could end up with 12 fully paid Ministers.

Throughout the debate, there has been inconsistency about what should be in the Assembly's Standing Orders and what should be in the Bill. We must be clear about whether the Assembly should determine through its own procedures how many Ministers it has. If we are going to determine the number, we must ensure that the ministerial cohort is effective. There is no point in having 12 Ministers simply because the Bill says that there can be that number.

We also need to clarify whether the proposed arrangements are thought of purely in the context of part 3 arrangements. If part 4 arrangements were to come into being, would the number stay the same or need to be revised?

In Committee, there was considerable debate about an amendment that the hon. Member for Wrexham (Ian Lucas) tabled and how many Assembly Members were needed to make the Assembly function more effectively, especially in the context of the part 4 powers. Although the amendment was not successful, it is important to focus on the right number of Members for an effective Assembly Chamber.

The Government have already changed their minds about the Scottish Parliament. In the Scotland Act, the Government's initial policy was to link the number of Members of the Scottish Parliament directly with that of Westminster Members of Parliament representing Scotland. I fear that the Government's guiding principle in constitutional matters—expediency—prevailed and the link was broken. The Scottish Parliament will continue to have 129 Members, who no longer relate to the constituencies of Scottish Members of this House. At least that decision led to the Arbuthnott report, about which we have heard much, and has been useful for the debate on the Bill. Indeed, the Arbuthnott report has been discussed more here, in the context of the measure, than in the Scottish Parliament or by the Secretary of State for Scotland.

A difficult position has been created whereby there is no link between Members of Parliament and Members of the Scottish Parliament. That problem would clearly arise in the Welsh Assembly if there were to be more Assembly Members. It is therefore especially interesting, as my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) said, that Labour Members appear to be completely unwilling to discuss appropriate numbers, should the part 4 provisions come into force.

It is appropriate to encourage debate on the appropriate number of Assembly Members to allow the Assembly to function with a Government of the size that the Government propose or in accordance with our amendment. I hope that our amendments will facilitate the debate.

**Hywel Williams** (Caernarfon): We welcome the definition for Deputy Ministers—it is a fair step forward. I agree with the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) about Committees. We must take care—I believe that the Government in Cardiff will take care—that there are enough Back Benchers to ensure sufficient numbers on Committees. The number of Assembly Members imposes its own limit, given that there are only 60.

We do not want to fetter the First Minister in the way in which he—or even she—might want to appoint Ministers.

The *Record of Proceedings* for the Assembly's Committee that considered the Bill shows that the Tories in Cardiff tabled an amendment, which would have provided:

"The number of Welsh Ministers shall not exceed 8 and the number of Deputy Welsh Ministers shall not exceed 5".

Perhaps the hon. Member for Dumfriesshire, Clydesdale and Tweeddale could explain the reason for that change.

**David T.C. Davies** (Monmouth) (Con): I should like to speak in support of the amendment. As a Member of the Welsh Assembly, I was quite perturbed when the Labour Administration announced that they were creating a new post of Deputy Minister. Such people would appear to want to have their cake and eat it, because in addition to standing in and answering questions for Ministers who are away, they will be able to put on their Back-Bench hat and start asking questions themselves. That would not happen in this Chamber. I have also noticed that, as well as claiming to be Ministers in their own right, they will be able to sit on Committees as Back-Bench Assembly Members.

There is a great deal of confusion about the constitutional role of a Deputy Minister, and it has even been suggested that the position is simply a means for the Labour party to shore up a bit of support on its Back Benches by handing out a bauble that some people might find enough to assure their loyalty. Of course, I

would never suggest such a thing, but I support the call of my hon. Friend the Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) for clarity on the constitutional role of a Deputy Minister and for a firm upper limit on the numbers involved, so that the posts cannot simply be handed out as a way of shoring up Back-Bench support for the Administration.

**Lembit Öpik:** The problem here is not the concept of Deputy Ministers or the number of them that a First Minister might want to appoint. The problem is that the Assembly is not big enough to cope with the job that it has been given. The Liberal Democrats have proposed to increase the number of Assembly Members in order to get round the difficulties that we are discussing.

**David T.C. Davies:** I am grateful to the hon. Gentleman for giving way so soon. Surely he can see that the job of running Wales, which was previously being done by three Ministers in the Wales Office, is now being done by 60 politicians. How many extra Assembly Members does the hon. Gentleman want?

**Lembit Öpik:** The hon. Gentleman forgets that, aside from doing the work of three Ministers in the Wales Office, the Assembly has also taken on the various responsibilities that used to be undertaken by the 40 Members of Parliament who now quite rightly observe the delegation of those responsibilities to the Welsh Assembly.

**David T.C. Davies:** I hesitate to say this to the hon. Gentleman in public, but he is simply not correct. The role that the Assembly plays now is exactly the same as the role that was previously played by the Wales Office. The Wales Office was previously responsible for health, education, transport and so on, and those powers have now transferred to the Welsh Assembly. We went from having three Members of Parliament performing all those functions to having 60 Welsh Assembly Members doing so. I repeat my original question: how many more does the hon. Gentleman want—

**Mr. Deputy Speaker:** Order. Perhaps this is the appropriate moment to remind the House that we are talking about Ministers rather than Members of the Assembly.

**Lembit Öpik:** I am sorry, Mr. Deputy Speaker. I set that hare running myself. If I may, I shall just give the hon. Member for Monmouth (David T.C. Davies) one sentence in response before getting back to the subject of the amendments. I want to remind him that Welsh Assembly Members have responsibilities that were not formerly held by Ministers in the Wales Office. I shall be happy to discuss this with him outside the Chamber; perhaps he overestimates the amount that Ministers did before the Welsh Assembly was set up.

There are insufficient Assembly Members, so we are now having artificially to protect the Committee structure. In some ways, that is an unavoidable consequence of the size of the Assembly. Furthermore, if the Deputy Ministers operate sometimes as stand-in Ministers and sometimes as Back Benchers, it will achieve exactly what we have tried to avoid, which is to blur the distinction between the Welsh Assembly Government and the Welsh Assembly as an institution in itself. Will the Minister explain what firewalls will exist, both psychologically and morally, for someone who can run with the fox and run with the hounds—someone who is occasionally part of the Welsh Assembly Government and who at other times freelances as a Back Bencher?

**Mr. David Jones** (Clwyd, West) (Con): Is there not more to it than that? Deputy Ministers will be remunerated. Does the hon. Gentleman not share my concern about the fact that what the Welsh Affairs Committee dubbed the payroll vote will account for 20 per cent. of the Assembly? Does he not find that unacceptable?

4.15 pm

**Lembit Öpik:** In proportional terms it is not very different from what happens here in Westminster, so I am not as concerned as the hon. Gentleman on that score. However, it is rather ridiculous for Deputy Ministers to be paid to be part of the payroll vote, while at the same being allowed to act as Back Benchers. If all those positions are taken up, we shall have an enormous, overbearing, burgeoning administrative, and rather centralist, Welsh Assembly. How can the Minister justify an arrangement that seems to muddy the waters between Back Benchers and payroll, which, as other Members have said, we would simply not tolerate in the House of Commons?

**Nick Ainger:** I am conscious of your suggestion that we concentrate on the amendments, Mr. Deputy Speaker, and I will do so, but I want to say a little about Members' comments on whether there will be enough Assembly Members to scrutinise and hold the Assembly Government to account. I also want to say something about the point made by the hon. Member for Montgomeryshire (Lembit Öpik) about the role of Deputy Minister.

Welsh Members will know what the Presiding Officer, in particular, has said about what will happen after the enactment of part 3 and, possibly, part 4, and about the need for Assembly Members' roles to take account of the additional work that they will be required to do. The Presiding Officer has said that the Assembly should sit for four days a week rather than two. I think that that will cover the extra work load, and will go a long way towards meeting the understandable concerns of many Members about whether 60 Assembly Members will be able to perform the scrutiny role.

**Mrs. Cheryl Gillan** (Chesham and Amersham) (Con): Will the Minister give way?

**Nick Ainger:** May I first answer the question raised by the hon. Member for Montgomeryshire about the role of Deputy Ministers? I understand his point, especially in the context of the clear split between Executive and legislature. I would expect the definition in Standing Orders to apply to Deputy Ministers, and given that Deputy Ministers will clearly be part of the Executive, I would not expect them to have the same role as an ordinary Back-Bench Assembly Member; but that is a matter for the Standing Orders.

**Lembit Öpik:** I apologise to the hon. Member for Chesham and Amersham (Mrs. Gillan), who is still waiting to intervene.

*[Lembit Öpik]*

I fear that if what the Minister says is correct, we shall not have enough Assembly Members to fill the Committees. I assumed that the schizophrenic role of Back Bencher-cum-Deputy Minister had been created because that seemed to be the only way of ensuring that the Committee structure was fully stocked with Assembly Members. Is that not the case?

**Nick Ainger:** Not necessarily. As I have said, if the Assembly sat for four days a week rather than two, that would probably take account of the fact that four additional Members would no longer be available to sit on Committees.

**Mrs. Gillan:** As the Minister says, discussions have turned on the proposal for the Assembly to sit for four days a week rather than two. What discussions has he had about remuneration for Assembly Members and Ministers? Does he expect their salaries to increase in line with their increased work loads, or to remain the same?

**Nick Ainger:** Fortunately, that issue is way above my pay grade; it is clearly one for the Senior Salaries Review Body, as is our own remuneration.

**David T.C. Davies:** The Minister is talking a lot of sense in proposing to increase the time that the Assembly sits from seven hours a week to four full days, but as Assembly Members have repeatedly said, they already work very hard when they are not there. So there is surely no need to increase their remuneration, because they will not be doing extra work; they will simply be spending more time in the Assembly.

**Nick Ainger:** As I said, this issue is way above my pay grade and I am not going to get involved in any discussion about Assembly Members' salaries.

Let us move on the amendments before us. It is important to the Assembly's effective functioning that there be a limit on the size of the "payroll vote", so clause 51 sets a statutory limit on the size of the Government within the Assembly. The limit prescribed—a combined total of no more than 12 Welsh Ministers and Deputy Welsh Ministers—is consistent with the current arrangement. It seems to work now and I see no reason why it should not work post-May 2007.

**Mr. David Jones:** Does the Minister really think it right that, on that basis, 40 per cent. of the Labour party should be on the payroll?

**Nick Ainger:** The issue is not what percentage of the governing party is in government, but what percentage of the whole Assembly is in government. A considerable percentage of the Labour party is in government in this place, but the issue is the proportion of Parliament that is in government. I shall return to this point in due course.

Currently, there are eight Cabinet Ministers in the Assembly, in addition to the First Minister, and four Deputy Ministers. On comparing that figure with the UK Parliament, it is clear that it is not disproportionate. There are 90 Ministers, including Whips, and 51 Parliamentary Private Secretaries in the House of Commons—21.8 per cent. of its total membership. Our proposed limit for the Assembly, taken with the First Minister and the Counsel General, represents 23.3 per cent. of total Assembly membership if the Counsel General is also an Assembly Member, or 21.7 per cent. if he or she is not. So the proportion is very similar to that in this place.

In the light of that and of the Presiding Officer's suggestion—it is supported by the First Minister—that the Assembly sit post-May 2007 for considerably longer, there should be no problem with scrutiny. However, it is not necessary to limit the First Minister's discretion concerning the balance of Ministers and Deputy Ministers, as the amendment proposes. Should the Assembly have any concerns about the size of the pay bill, it will have powers over Welsh Ministers' and Deputy Welsh Ministers' salaries by virtue of clause 53. I therefore invite the hon. Gentleman to withdraw his amendment.

**David Mundell:** As I made clear to the hon. Member for Caernarfon (Hywel Williams) during my initial remarks, our probing amendment is designed to allow the sort of discussion that has indeed taken place, and which has proved very helpful. Although we have strayed into discussing what constitutes the appropriate number of Assembly Members, that issue will require further consideration. However, I take on board the point, made by my hon. Friend the Member for Monmouth (David T.C. Davies), about the benefit of the Welsh Assembly's working longer hours. Inevitably, the range of Committee activities will put disproportionate work loads on particular Members, although a rough calculation suggests that they are more likely to be Labour Back Benchers at this stage.

It is important that the Deputy Minister role is clarified in the Standing Order process. The Scottish Parliament has provided the model for much of the discussion on this Bill, and Deputy Ministers there are not able to serve on Committees or ask questions in the Chamber. People understand that Deputy Ministers are part of the Executive—or, in the Wales context, of the Welsh Assembly Government. The debate has made it clear that combining the two roles is unsatisfactory, and I hope that the Standing Orders will deal with the problem and clarify the position of Deputy Ministers. As my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) noted, the office attracts a payment. The duties and responsibilities that go with that should mean that office holders are not able to move from being a member of the Government to being a Back Bencher as and when required.

I shall not press the amendment to a Division, as the House has been able to raise the relevant issues. People are worried about the percentage of members of institutions such as this Parliament or the Welsh Assembly who are on the payroll vote—that is, the number of Ministers who are needed for effective Government. The Opposition believe that we should always strive to ensure that the number is the smallest possible. In the hope that the numbers set out in the Bill do not become the norm but will be assessed in the context of ministerial duties, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

## Clause 60

### PROMOTION ETC. OF WELL-BEING

**Mrs. Gillan:** I beg to move amendment No. 63, in page 35, line 27, leave out clause 60.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following amendments: No. 64, in page 35, line 28, after 'anything', insert 'within their powers'.

No. 65, in page 38, line 19, leave out clause 70.

No. 66, in clause 70, page 38, line 22, , at end insert 'reasonable'.

4.30 pm

**Mrs. Gillan:** I hope that my voice will be more robust today than yesterday, and that the House will bear with me if I start to fade again.

The amendments are designed to examine clauses 60 and 70. Unfortunately, we did not have time to discuss these clauses in Committee, but their selection for debate on Report gives us an opportunity to get inside the minds of the Government and the parliamentary draftsmen and find out exactly what the provisions mean. This debate also allows us to explore the ambit of the subjects that the clauses cover.

I have looked at the explanatory notes to the Bill, and what they say is worth sharing with the House. Clause 60, which covers "Promotion etc. of well-being", is described as follows:

"This clause provides the Welsh Ministers with a power to do anything which they consider is appropriate to achieve the promotion of the economic, social or environmental well-being of Wales. The power may be exercised for the benefit of the whole or any part of Wales or of all or any persons resident or present in Wales. If the Welsh Ministers consider that it would promote the economic, social or environmental well-being of Wales it may also be exercised in relation to or for the benefit of areas outside Wales or persons resident or present in any area outside Wales."

I have to express a little surprise, as I am sure the Minister will understand, because that is so badly drafted that it needs close examination.

The clause begins:

"The Welsh Ministers may do anything",

and I would like the Minister to define "anything", because Ministers may do anything at all that they consider appropriate, without any qualification. They are to be the sole arbiters and have sole judgment. They can do anything whatever—not "anything within their powers"; there is no such qualification—

"which they consider appropriate to achieve any one or more of the following objects—

(a) the promotion or improvement of the economic well-being of Wales".

I challenge the Minister to give me some examples of the sort of thing that he thinks Welsh Ministers may do to improve the economic well-being of Wales, and why they need that all-encompassing power. Paragraph (b) mentions the social well-being of Wales. How does the Minister define that? Is it something that would make Assembly Members happy? Is that an appropriate objective? What is social well-being in the context of

"the whole or any part of Wales"?

Next, can the Minister define the term

"the environmental well-being of Wales"?

For example, there is some debate over the nuclear power station at Wylfa B, the jobs there, and the accompanying aluminium plant. Rightly, those subjects have been raised in the House and are of concern to Members. What might Welsh Ministers do in relation to that plant to improve or promote the environmental well-being of Wales? Subsection (1) is very broadly drawn.

Subsection (2) talks about anything that benefits

"the whole or any part of Wales, or . . . all or any persons resident or present in Wales."

I presume that that includes any visiting non-British people, and people coming across the border from England, or from Scotland. Where is the containment of the power? Where does the judgment lie? It lies back with Welsh Ministers, who can decide to do anything that they consider appropriate, without let, bar or hindrance.

Subsection (2) raises many questions in my mind, but if that were not broad enough, subsection (3) would begin to require some serious answers from the Under-Secretary, because it gives Welsh Ministers a

"power to do anything in relation to or for the benefit of any area outside Wales, or all or any persons resident or present anywhere outside Wales".

As I read it, that means that Welsh Ministers can do anything that they consider appropriate, with nobody else sitting in judgment on them, for any area or any country—even Ukraine, whose parliamentary system was prayed in aid in earlier debates, or anywhere else in the whole world. How does that sit with the devolved powers and the powers in schedule 5? This section appears to give Ministers the power to do anything for anybody, anywhere, at any time, and the only people sitting in judgment on that are themselves. Ministers have to consider whether their actions are likely to achieve one or more of the objects in clause 60(1), but that section is also at the discretion of Ministers.

Clause 60(4) starts to describe the powers, but it is so broadly drafted that it provides an open mandate. Ministers can

"enter into arrangements or agreements with any person".

That makes them competent to do anything that they decide is in promotion or improvement of the three areas that we have discussed. Ministers may also

"co-operate with, or facilitate, or co-ordinate the activities of, any person".

Is that provision within the devolved powers in schedule 5, or is the clause drafted more broadly?

Ministers may also

"exercise on behalf of any person any functions of that person".

I hope that they will not be able to exercise any of my functions on my behalf. We need an explanation of who are those persons, what sort of functions will they be exercising—*[Interruption.]* The Whip says, from a sedentary position, that I am rambling.

**Kevin Brennan** (Cardiff, West) (Lab): I said, "It's the Ram doctrine."

**Mrs. Gillan:** I thought that the hon. Gentleman said that I was rambling. My lip-reading skills are obviously not as good as they used to be. I am rambling slightly, because I am perplexed by this clause.

*[Mrs. Gillan]*

I call clause 60(d) the sleaze subsection, because it says that any Welsh Minister may do anything that they consider appropriate to further the aims in clause 60(1) by providing

"staff, goods, services or accommodation to any person."

Perhaps Welsh Ministers could provide me with a few staff. The Opposition can always do with staff, because support is thin on the ground for Opposition Members. The staff we have are very able, but perhaps I could apply to Welsh Ministers for more staff, or goods and services, or even accommodation when I visit Wales, because it would appear that such provision is within the ambit of clause 60.

Clause 70 is about money. It would give Ministers similar wide powers and I need a decent explanation of it from the Minister. The explanatory notes state:

"This clause gives the First Minister, the Welsh Ministers and the Counsel General the power to give financial assistance (whether by grant, loan or guarantee) to any person engaged in any activity which the Welsh Ministers consider will secure, or help to secure, the attainment of any objective which they aim to achieve in the exercise of their functions. Conditions may be attached to such assistance."

As if it is not sufficient that under clause 60 Ministers may do anything for anybody who is, in their judgment, furthering the aims in subsection (1)(a), (b) and (c), they can also give money, by way of a grant, loan or guarantee, to anybody, anywhere, who is engaged in any activity that

"Welsh Ministers consider will secure, or help to secure, the attainment of any objective which they aim to attain in the exercise of any of their functions."

So clause 70 is not even confined to the aims and objectives set out in paragraphs (a), (b) and (c) of subsection (1) of clause 60.

Would the provisions cover the granting of mortgages to members of staff? Subsection (2) of clause 70 notes that

"conditions . . . may be attached . . . requiring the repayment of the whole or any part".

It thus appears that Welsh Ministers could decide to be the mortgagors of their own houses or the houses of their staff. They could offer grants to businesses coming to Wales—indeed, any assistance whatever. How will the provisions sit with European legislation on offering grants? Under the Bill, anything that a Minister wanted to do in exercise of his or her functions could be accompanied by giving financial assistance to third parties.

Subsection (3) also requires explanation. It states:

"This section applies in relation to the First Minister and the Counsel General as in relation to the Welsh Ministers."

We have already debated the Counsel General and as I understand it that individual need not be an elected Member of the Assembly—anyone at all could be appointed—yet if the section applies to the Counsel General, that person can give

"financial assistance . . . to any person engaged in any activity which the Welsh Ministers consider will secure, or help to secure, the attainment of any objective which they aim to attain in the exercise of any of their functions".

It seems rather strange that the Counsel General, who is not elected, will have power to dispose of taxpayers' money. Why is the Counsel General included in subsection (3)?

I presume that the words

"This section applies in relation to the First Minister . . . as in relation to the Welsh Ministers"

mean that the First Minister will be able to make similar decisions in relation to Welsh Ministers. If a Welsh Minister required a residence to further his aims, would the First Minister be able to provide the funding from taxpayers' money, perhaps on advantageous terms? We do not know what conditions would be attached, under subsection (2), to the repayment of any moneys paid out by the First Minister. Will it be a slush fund that allows anybody to have access to any money at any time to do anything that they want?

I could be wrong and it will be interesting to hear the Minister's interpretation of those two clauses, but as they stand, they would pass to the Assembly Government, to Ministers and to a possibly non-elected Counsel General, broad and sweeping powers with no let, stay or hindrance.

I have tabled two small and reasonable amendments and if, after I have listened to the Minister, I am not satisfied, I may want to vote on them. On page 35, at line 38 of clause 60, I propose the insertion of the words "within their powers", to act as a limit or brake on the provisions. Likewise in clause 70, I propose including the word "reasonable", because a test of reasonableness is needed on the wide powers granted under clauses 60 and 70.

I am sad that we did not have time to explore those matters in Committee, but I am grateful that we have been able to do so on Report. I very much look forward to what the Minister has to say about the two clauses.

**Nick Ainger:** Perhaps I can help the hon. Lady. I will try to respond to all the points that she made, but first I should give a clear explanation of clauses 60, 70 and 71. Clause 60, on the promotion of well-being, has been included so that, together with clauses 70 and 71, Welsh Ministers will have available to them the wide general powers that UK Ministers have inherently as Ministers of the Crown. That is known as the Ram doctrine, which was established, if my memory serves me right, on 2 November 1945.

4.45 pm

Given the nature of the Welsh devolution settlement, we believe that those clauses are the best way to give Welsh Ministers comparable general powers within their responsibilities. That will remove the uncertainty that relates to section 40 of the Government of Wales Act 1998. The provisions will empower the Welsh Assembly Government to pursue a range of actions for which there is no specific statutory power.

The hon. Lady asked for certain examples of how such powers will be exercised. They could include, for example, taking action to promote sustainable development and joint working with other public bodies to improve public services. She asked about the environment, and the powers could include taking action to promote energy efficiency in Wales. Another

example is collaborating with other bodies, especially in the public sector, whose functions are not devolved—for example, supporting the police in tackling drug-related issues. Hon. Members have raised such issues on a number of occasions at Welsh questions.

A further example is providing appropriate information to prosecutors—this perhaps relates to the hon. Lady's question about the Counsel General—and regulatory bodies to assist them in considering whether to bringing cases to court. Another example is disseminating information that is of benefit to the public sector or the wider public—for example, joining in a recent campaign on responding to civil emergencies. Those are examples where Ministers do not have the power to intervene to take executive action, but those issues are in line with the responsibilities of UK Ministers. Section 40 of the Government of Wales Act 1998 gives Welsh Ministers certain powers, but these clauses will clarify their roles.

The hon. Lady asked about clause 70 and whether European law would apply to the issuing of grants, state aid and so on.

**Mrs. Gillan:** The Minister has given some examples, but what limits will be placed on those powers?

**Nick Ainger:** First, there is a limit in that every bit of expenditure will be subject to the Audit Committee. The hon. Lady suggested that Ministers could offer mortgages to members of staff. Clearly, they would not be allowed to do that: the Audit Committee would jump most heavily on a Minister if such action was considered.

**Mrs. Gillan** *rose—*

**Nick Ainger:** I shall come to the limits of the word "anything", but I was responding to the question that the hon. Lady asked about European law. Clause 70 is subject to Community law rules on non-discrimination and the free movement of goods and services, so any action by a Welsh Minister will be constrained by Community law in that respect.

The hon. Lady asked about limitations on the power of well-being. Other limits are already set out in the Bill—for example, on human rights in clause 80, on Community law in clause 79 and on international obligations in clause 81.

**Mr. David Jones:** I think that my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) was expressing the concern that, on the face of it, these powers could exceed the powers that are conferred in relation to matters and fields that are devolved to Assembly Ministers. The Minister has already said that the powers would enable Assembly Ministers to exercise such functions "within the area of their responsibility". However, that phrase does not appear in the Bill. Could the matter not be simply resolved and clarified by adopting the wording that my hon. Friend suggests or that the Minister himself has just used?

**Nick Ainger:** I used that phrase because the Minister for Economic Development and Transport might, for example, want to start giving grant aid to a theatre company that wanted to tour in Europe. That is certainly a distinct possibility and it would be good to promote Wales in that way. The Welsh National Opera already does that. That is why I used the phrase "within their responsibilities". However, as in the case of UK Ministers, Assembly Ministers are not necessarily creatures of statute. They occasionally have to take Executive action that is outwith any legislative provision that they have. That is why we need the clauses in relation to well-being. This is not an unusual way of doing things. The Local Government Act 2000 already gives powers to local authorities to take action and expend money for the benefit and well-being of the people they serve.

**Mr. Jones:** Does the Minister recognise that the clause could give Assembly Ministers powers to exceed the powers that they already have by virtue of the devolution settlement? My hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) expressed that concern, but the Minister has not adequately addressed it.

**Nick Ainger:** I am sorry if the hon. Gentleman does not feel that I have responded to him. All that we are trying to do with the clauses is provide the same powers that already exist in this place. Members do not complain about the additional powers that UK Ministers can exercise, even though Ministers have not got the right, by statute, to exercise those powers. I referred to the Ram doctrine earlier and although I will not bore the House by going through it, it gives a Minister the ability to exercise power when he feels that it is necessary, as long as he remains accountable to Parliament for those actions. Ministers in the Welsh Assembly will remain fully accountable to the Assembly for all their actions and any money that they expend, in exactly the same way in which UK Ministers are accountable to Parliament now.

**Mrs. Gillan:** Will the Minister tell me whether the provisions were included in the original Government of Wales Act 1998 and, if so, whether they were in exactly this form?

**Nick Ainger:** The provisions were not in exactly this form, but we are putting them in this form because we are trying to clarify exactly what Ministers can do and what the limits are.

The hon. Lady also asked about a Minister's ability to act outside Wales. I touched on a good example. If the Welsh National Opera was doing a major tour of Europe that could be used to promote Wales and help economic development and tourism, the relevant Minister could subsidise part of that tour as a way of promoting well-being in Wales.

**Mrs. Gillan:** I am grateful to the Minister for giving way again; at least we are having a dialogue on the matter. If Ministers are going to act within the provisions of schedule 5 and the devolved powers, why does it not say that in the Bill? Why is the Minister, at this stage, giving Assembly Ministers the same level and breadth of powers as full Ministers in the UK? Surely

*[Mrs. Gillan]*

this is another example of the devolution settlement being breached and broadened without people appreciating it.

**Nick Ainger:** No, to return to the point that I made earlier, section 40 of the Government of Wales Act 1998 already gives similar powers, but these clauses clarify the situation so that there is no confusion. Following advice, we believe that clarification in this form is necessary.

The hon. Lady was asking about Ministers' ability to exercise powers. These are executive functions to be exercised by Ministers and they will be subject to the scrutiny of the Assembly and, certainly, if any funding is involved, to the scrutiny of the Audit Committee.

**Mr. David Jones:** I am grateful to the Minister for his generosity in giving way. Will he turn his mind to clause 60(4)(c), which gives Welsh Ministers power to exercise any function

"on behalf of any person"?

Would that give a Welsh Minister the power to exercise a function given to him on an agency basis by a UK Minister, for example?

**Nick Ainger:** The well-being power is there to assist the people of Wales. Clause 60(1) sets out the objects to which that power applies. The answer is yes, if it could be shown that an individual outside Wales could perform a duty that was to the benefit and for the well-being of people in Wales, that would not be outwith the clause.

The power to promote well-being is closely modelled on similar powers given to local authorities in section 2 of the Local Government Act 2000. Local authorities, too, were given that power to reduce uncertainty over their powers to act where there was no specific power relevant to what they wanted to do even though it would benefit people in their area. A similar provision was included in section 30 of the Greater London Authority Act 1999, for similar reasons. The power would not alter any existing function of Ministers of the Crown, and there are specific constraints on Welsh Ministers, such as the prohibition on doing anything incompatible with Community law, so those functions do not need to be restated. The power would not override the International Development Act 2002.

**Mrs. Gillan:** The Minister appears to have made two conflicting statements. I think that I am correct in saying that, in response to my hon. Friend the Member for Clwyd, West (Mr. Jones), he said that under these clauses it will be possible for a Welsh Minister to exercise the functions of a UK Minister. However, he has just said that this provision does not alter the position of a Minister of the Crown. Perhaps I do not understand, but the two statements appear to be conflicting and I should be grateful for clarification.

**Nick Ainger:** To clarify the point, I am certainly not suggesting that a Minister would be able suddenly to take on the functions of a UK Minister. I am suggesting that, if a UK Minister were in a position to assist the good people of Wales, and there was a requirement for funds to be provided, that would be possible under these clauses.

The amendments seek to remove or constrain the power to promote or improve the well-being of Wales to such an extent that it would become meaningless. It would create uncertainty over the powers of Welsh Ministers to act where there was no specific power relevant to what they wanted to do, even though it would be for the benefit of the people of their area. For the reasons that I have outlined, we believe that the power is necessary, as it has been for local government and the Greater London Authority.

Amendment No. 65 would remove clause 70, which would make no sense. The power already exists for the Assembly in section 85 of the Government of Wales Act, and is being transferred to Welsh Ministers by the Bill. The removal of the clause would restrict the ability of Welsh Ministers to carry out executive functions.

5 pm

Amendment No. 66 is unnecessary. The power in the clause is identical to one in section 40 of the Government of Wales Act. Although the provision is for the Assembly as a whole, the function in question is an Executive function, which is better carried out by Welsh Ministers. Welsh Ministers are accountable for their actions. If their actions were deemed unreasonable, they would be subject to action by the Assembly or by the Audit Committee, and potentially to judicial review.

**Mrs. Gillan:** Will the Minister deal with my question about the Counsel General, please?

**Nick Ainger:** I think that I touched on that. The Counsel General would be in a position to expend moneys to ensure that prosecutions took place, and I specifically mentioned that he could take action to assist other authorities in bringing prosecutions. Although he would not be given specific powers under schedule 5 or following the enactment of part 4, the Counsel General would be able to assist other authorities in bringing prosecutions; at present, no statute gives him the power to do that.

We have had a good explanation. I hope that I have reassured the hon. Member for Chesham and Amersham that the powers are not, as she suspects, huge and wide-ranging, unrestricted either by statute or by the Assembly. Far from it. We are making sensible arrangements so that Welsh Ministers can exercise Executive functions to benefit the people of Wales. I ask her to withdraw the amendment.

**Mrs. Gillan:** I understand why, from time to time, Ministers—whether in Westminster or in the Assembly—need to exercise Executive powers, but I am not fully satisfied by the explanation that the Minister has given. A lot of points still need to be clarified, and it is unfortunate that we will not be able to do that at this stage. The fact that the clauses are closely modelled on provisions for the Greater London Authority and local

authorities has little bearing, because, as we have often heard, the Assembly in Wales is different from the Greater London Authority and local authorities. If there are similarities, one would hope for consistency across government and that Ministers would apply the changes that they intend to make to the electoral system in Wales to the electoral arrangements for the GLA and the Scottish Parliament.

The way in which the Minister has presented his explanation has led to confusion. I am not entirely convinced that under the clauses as drafted it would not be possible for a Minister to take on the functions of a Member of this House or a member of the Government on an agency basis. His assurance that the clauses clarify and limit what Ministers can and cannot do is as nothing, because there is nothing limiting in them. Ministers may well be subject to scrutiny by the Assembly—so they should be—and by the Audit Committee; none the less, the powers given under the two clauses remain unfettered.

I want Welsh Ministers and the Assembly always to do things that assist the people of Wales, but I do not want them to have powers that could be abused or are wider than they should have at this stage. To bring Welsh Ministers into line with UK Ministers is yet another way of devolving by the back door.

Once again, the Government should have been honest about devolution, and perhaps they should have gone the whole hog and held a referendum. However, they have not done so—they are salami-slicing, as the Father of the House has said. The provision is another slice of salami, and it is being made by stealth, rather than in an open fashion. Amendments Nos. 64 and 66 are small amendments, as I mentioned. They do not fundamentally alter Ministers' ability to ensure the well-being of Wales, but they clarify the position and provide the limits that the Under-Secretary believes exist in clauses 60 and 70 as drafted.

**Lembit Öpik:** I sense that the hon. Lady may wish to divide the House so, for the record, I wish to say that, for once, I was persuaded by the Minister's argument. It is a judgment rather than a principle, but is she not being a little pedantic in pursuing her concerns? The Minister made a cogent argument about the Government's intentions and, in my assessment, it would be useful, rather than harmful, to retain those provisions as drafted.

**Mrs. Gillan:** I am grateful to the hon. Gentleman. The amendments do nothing but set fairly broad parameters. By adding the words "within their powers" to clause 60 we would ensure that we stick both to the letter of the law and to the intention behind devolution by limiting Ministers' powers. That may be taken as read, but I would prefer to see such a limitation included in the Bill. Likewise, the insertion in clause 70 of the word "reasonable" would not undermine the spirit of the provision, and would ensure that a test of reasonableness can be applied to the broad powers of financial assistance in the clause.

**Lembit Öpik** *rose—*

**Mrs. Gillan:** I am being very generous.

**Lembit Öpik:** As the hon. Lady says, she is being generous and, indeed, modest. I think that she is saying that amendment No. 64 does nothing but clarify clause 60. Taken as a package, however, the amendments do rather more, and would remove the clause.

**Mrs. Gillan:** I merely wish to press amendments Nos. 64 and 66—I do not wish to press the remaining amendments any further. I wish not to wreck the existing provisions, but to provide clarity and certainty, which have not been afforded by the way in which the Bill has been drafted.

May I hasten to comfort the hon. Gentleman? I certainly do not wish to remove clauses 60 and 70. In fact, the original proposal to delete those clauses was designed to enable Committee members to discuss the subject. We were not given the time to hold such a discussion in Committee so, unfortunately, we must do so on Report. The insertion of the words "within their powers" in clause 60 and the addition of the word "reasonable" to clause 70 do not wreck the existing provisions. I have gone a long way towards accepting the Minister's explanation, and the amendments have the best interests of the Welsh people and Wales at heart. However, they provide a safeguard so that Ministers act within their powers. They offer, too, a test of reasonableness on the financial assistance that Ministers may, or may not, give.

I accept the Minister's explanation about the Counsel General, but, again, a test of reasonableness would not go amiss. I am rather sad that the Minister could not accept those small amendments, but I should not be surprised as there has been very little give and take at the Dispatch Box during the passage of the Bill. It is a shame, however, as consensus could easily have been achieved on many of these issues. With a heavy heart, I seek the leave of the House to press amendments Nos. 64 and 66 to a vote, and I urge my hon. Friends to join me in the Lobby.

I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment proposed:* No. 64, in page 35, line 28, after 'anything', insert 'within their powers'.—*[Mrs. Gillan.]*

*The House divided:* Ayes 221, Noes 282.

**Division No. 176]** **[5.10 pm**

**AYES**

| | |
|---|---|
| Ahrlyie, Adam | Bottomley, Peter |
| Ainsworth, Mr. Peter | Brady, Mr. Graham |
| Alexander, Danny | Brazier, Mr. Julian |
| Ames, Mr. David | Breed, Mr. Colin |
| Ancram, rh Mr. Michael | Brokenshire, James |
| Arbuthnot, rh Mr. James | Brooke, Annette |
| Atkinson, Mr. Peter | Browne, Mr. Jeremy |
| Bacon, Mr. Richard | Browning, Angela |
| Baldry, Tony | Burns, Mr. Simon |
| Barker, Gregory | Burrowes, Mr. David |
| Baron, Mr. John | Burt, Alistair |
| Beith, rh Mr. Alan | Burt, Lorely |
| Benyon, Mr. Richard | Butterfill, Sir John |
| Beresford, Sir Paul | Cable, Dr. Vincent |
| Binley, Mr. Brian | Campbell, Mr. Gregory |
| Bone, Mr. Peter | Campbell, rh Sir Menzies |
| Boswell, Mr. Tim | Carmichael, Mr. Alistair |

Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Hulme, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Mr. David Evennett and**
**Mr. Henry Bellingham**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Cheytor, Mr. David
Clark, Ms Katy
Cosker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen

Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCartney, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
Mclsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Serwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Ian Cawsey and Tony Cunningham**

*Question accordingly negatived.*

## Clause 75

### Business Organisations

**Huw Irranca-Davies** (Ogmore) (Lab): I beg to move amendment No. 62, in page 41, line 4, leave out clause 75.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss new clause 12—*Business scheme*—

'(1) The Welsh Ministers must make a scheme ("the business scheme") setting out how they propose, in the exercise of their functions, to take account of the interests of business.

(2) The business scheme must specify how the Welsh Ministers propose—

(a) to carry out consultation about the exercise of such of their functions as relate to matters affecting the interests of business, and

(b) to consider the impact of the exercise of their functions on the interests of business.

(3) The Welsh Ministers—

(a) must keep the business scheme under review, and

(b) may from time to time remake or revise it.

(4) Before making, remaking or revising the business scheme, the Welsh Ministers must consult such organisations representative of business (including trade unions) and such other organisations as they consider appropriate.

(5) The Welsh Ministers must publish the business scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(6) If the Welsh Ministers publish a scheme or revisions under subsection (5) they must lay a copy of the scheme or revisions before the Assembly.

(7) The Welsh Ministers must—

(a) within the period of two years beginning with the day on which the business scheme is first made, and

(b) subsequently at intervals of no more than two years,

publish a report of how the proposals set out in the business scheme have been implemented.

(8) The Welsh Ministers must lay before the Assembly a copy of each report published under subsection (7).'.

**Huw Irranca-Davies:** I am pleased to move the amendment and support the new clause because their purpose is to recognise the interests of business throughout Wales. I was especially pleased that, on Second Reading, when my hon. Friend the Member for

*[Huw Irranca-Davies]*

Newport, East (Jessica Morden) and I spoke for such a provision, the Under-Secretary appeared to respond favourably. Now that it has been drafted accurately—

**Madam Deputy Speaker:** Order. Will hon. Members who are leaving the Chamber or holding conversations in the Chamber please leave quickly and quietly?

**Huw Irranca-Davies:** I am especially pleased that business interests are recognised in the amendments as being those not solely of employers but of employees. They are tied together in new clause 12 so that the voice of the trade unions and employees is equally important to that of employers. When we talk about developing the economic, environmental and social well-being of Wales, as we did in our previous discussion, the business community should have a powerful say.

We tabled the amendments to ensure that the voice of the business sector—employees and employers—was recognised and included in the Bill in the same way as that of the voluntary sector and the public sector. Subsection (4) of new clause 12 refers to

"organisations representative of business (including trade unions) and such other organisations as they consider appropriate."

That is why the amendment and new clause have the support of not only the TUC in Wales but the Wales Trades Union Council.

The amendments were tabled in the spirit of consensus. They have the backing of the people, business organisations and employee organisations in Wales. I hope that not only the House but the Under-Secretary will support them.

The new clause proposes that reports be made at intervals of no more than two years, rather than yearly, as will apply to the voluntary and public sector schemes. In defence of that slight deviation from the other two schemes, I would say that this is precisely what the unions and employers in the business community have asked for. They recognise the need for openness and transparency in reporting back, but they believe that it could be extremely cumbersome if that were to be an annual requirement. They would prefer the period to be up to two years.

I hope that amendment No. 62 and new clause 12 will garner the support of the House today.

5.30 pm

**Adam Price:** I am happy to support the amendment moved by the hon. Member for Ogmore (Huw Irranca-Davies). It was made clear by Ministers at the time of the passing of the Government of Wales Act 1998 that trade unions were meant to be included in the ambit of business organisations, but the amendment makes that absolutely explicit. It should be welcomed for that reason in particular, but also because it clearly sets out the requirement for consultation with social and economic organisations—as I prefer to call them—in a way that is consistent with the schemes that apply to other sectors. This would be widely welcomed by many including the Wales TUC, whose response to the consultation conducted by the Welsh Assembly Government on business consultation made it clear that the TUC wanted a formal basis for the inclusion of trade unions and a structured process to be put in place.

That sentiment has been echoed by the main representatives of the private sector. The CBI has called for a scheme along similar lines to those proposed by the hon. Members for Ogmore and for Newport, East (Jessica Morden). Other business organisations, including the West Wales Chamber of Commerce and the Federation of Small Businesses, have made a plea that the general duty to consult business organisations needs a proper structure in terms of its mechanism and its timetable, similar to that proposed by the hon. Gentleman. I hope that this will not have to be a Labour rebellion, and that the Minister will finally accept a substantial amendment, because it has garnered considered support on both sides of the House. I shall listen with optimism to the Minister's response in due course. Meanwhile, we are happy to offer our support for the proposals.

**Jessica Morden** (Newport, East) (Lab): In speaking to the amendment and the new clause, I support the comments of my hon. Friend the Member for Ogmore (Huw Irranca-Davies). I also acknowledge that the Welsh Assembly Government has a good, constructive relationship with business and the trade unions in Wales, which is illustrated by the work that is being done through the Business Partnership Council.

Clauses 72 and 73 provide that Welsh Ministers must establish the Business Partnership Council with local government and place a duty on the Welsh Assembly Government to consult and advise local government, and to set up and publish a local government scheme. Clause 74 provides that Welsh Ministers must set up a voluntary sector scheme to explain how they will work and consult with the voluntary sector in Wales. Yet clause 75 calls for Ministers only to carry out consultations with

"such organisations representative of business and such other organisations as they consider appropriate".

The obligation in the Bill to consult business is therefore considerably weaker than the obligations relating to local government and the voluntary sector, and it contains no reference to trade unions representing employees.

It is important to recognise that business and the trade unions play a key role in developing Wales. The new clause acknowledges that and proposes a similar arrangement for business and the unions, to be known as "the business scheme". That would enable the public to see what Welsh Ministers are committed to do for business. Relations with business and trade unions are currently good, but future Administrations would have an obligation to ensure that that continued. The scheme would also ensure that the role of the trade unions was formally acknowledged. Welsh Ministers would have a duty to consult them, and the views of workers in Wales would be heard when decisions were made by the Welsh Assembly Government.

I am grateful to my right hon. Friend the Secretary of State for considering opinions that have the support of the CBI and the TUC in Wales. I hope that the Minister will support the new clause.

**Mark Williams** (Ceredigion) (LD): We support the amendment and, in particular, the new clause. The amendment touches a nerve among many businesses, especially small businesses, which feel that any existing

consultation arrangements are not working very well. The new clause sets out the proposed arrangements very clearly, especially the monitoring arrangements.

Clause 75 refers to

"consultation with ... organisations as they consider appropriate".

I remind Members of the importance of organisations such as the Mid Wales Manufacturing Group and chambers of trade throughout Wales. I hope that the new clause will enable their views to be taken into account.

**Mrs. Gillan:** I hope that the Minister will tell us whether what is proposed in new clause 12 could be dealt with by clauses 60 and 70, which we have just discussed. I should also like to know whether he has any idea of the cost of the business scheme. I do not know whether the hon. Member for Ogmore (Huw Irranca-Davies) has estimated the cost, the time and the number of staff involved. Would any extra staff be needed?

The recent Ministry of Defence withdrawals have affected the deep servicing base at St Athan, which has caused a great deal of concern. I hope that if the Minister accepts new clause 12 or any similar proposal—which I doubt very much; he does not look as though he is in an accepting mood—there will be appropriate consultation with representatives of those working in such areas.

**Huw Irranca-Davies:** There would undoubtedly be consultation with various organisations, large and small. The hon. Lady will have noted another slight difference between the new clause and the clauses relating to the public and voluntary sectors: there is no duty to sustain. The independent nature of the business community is reflected in the slightly different wording. While the requirement for consultation is absolutely correct, I do not see the need for a duty to step in and sustain a business. I do not think that any of us would want that.

**Mrs. Gillan:** That answers one of my questions.

New clause 12(7) states that

"within the period of two years beginning with the day on which the business scheme is first made, and ... subsequently at intervals of no more than two years",

reports must be presented on

"how the proposals set out in the business scheme have been implemented."

The period of two years seems to be arbitrary, plucked out of the air. Perhaps the Minister will comment.

**Huw Irranca-Davies:** As I have said, the TUC and the CBI support the amendment and the new clause, but that proposal follows a request from them. They consider the procedure more manageable and operable than the onerous duty of publishing a report every year. They appreciate the transparency, but do not want a commitment to annual reporting.

**Mrs. Gillan:** I am grateful for that intervention. I realise that the proposal is supported by the CBI and the TUC—I merely wanted to know why a period of two years is preferred to, say, three, five or 10 years, as is normal with a business plan. However, I look forward to hearing what the Minister has to say in response to new clause 12 in particular.

**Nick Ainger:** Surprise, surprise, Madam Deputy Speaker—we accept and welcome the amendment and the new clause, and I am sure that everyone welcomes that. The Welsh Assembly Government have worked closely with the business community, including the trade unions, and I expect that they will continue to do so. The new clause, which is a sensible addition to the Bill, is designed to ensure that all parts of the Welsh Assembly Government take the impact on business into account when drawing up policy. I also welcome its clarifying the position of trade unions within the business scheme.

The hon. Member for Chesham and Amersham (Mrs. Gillan) asked why such matters could not be dealt with under clauses 60 and 70—

**Mrs. Gillan:** Do not such powers already exist under clauses 60 and 70? Welsh Ministers could use the powers granted by their wide provisions to take precisely such action, if they wished.

**Nick Ainger:** The point is that under the terms of clauses 60 and 70, Ministers would choose whether to take such action. The new clause puts the scheme on a statutory footing—an option that Ministers clearly could not exercise under clauses 60 and 70.

The extra costs involved will be minimal. The point is to ensure that regulations emerging from the Assembly are made with the involvement and agreement of all parts of industry, which is why we welcome the new clause.

**Mrs. Gillan:** I am grateful to the Minister for giving way again. He says that the cost will be minimal and I presume, given that he is going to accept the new clause, that he has had a chance to calculate in detail the costs and staffing necessary to implement it. Will he agree to place in the Library of the House those detailed calculations, which would be helpful? Will he also justify to the House the two-year period, so that I can satisfy myself that another period would not be more optimal?

**Nick Ainger:** I am assured that the costs are minimal as most of this work is already being done by Assembly officials. All sides of business and industry have decided that they want a scheme that can be reviewed every two years. The new clause takes on board their views and I would be amazed if the hon. Lady disagreed with them.

In conclusion, I welcome the new clause and I commend it to the House.

**Huw Irranca-Davies:** I am very pleased to see not only cross-party support for the new clause but support from throughout the Labour Benches. The Minister has given his support not just to the principle behind the new clause, as he did on Second Reading, but to the new clause itself. As my hon. Friend the Member for Newport, East (Jessica Morden) pointed out, there is already a good working relationship between the Assembly and business. However, the new clause will formalise the Assembly's relationship not only with

*[Huw Irranca-Davies]*

employers' organisations, but with employees. I am grateful for such support and I thank the Minister for his consideration.

*Amendment agreed to.*

**Mr. Dominic Grieve** (Beaconsfield) (Con): I beg to move amendment No. 4, in page 50, line 7, leave out clauses 92 to 101.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following amendments: No. 5, in page 50, line 17 [Clause 92], at end insert

'; and the Assembly may by resolution request that the Parliament of the United Kingdom legislate on any matter specified in Part 1 of Schedule 5.'.

No. 59, in page 51 [Clause 94], leave out lines 29 to 31.

No. 60, in line 38, leave out subsections (7) and (8) and insert—

'(7) The Secretary of State must, before the end of the period of 30 days beginning immediately after the day on which notice of the Assembly's resolution is received, submit the draft to the Clerk.

(8) It is for the Clerk to submit draft Orders in Council for approval by Her Majesty in Council.'.

No. 61, in page 52, line 7 [Clause 95], leave out '60' and insert '30'.

No. 7, in page 89 [Clause 160], leave out line 23.

New clause 1—*Referendum about commencement of Assembly Measure provisions*—

'(1) Her Majesty may by Order in Council cause a referendum to be held throughout Wales about whether the Assembly Measure provisions should come into force.

(2) If the majority of voters in a referendum held by virtue of subsection (1) vote in favour of the Assembly Measure provisions coming into force, the Assembly Measure provisions are to come into force in accordance with section 92.

(3) But if they do not, that does not prevent the making of a subsequent Order in Council under subsection (1).

(4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament and the Assembly.

(5) But subsection (4) is not satisfied unless the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

(6) A draft of a statutory instrument containing an Order in Council under subsection (1) may not be laid before either House of Parliament, or the Assembly, until the Secretary of State has undertaken such consultation as the Secretary of State considers appropriate.

(7) For further provision about referendums held by virtue of subsection (1) see Schedule 6.

(8) In this Act, "the Assembly Measure provisions" means sections 92 to 101.'.

New clause 3—*Scrutiny of proposed Orders in Council by Joint Scrutiny Committee*—

'(1) There shall be a Joint Scrutiny Committee (in this section, "the Committee") that shall scrutinise every Order in Council made pursuant to section 94 of this Act and report on its expediency to the House of Commons and to the National Assembly for Wales.

(2) The Committee shall consist of ten Members of the House of Commons and ten Members of the National Assembly of Wales.

(3) The Committee may choose its own Chairman and determine its own procedure.'.

5.45 pm

**Mr. Grieve:** Clauses 92 to 101 make up part 3 of the Bill, which deals with Assembly measures. We debated these provisions in detail and at length in Committee, but I was left entirely unpersuaded by the Government's arguments about the proposals' necessity or desirability.

The House must bear it in mind that these clauses would mean that primary legislation would cease to be the responsibility of this House—or any Assembly or Parliament—and be replaced by a system of government through Order in Council. It would be difficult to imagine a more fundamental shift from the normal convention and practice in our country's constitution, although the Legislative and Regulatory Reform Bill tries to extend the same principles to the entirety of the governance of this country, including England.

It became clear in the course of our Committee debates that the Government simply did not grasp the extent of the change that these proposals would introduce. We were told that the measures were perfectly reasonable, and that Orders in Council are commonly used. I accept the latter point, but they are not used for enacting measures that are normally the preserve of primary legislation. However, that is precisely the system that we will be introducing if we allow these clauses to go through.

Parliament gives power to the Executive. The Government have argued that they want to devolve power so that it is brought closer to the people, but where will that power be exercised? That is the important question, as clauses 92 to 101 make it glaringly apparent that the exercise of the power supposedly to be transferred to the Assembly will remain entirely at the discretion of the Secretary of State.

For example, clause 94(7) allows the Secretary of State the right to refuse to enact a draft order proposed by the Assembly. Parliament will have an opportunity to vote on such a draft order, but will be able to see it only in draft form. We will not be able to see the order in its final form.

**Nick Ainger** *indicated dissent.*

**Mr. Grieve:** The Minister shakes his head. Perhaps I have chosen my words badly, but in Committee we established that Parliament will be presented with a draft Order in Council and asked to decide whether it should go ahead. However, it will not be able to determine whether the order in its final form, as put together by the Welsh Assembly, should be approved. That is because, at that stage, the Secretary of State is the only person with the power to intervene and prevent a measure from being enacted. If I have got any of that wrong, I shall be pleased to give way to the Minister so that he can correct me.

**Nick Ainger:** I shall try to help the hon. Gentleman with how the system will work. The Welsh Assembly will

propose an Order in Council, which will then be subjected to pre-legislative scrutiny, when it can be amended. After that, the Assembly will consider any changes and introduce a draft Order in Council. That draft order will then be laid before the House by my right hon. Friend the Secretary of State, and the normal affirmative procedure, both here and in the House of Lords, will apply. It is not the measures that will come before Parliament in any form, but the policy statement justifying why the Order in Council is required. There will be a substantial amount of information attached to that, and it will be subject to pre-legislative scrutiny. I hope that that clarifies the matter for the hon. Gentleman.

**Mr. Grieve:** It certainly clarifies the matter up to a point, and it sounds even worse than I originally thought. In Committee I understood that although the House would vote on the draft Order in Council, there would be an opportunity for the House to scrutinise the actual draft measure. The Minister shakes his head and says that that is not the case, but I have to express some surprise. That is not at all what I remember.

**Mr. John Gummer** (Suffolk, Coastal) (Con): Does my hon. Friend agree that what is being removed from Parliament are precisely the rights that were not afforded to it by dictatorial monarchs down the ages? This activity is at the heart of what Parliament does, and either the Welsh Assembly should do it or this place should. It is unacceptable for no one to do it.

**Mr. Grieve:** I agree with my right hon. Friend; that is the matter that was of such concern to us in Committee. We tabled amendments to try to beef up the procedures, but they were all rejected. That is why I shall invite the House to take out the entirety of this part of the Bill. In my view, it has no place in the architecture of the legislation—and indeed, it is completely unnecessary.

If the Government were honest and true to their principles they would have no hesitation in putting the idea of Acts of the Assembly to a referendum, getting the necessary powers and handing those powers to the Welsh Assembly. There are arguments both in favour of and against further devolution, but at least that would have some intellectual honesty about it, whereas what is now proposed is a hybrid system that will grossly undermine this House's ability to scrutinise legislation, but will not give the Welsh Assembly any measure of sovereign control over its own legislation.

The matters in schedule 5, part 1—all important areas of legislation for the people of Wales—will be determined by a sort of minuet danced between the Secretary of State and the Assembly, in which the Secretary of State ultimately exercises all the control. A measure more calculated to undermine the principles of parliamentary democracy would be difficult to find. However, having seen the Legislative and Regulatory Reform Bill, and what the Government seek to impose on the country more generally in that measure, we should not be surprised by what they are doing to the people of Wales, who are being treated as guinea pigs for their proposals elsewhere.

The longer we debated this issue in Committee, the less persuaded I was that these measures were necessary. If the Government had the courage to bring devolution a further notch forward, they would accept the need for a referendum and Assembly Acts. Moreover, there are so many downsides to the proposals, which risk producing an environment in which the ability to scrutinise legislation and determine it properly will be seriously undermined.

**Adam Price:** Does the shadow Attorney-General see any contradiction between his proposal to delete part 1 of schedule 5 and the position taken by the leader of his party in the Assembly, who has voted, and called, for extending schedule 5 to include new areas such as energy?

**Mr. Grieve:** Not at all; this highlights the nub of the issue. It is possible to have a perfectly reasoned debate about whether the Welsh Assembly should be granted more powers. I am aware that within Wales, and outside it, there will be people with different opinions on that subject. There are perfectly valid arguments that Wales should follow the pattern of Scotland and have primary legislative powers, and that the Welsh Assembly should acquire sovereign authority over areas of legislative competence, if that is what is desired. That, in a sense, is what the Government propose in part 4.

I shall make something clear again, both to the hon. Member for Carmarthen, East and Dinefwr (Adam Price) and to the Minister—and, indeed, to anybody else. We have said all along that if that is what the Government seek to do, it is right that they should put it to the people of Wales, and if the people of Wales want it, they should have it. That is why we shall certainly not oppose the measures in part 4.

My colleagues in the Welsh Assembly have views on that subject, and are perfectly entitled to argue that greater powers should be devolved to Wales. That is what an evolving democracy is about—just as people are also entitled to argue that that should not happen. My objection is not to the principle that there might be further devolution to Wales, but to the hybrid system that the Government seek to set up to avoid having to ask the Welsh people a referendum question, because they know that would be embarrassing within their own party.

**Mr. Gummer:** Does my hon. Friend accept the fact that I believe in further devolution, and that, as we have taken this step, I would like the Welsh people to make many more of their own decisions? There are arguments about whether we should have devolution at all, but now that it has been introduced, it ought to be effective. What is so dangerous is the fact that we are evolving a system in which the prime player is neither the Welsh people through their Assembly, nor the United Kingdom people though the United Kingdom Parliament, but the Government through executive action. That is intolerable and undemocratic.

**Mr. Grieve:** I agree entirely. This is a creeping process, which has probably been going on for some time. This Parliament has been successively surrendering powers of legislative competence through the greater use of statutory instruments and Orders in Council for a long time. In 1966 there were, I think, 35 statutory instruments, whereas there are now some 3,000 to 4,000 a year. That is already a measure of the loss of

*[Mr. Grieve]*

competence—but at least in key areas of primary legislation, historically we have kept the competence. That is what we are surrendering now.

As I have said, if I were being asked to surrender that competence to a Welsh Assembly taking over our powers, I might argue against that because of my attitude to devolution, but I could not fault it as a procedure. I also have to acknowledge that in the Scottish context, that has worked quite well. However, I am not prepared to surrender the power of this House to scrutinise and enact legislation to a system that very considerably increases the power of the Executive.

**Lembit Öpik:** I am trying to understand the Conservatives' position on this matter, because that would help us to see what the hon. Gentleman seeks to do with his amendments. Can he clarify the definitive Conservative party policy? As the hon. Member for Carmarthen, East and Dinefwr (Adam Price) has pointed out, there seems some confusion between what the leader of the Conservatives in Wales was saying and what the hon. Gentleman is saying now.

**Mr. Grieve:** I am afraid that the only confusion is in the hon. Gentleman's mind. The Conservative party's position is extremely straightforward: any increased devolved powers for the Welsh Assembly should come through part 4. If the people of Wales want those devolved powers, they can have them by voting in a referendum under part 4. If they chose to have them in that way, our party's task would be to facilitate that process and make it work effectively.

The Conservative party—the official Opposition—will not at any stage subscribe to a system of governance that removes legislative competence from everybody and hands it to the Executive. I hope that that is now clear to the hon. Gentleman, and that he understands exactly where we stand.

6 pm

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): Does my hon. Friend agree that the Bill would make it easier for the Government to impose regional government in the west midlands without offering a referendum?

**Mr. Grieve:** It is true that the people of Wales will have no referendum on the part 3 proposals. My hon. Friend will have noticed that one of our amendments would require a referendum to be held. The people of Wales should be consulted on whether they wish to be governed by Order in Council, but the Government have never consulted the people of Wales on part 3. It was dreamt up by bureaucrats and will be imposed on the people of Wales. It suits the Government because it resolves the internal problems in the Labour party, with some members set against further devolution and some wanting much more.

**Adam Price:** I wish to return to the internal problems in the Conservative party. If the Order in Council procedure is such anathema to the Conservative party, why, on 25 January in the Assembly Committee considering the Bill, did the leader of the Welsh Conservative party ask for more subject areas to be added to schedule 5?

**Mr. Grieve:** Schedule 5 defines the powers that could be given to the Welsh Assembly under part 3 or part 4. I do not see a problem with those of my colleagues in the Welsh Assembly who say that they would like more devolved powers for Wales. The question is how those powers should be devolved. It seems to me to be a fairly simple matter.

**Mr. Gummer:** If I sat in the Welsh Assembly, I would want the schedule to include several powers that it does not include at present, but I would expect that—in order to press for part 4 to be enacted—the people of Wales could make that judgment. The argument advanced by the hon. Member for Carmarthen, East and Dinefwr (Adam Price), with whom I often agree, misses the point. If one wants greater devolved powers, this is the only way to achieve that under the format presented by the Government.

**Mr. Grieve:** My right hon. Friend makes a good point. To return to the point made by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) about whether such powers could be used more extensively in England, the answer must be yes. Indeed, the whole constitutional trend since Labour came into power in 1997 is to minimise the use of Parliament for governmental business. The Government go to considerable lengths to avoid having legislation scrutinised in this place. When it is scrutinised in this place, the guillotining of business means that we cannot give it adequate scrutiny. One of the real ironies—I regard it as a disgrace—is that the Government, having preventing us from scrutinising legislation properly, claim that as Parliament cannot do the job they might as well give it to someone else. That is a pattern of behaviour from this Government.

The House should not subscribe to part 3, unless the Government choose to have a referendum on it and allow the Welsh people to understand what it is all about. That is what we try to achieve in new clause 1.

**Mr. David Jones:** If the Government were to be minded to offer such a referendum, would it not be just as easy for them to offer one on part 4 at this stage and forget part 3?

**Mr. Grieve:** It would be and, from a constitutional point of view, part 4 would be a much better option than part 3. If someone offered me a choice between part 3 and part 4, I would choose part 4. Although it is a major constitutional change, part 4 at least has some internal coherence, which part 3 lacks. I accept that it is possible that the Welsh people, if they were to be consulted, might decide that they wished to be governed by Order in Council under the part 3 procedure. If that choice were put to them, I would enjoy campaigning in Wales and explaining to people what part 3 is all about. If the Government think that part 3 is such an attractive proposal, they should accept new clause 1, and I hope to hear the Minister say so before the end of the debate. If new clause 1 is accepted, we will see the same spirit of

concord that we saw when the Government accepted an amendment tabled by Labour Back Benchers a few moments ago.

New clause 3 is a fall-back position. Inadequate as part 3 is, new clause 3 would provide a system for a Joint Committee of both Houses of Parliament and the Assembly to scrutinise draft orders. That would go some way to remedying the democratic deficit of part 3. Amendment No. 7 is consequential to amendment No. 4.

Our view is straightforward. Further devolution can work only if it is honest in empowering the legislature rather than favouring the Executive. Part 3 is a bureaucrat's charter. It is also a charter that suits Government very well, and hundreds of years of acquired rights, which are enshrined in legislatures, are being systematically eroded by the drafting of part 3. The House should have nothing to do with it. It is unworthy of the Government to propose it. Despite having sat through Committee and debated the Bill extensively during its passage, I did not understand a point that the Minister made today. If, however, it is true that Parliament will have only the vaguest notion of the detail of what the Assembly will enact, that is an even more compelling reason why part 3 should be rejected. Part 3 is the creature of the Executive and I hope that the House will send out a signal that some of us, at least, will not accept that principle.

**Ian Lucas:** What we have just heard is a gross misrepresentation of the system that is proposed and betrays a profound lack of understanding of the legislative system that has been in operation, certainly since I came to this place in 2001. That is perhaps not surprising from the Conservatives, because they have limited experience of legislation affecting Wales during that period. In reality, that legislation has been subject to unprecedented scrutiny, because of the emergence of pre-legislative scrutiny. I suggested as much to the hon. Member for Beaconsfield (Mr. Grieve) during earlier proceedings on the Bill, but he does not seem to have taken it on board.

Pre-legislative scrutiny was instituted under the Conservative Government before 1997 and has developed substantially since then, especially since 2001 in respect of Wales. Proposals from the Assembly have been scrutinised by Committees of the House, primarily the Welsh Affairs Committee. They have been almost scrutinised to death. In at least two cases, the Public Audit (Wales) Bill and the Transport (Wales) Bill, the pre-legislative scrutiny of the Welsh Affairs Committee—often working with the Assembly—meant that no substantial amendments were needed when the measures came before the House. Bills have avoided taking up unnecessary Chamber time due to the extent of the pre-legislative scrutiny. No amendments were tabled in the House and Bills went through without difficulty.

As pre-legislative scrutiny will apply to the process outlined in the Bill, I cannot for the life of me understand why it is regarded as so heinous. The Conservatives often seem to believe in a Whig concept of constitutional history wherein legislative processes in the Chamber reached a state of grace in 1997, such that no constitutional improvement could be possible after that date and that any proposal made since then has been a usurpation of the powers of the general populace—powers that the Government are determined to take from them.

**Mr. Grieve:** I certainly do not suggest that the problems date only from 1997—some of them predate 1997. I want to pick the hon. Gentleman up on one point. He talks about pre-legislative scrutiny, but of what—the Order in Council or the draft measure? That was the point I made to the Minister, who in Committee made a considerable error that he subsequently had to correct by writing to people. He said that

"the preliminary draft measure, along with its explanatory memorandum, will be attached. It will therefore, going through its pre-legislative scrutiny, be amendable".—[*Official Report*, 9 January 2006; Vol. 441, c. 121.]

He had to withdraw those comments, but I did not understand from them that we would not see the preliminary draft measure; yet I understand from what he said earlier today that we shall not see it, so how can we even consider, in pre-legislative scrutiny terms, what the measure will be?

**Ian Lucas:** The Minister will correct me if I am wrong, but my understanding is that the preliminary draft measure will be given pre-legislative scrutiny, which will be amendable. There is no suggestion that Members will not have the opportunity to consider proposals. They will be considered by the House and by Assembly Members, probably in a joint legislative Committee of the Assembly and Parliament.

**Mr. David Jones:** Is not the hon. Gentleman falling into the trap of thinking that each Order in Council is a one-off? In fact, each Order in Council will devolve primary competence, for a particular matter in a particular field, to the Assembly. The Assembly can then, if it wants, revisit that devolved competence and create further Assembly Measures, which will never be subject to pre-legislative scrutiny by the House.

**Nick Ainger:** That is devolution.

**Mr. Jones:** Precisely, but the hon. Member for Wrexham (Ian Lucas) seems to think that pre-legislative scrutiny will apply to every proposed Assembly Measure, when clearly it will not.

6.15 pm

**Ian Lucas:** Since the Government of Wales Act 1998, devolution of further powers has occurred regularly, as anyone familiar with the development of devolution must be aware, and we have not needed a referendum at every stage of that process. Indeed, until our debates on the Bill, I had never heard a suggestion that a referendum was needed every time a power was transferred to the Assembly. The process has been continuous, but the Conservatives do not seem to recognise the dynamic of devolution and the joint relationship that has developed between the Assembly and Parliament.

**Mr. Grieve:** There is a slight difference between transferring further functions to the Assembly to operate under the existing devolution settlement and creating a new devolution settlement subject to the

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powers in part 3. The hon. Gentleman has a legal background and I am sure that if he gave even a moment's thought to the difference between the procedures in part 3 and the existing situation, he would acknowledge that point.

**Ian Lucas:** Of course there will be a change in the process, but as I pointed out earlier the reason for it is that the existing process leads to the House considering legislation unnecessarily, because it has already been scrutinised. The Conservatives are grasping at straws when they suggest that we are engaged in some perverted constitutional exercise that undermines fundamental liberties. The Government have a proud record on developing pre-legislative scrutiny, recognising the existence of the Assembly and facilitating working relationships between it and the Westminster Parliament that have led to an improvement in the scrutiny of legislation affecting Wales. Far from undermining those relationships, the measure will improve them.

**Mr. Gummer:** It would be foolish to ignore the background to this part of the Bill. Clearly, some Government Members want no further devolution. For them, even the description of continuing devolution given by the hon. Member for Wrexham (Ian Lucas) would be anathema. It is pleasing that the Father of the House is not in the Chamber, for he would have been very unhappy had he heard that.

Other Labour Members want more devolution. Both views are perfectly reasonable. Indeed, one might find a range of views about devolution among Opposition Members—whether there is enough or whether it should go further. What is unacceptable is to try to paper over those cracks in a way that strikes at the very heart of the activity of Parliament. That brings me to a direct argument with the hon. Member for Wrexham, but I hope that he will acquit me of anything other than real concern for parliamentary democracy.

I admit that I would have liked a different way of sharing power in the United Kingdom from that decided on in 1997 and thereafter. However, having undertaken it as we have, it is unacceptable that the people of Wales should have a form of devolution significantly different from that provided for the people of Scotland. Were there an opportunity for a referendum, I hope that the people of Wales would vote for greater devolution, much along the lines of that accorded to people in Scotland.

What seems unacceptable is to say that, because the majority party does not believe that it could achieve a common view, it will offer the people of Wales what is in part 3 instead of what is essentially in part 4, but that, of course, they must not have a vote on it, because if they did, they might recognise just how silly it is—silly in the sense that this is a means whereby the future of the people of Wales is removed from the parliamentary hands in which it is now and from any referendum and placed in the hands of bureaucrats and Ministers.

The problem for the Government is that all the parallels to this are unflattering; they happen in circumstances where dictatorial Governments, very often monarchical in kind, wanted to have a parliamentary structure that discussed things, argued things, scrutinised things, but did not actually decide things. The trouble for any of us who take an interest in 19th century history is that the Minister's explanation sounds closer to those of Louis Napoleon—*[Interruption.]* It is all right for the hon. Member for Vale of Clwyd (Chris Ruane), but I hoped that he would have read up about Louis Napoleon, because he would have found out just how parallel the proposal is.

As my Welsh nationalist friends know, I am in no way unsupportive of many of the positions that they take, but I am disappointed that both they and the Liberals have fallen for the significantly dangerous sleight of hand that the Conservative party is trying to remove under the amendment. I am not trying to remove it to reduce the Welsh Assembly's powers. I want to remove it so that we can move on to offer to the Welsh Assembly greater powers through the referendum, which would do so publicly and clearly, and I would be happy to debate with the Father of the House the advantages of going further, while he would no doubt explain the advantage of going backwards, which is, of course, the usual direction of his party.

**Lembit Öpik:** Although the right hon. Gentleman may indeed be Suffolk, Coastal's first Welsh nationalist, can he nevertheless not grasp the scepticism that some of us feel about his claimed embracement of the devolution project, given that other Conservative Members have made it clear in the debate that they do not support the devolution of further powers? In addition, there is an absolute mess of policy confusion between what Nick Bourne says for the Conservatives in Cardiff and what right hon. and hon. Members say regarding Conservative policy in Westminster.

**Mr. Gummer:** Subtlety never was a great Liberal virtue, but let me try to explain what is a very clear subtlety in this matter. It should not matter to the hon. Gentleman that Conservative Members will have different views on devolution; what should matter to him is whether the people of Wales will be given an opportunity to decide what they think about devolution. He is a Liberal—and this is the point of my speech with which the hon. Member for Vale of Clwyd can agree—and, in reality, Liberals are always illiberal. When people ask them, "Are you going to stand up for democracy, choice and people deciding?" "Oh, no," they say, "much better to let the Government do it, because we might then get a bit, and we might not have to face the electorate to argue the case." It is very interesting: scratch a Liberal and we always find a fascist. That is absolutely true, universally.

**Lembit Öpik** *rose—*

**Mr. Gummer:** It is no good saying that I have used an unsuitable word. I mean it in the precise terms of people who believe that the state is right and that the state system should overcome the realities of democracy. The trouble is that the provision proposes the use of Orders in Council—the very phrase is one of those that means something horrific. It means that the Government and Ministers use a technique that specifically makes

democratic control as febrile and slim as is humanly possible in a House that calls itself a Parliament. It is a carefully contrived method of making it almost impossible for anyone to disagree. If that is not the mechanism of Napoleon III and his successors, I really do ask what would be.

**Lembit Öpik** *rose—*

**Chris Ruane** (Vale of Clwyd) (Lab): Lembit III.

**Lembit Öpik:** Lembit I. Aside from the somewhat distasteful language that the right hon. Gentleman has uncharacteristically used in his contribution, may I remind him which Government most promoted the use of Orders in Council in the House? Was it not the Conservatives in their 18 years in government who set the precedent for using Orders in Council to govern this country much more than any Government beforehand? Therefore, is he willing to condemn the very Government of whom he was a part?

**Mr. Gummer:** If that were true—

**Lembit Öpik:** It is true.

**Mr. Gummer:** The hon. Gentleman should listen to the end of my sentence. If that were true, it is also true that a further and extraordinary extension of that has been done by the Government and is being proposed now. If I were to decide to discuss all the Orders in Council in the past with the hon. Gentleman, you, Mr. Deputy Speaker, would soon stop me, so I will concentrate on the Orders in Council as dealt with in the amendment. I have to tell the hon. Gentleman that it does not help in a logical argument to say, "Because you did it, he can do it." I am arguing something quite different.

Let us not become caught up in what the Liberals say is distasteful. If what I said was in any way distasteful, of course I withdraw any lack of taste in the sentence, but I think that the hon. Gentleman knows precisely what I mean. Liberals are illiberal when it comes to the promotion of their own views. They are thoroughly illiberal, and they would prefer the Government to impose such things than to give the public the chance to choose them. That is the fundamental issue. We are talking about something much more important than merely the way in which Orders in Council will be discussed.

**David T.C. Davies:** Does my right hon. Friend agree that both the Labour party and the Conservative party in government have taken various steps to support a decentralisation of powers, either through the Wales Office or the Welsh Assembly, about which I am less enthusiastic, whereas the Liberal party, which has always claimed to be the party of devolution, had a perfect opportunity to introduce home rule when it was last in government and chose not to do so?

**Mr. Gummer:** The great point that my hon. Friend makes is clear: Liberals in power prefer to keep hold of that power and use it in the way that they want, rather than sharing it. It is only when they are out of power that they are keen on the sharing bit. It is a serious issue to find the Liberal party on the side of the proposal, but I would expect that from it. I am much more unhappy about the Welsh nationalists, because the word "principle" means something to Welsh nationalists, and it therefore distinguishes them from my experience of the Liberal party. I always remember the person on the doorstep who told me—[HON. MEMBERS: "Oh, come on."] Labour Members will like this if they wait a moment—

**Mr. Deputy Speaker (Sir Michael Lord):** Order. What is more important in this matter is whether the occupant of the Chair likes it, and we are now getting a little wide of the mark. The right hon. Gentleman ought to draw himself back to the amendment.

**Mr. Gummer:** I will certainly do that, Mr. Deputy Speaker, although I had hoped to give you a moment of amusement in what might otherwise be a long debate on detail.

If we now take the principle, being obnoxious, that the Government should arrogate to themselves powers that should be properly in the hands of a democratic Assembly, we should ask ourselves which democratic Assembly should have those powers. It seems to me that that is what the amendment deals with. It would mean that if there were to be devolution, it would have to take place in two ways: Parliament would have to decide to offer it and the people of Wales, in this case, would have to decide through a referendum that they wanted it. The Government wish to avoid both those principles. They do not want Parliament properly to scrutinise each item of devolution. As my hon. Friend the Member for Beaconsfield (Mr. Grieve) said earlier, such items are part of a group, rather than a series of single items. The Government do not want this Parliament to make those decisions, nor do they want them to be offered to the people of Wales.

6.30 pm

My hon. Friend, with typical generosity, suggested that it would be valuable to put part 3 to a referendum. If the Government offered to do that, I understand that we would be prepared to withdraw amendment No. 4, because it would then be possible for the people of Wales to say what they thought of this political stitch-up. It would also be possible for us to flush out the varying attitudes to this proposal in the governing party. However, when the referendum was proposed, there was, if I may say so delicately—I hope that the hon. Member for Montgomeryshire (Lembit Öpik), who asserted that he was not keen on my language, does not mind the word that I am about to use—a certain amount of tittering. We imagined going round Wales saying, "Would you like the Government to have a power of Orders in Council in order to be able to present things that you ought to be able to decide on?" I can imagine the enthusiasm with which people would rush out to vote on such a proposal. The tittering came from not only this side of the House. One or two Labour Members—and there are only one or two in the Chamber—managed, rather ineffectively, to cover up their tittering.

The question is more serious than was supposed. The people of Wales are not being offered a referendum on part 3 because the Government know, first, that they

*[Mr. Gummer]*

would be held up to ridicule and, secondly, that the people of Wales would say no. They would say no on one of two grounds: either because they wanted proper devolution, which is why I would say no, or because they thought that they did not want any more devolution, which is what some of my colleagues might think. They would certainly accept that this part of the Bill is a palpable ruse. It is a fake and a fraud, and not a proper thing to bring in front of the House. That is why the Opposition propose its removal. We are democrats and we want Parliament, whether it is the UK Parliament, the Welsh Assembly, or, indeed, the Scottish Parliament, to make decisions democratically.

My difficulty is that the Minister has been put in an impossible position because he does not really believe what he is saying. I know that because he is a very good arguer on most things. He is clear, concise, comprehensible and comprehensive. On this matter, he has been opaque, long-winded, imprecise and, if I may say so, incomprehensible. My hon. Friend the Member for Beaconsfield is a man whose mind is sharp and who seizes the point rapidly. The fact that he got to this point in the debate before he understood what the Government were about is a comment not on his intelligence, but on the Government's imprecision and, I think, their lack of knowledge of their own proposals.

I do not think that you were in the Chair at the time, Mr. Deputy Speaker, but, interestingly, there was a point at which Members on the Government Front Bench and the Benches behind were busy trying to discuss what the Government's policy actually was. It was clear that the hon. Member for Wrexham put things in a way that did not quite fit what the Minister thought he had been saying. It certainly did not quite fit what we thought the Minister had been saying. If one has been around as long as I have, one begins to get suspicious when a Minister is imprecise, unclear and unable to communicate a key part of a Bill—the part that amendment No. 4 would remove. One begins to wonder whether there is something up and whether things are not quite as they seem—of course, they are not at all as they seem.

Right the way through the debate, the House has been told that we are creating a system that will enable the Welsh Assembly to get more legislation through more rapidly and more sensibly, in terms that are denied it because of the heavy burden on this House. That would sound all right if it were not for the fact that the important necessary phrase, "and therefore the Government have decided to take things into their own hands," is missing from that statement. The Government have decided that they will invent a system that ensures that control is no longer in the hands of this democratic Parliament. However, it will be put not into the hands of the democratic Assembly, but, in fact, into the Government's hands. That must be wrong for everyone, but because the matter does not have to be put to a referendum, the cracks between the various and interestingly different views of members of the Labour party can be papered over. That is why I come back to wooing the Welsh nationalists.

The Welsh nationalists know perfectly well what the Government are about. When it comes to an election, they will say that the provisions are about avoiding the fundamental question of whether the Assembly is going to be a Parliament or not. If the Welsh nationalists were true to their principles, they would say, "Look here, we are not going to provide the cover for this. We are not going to stand in front of the Government and pretend that this is another step on the way to devolution. Instead, we are going to stand up and tell the Government to give us part 4. We will fight them on the doorsteps and make sure that we win a referendum. Give us part 4 and do not palm us off with part 3." That is the heart of the opposition that is summed up in amendment No. 4.

I, who have gone into the Lobbies with my Welsh nationalist friends, sometimes against a Whip, ask them to think seriously about what their position will do to them in the Principality. It will enable people to say very simply, "These are people who are more interested in supporting a bureaucratic fudge than standing for the central issue of democratic control over the future of the people of Wales." In the past, there were better ways of doing things than the way that we ended up with, but, having got where we have, let us not allow ourselves to be led down the dangerous path that the Government have proposed.

If we do not agree to the amendment, we will set a precedent that could be used much more widely. Mr. Deputy Speaker, you have not sat through every hour of the debate on the Bill—although it may have seemed like it from time to time—but it is right that the important subject of Welsh Government matters and the Principality should have occupied so much of our time. Those of us who live in the county of Suffolk—one of the six counties that, for the purpose of administrative regions, the Government call the east of England—note that we have not been given the equivalent time to discuss forced regionalisation, which we do not want and which involves the transfer of powers relating to our police, ambulances and hospitals to a central body in a region. We are concerned that the pattern evident here, a point that my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) rightly raised, will enable the Government to say, "If this is how we do it for Wales, why don't we do it for the non-existent region of the east of England? There is a lot of business in Parliament. Why don't we bypass the people of that region, just as we have bypassed the people of Wales?".

My hon. Friend the Member for Beaconsfield has to accept that I speak on his side on this occasion not only because I think that we should stand up for the ability of a different part of the United Kingdom to govern itself in a more effective and direct way than the bureaucratic answer being presented by the Minister, but because those of us who are being threatened by another bureaucratic nightmare called regionalisation see in this clause a means of removing from us the right to make decisions through local government that we have at the moment.

As my hon. Friend says, we tabled the amendment because we need to stand against something that is at the heart of this Government's activity—constantly emasculating the House of Commons, removing from us our powers of control and not allowing us to devolve those powers as we think fit subject to a referendum of the people of that area. If, Mr. Deputy Speaker, you feel that I am moving away from the amendment, I remind

you that it would remove from the Bill the very trick that could be used to get round the problem that this Government cannot win a referendum in England either. Why on earth are they not offering a referendum to the people of Wales? I will tell you, Mr. Deputy Speaker—it is because they know very well that they would lose it, and this Government have referendums only if they think that they can win them.

We want to get rid of part 3 altogether, but I would hope that the Government, in answering, would offer something in its place. I am sure that the real answer is for us to withdraw our amendment and allow the Government to move forward to a referendum on either part 3 or part 4. I suggest that it should be on part 4, and I hope in that case that I would find myself campaigning in the more pleasant company of the hon. Member for Caernarfon (Hywel Williams) rather than that of the Father of the House.

At least we would be arguing about reality, democracy, clarity, transparency and consistency. At this moment, we are offered something that is opaque, inconsistent, unclear and fundamentally dishonest. It is for that reason that I am pleased that this party has insisted that we stand up for democracy and against the growing bureaucratisation of our society, led by a Government who are frightened of Parliament, which is best illustrated by the fact that they have a Prime Minister with the worst record of coming here of any Prime Minister since we first started.

**Jenny Willott** (Cardiff, Central) (LD): I would like to speak to amendments Nos. 59 to 61. It seems a long time since we started debating this group of amendments and I shall endeavour to be brief.

The amendments would restrict the ability of the Secretary of State to derail the Welsh Assembly's wishes. They would remove the power to refuse to lay a draft order before the House and prevent unnecessary delay by requiring the Secretary of State to act within 30 days, rather than the 60 days currently stated in the Bill. Given that any Assembly Measures or draft orders have already been debated and agreed in the Assembly, there appears to be no need for further delay at this end. Liberal Democrats believe that the whole point of devolution is to let the people of Wales have their views represented, and it would completely undermine that principle if the democratic will of the Assembly were allowed to be delayed or completely stymied by the will of one individual in the person of the Secretary of State for Wales.

6.45 pm

**Lembit Öpik:** My hon. Friend will, like me, expect the right hon. Member for Suffolk, Coastal (Mr. Gummer) to vote for that change because he has made it very clear that he would support any opportunity to increase democratic accountability in the system. Obviously, then, he would agree with my hon. Friend's argument that the will of the Assembly is clearly a more democratic guide to the interests of Wales than one appointed Secretary of State for Wales.

**Jenny Willott:** Not surprisingly, I agree with my hon. Friend.

**Mr. Grieve:** I would be grateful if, in the course of her remarks, the hon. Lady spoke to amendment No. 59 in her name and those of her hon. Friends. I am sympathetic to the idea of preventing the Secretary of State from derailing the process, but the impact of that amendment, if I understand it correctly, appears to be to remove the need for there to be a resolution of this House at all.

**Jenny Willott:** As the hon. Gentleman is aware, the Liberal Democrats believe in a full Welsh Parliament, so ideally we would like the democratic will of the Welsh people to be expressed in such a Parliament. However, the amendments are about ensuring that, in the orders that come through this Parliament, the will of the Assembly cannot be derailed.

**Mr. Grieve:** Will the hon. Lady give way again?

**Jenny Willott:** I would rather not. This debate has gone on for a long time and it is important that we move on, or many issues will not be covered.

Unfortunately, we cannot support the Tory amendments in this group. Although we do not agree with all of the Bill, as we have made clear a number of times during the debates, we believe in devolution and would like the Assembly to have further powers. The Conservatives' amendments would slow up the process and cause unnecessary delays that would undermine the view of the Assembly; therefore we cannot support them.

**Mr. David Jones:** The hon. Lady talks in terms of delay, but could not delay be avoided altogether if we deleted part 3 and proceeded immediately to part 4?

**Jenny Willott:** I point out that the hon. Gentleman's own party does not necessarily agree with that. We have made our view clear throughout.

Depending on the Minister's response, we may want to press amendment No. 60 to a vote.

**Mr. David Jones:** I rise to support wholeheartedly the amendment that stands in the name of my hon. Friend the Member for Beaconsfield (Mr. Grieve). Part 3 goes to the heart of what I consider to be a most reprehensible and devious piece of legislation proposed by this Government.

The Government seek to portray part 3 as an innocuous measure aimed at modestly increasing or, if you like, streamlining the powers of the Assembly. Were that the case I have no doubt that neither I nor my right hon. and hon. Friends would have any problems with it and we would not be taking up the time of the House. The Assembly is now a fact of life in Wales. It may not yet be working entirely satisfactorily but it is part of the fabric of government in Wales and we all have a duty to make it work as best it can. However, part 3 is not a modest measure. It is a measure aimed at conferring primary legislative competence on the Assembly on a piecemeal basis. It is therefore, by any measure, a major constitutional innovation which, if enacted, will transfer a significant degree of legislative competence from this place to another legislative body.

*[Mr. David Jones]*

The fact that such transfer is, as I say, on a piecemeal basis through Orders in Council does not render it any less significant. The fact is that, over time, more and more primary powers will be ceded by Parliament to the Assembly, subject of course always to the executive filtration process of the Secretary of State, which, like my hon. Friend the Member for Beaconsfield, I find particularly repugnant.

It is generally agreed that the convention that has developed in this country is that if primary powers are ceded by Parliament to another body, a referendum should first take place in which the will of the people is consulted. That is what happened in Wales in 1997; that is what should happen now. The Government know that. Part 4 provides that such a referendum must take place before Assembly Acts may be passed, but Assembly Measures will be no less primary legislation, so the question is: why will the Government not give the people of Wales the simple right to vote on the proposals in a referendum? The answer is simple: they know that they would lose.

The Secretary of State has already acknowledged that there is no consensus in Wales for more primary powers for the Assembly. On 15 June last year, he said:

"we will call a referendum only if there is a consensus for one. There is no consensus for one now, and it would be lost."—[*Official Report*, 15 June 2005; Vol. 435, c. 266.]

and recently the right hon. Gentleman said that neither he nor the Welsh First Minister was

"in the business of calling referendums we are going to lose."

That is all well and good, but if the Secretary of State fears that the people of Wales would vote against the transfer of primary powers to the Assembly, why is he so insistent on inflicting those powers on the people of Wales, whether or not they want them?

The suspicion must be—I hope that it is not unfair—that some internal Labour party tension is prompting the proposals in part 3, which enable the transfer of powers to the Assembly while preserving the illusion of power remaining at Westminster, whereas, in fact, the power remains in the hands of the Secretary of State for Wales. The fact that the proposals constitute such a device was acknowledged by Lord Richard when he gave evidence to the Welsh Affairs Committee. What he said has been quoted before, but it deserves to be quoted again. He said:

"Let's be frank about it, it is a device to avoid having to come to Westminster and ask for primary powers to be formally devolved. It is quite an interesting device. . . . Westminster can say they have not devolved primary legislative powers, but depending on the way in which the Order in Council procedure is used, it could in effect be a concealed grant of almost a direct legislative competence down to Cardiff."

In fact, it is more than almost; it is the transfer of a direct legislative competence to Cardiff without first consulting the people of Wales in a referendum.

That is reprehensible, and made all the more so by the fact that control of the whole procedure resides in the Executive and not in this House. The Minister shakes his head, but it is true: control rests with the Secretary of State for Wales, not with this House. The proposals represent a fraud on the people of Wales and the electorate of the entire United Kingdom. If the people of Wales are to have more devolution—not an ignoble aspiration on the part of those who want it—we should be entirely satisfied that that is what they want. Part 3 is wholly unnecessary; it is in the Bill purely and simply to serve the internal interests of the Labour party.

I say that we should proceed immediately to part 4 and consult the people of Wales now, through a referendum, on whether they do indeed want more legislative competence to be handed down to Cardiff. If so, we must abide by their decision and hand over that power. If not, we must equally respect their decision. The proposal is a three-card trick—an absolute disgrace to the Labour party. Perhaps the absence of Labour Members indicates the shame that they feel. What is proposed is an illegitimate exercise—an attempt to usurp the powers of this place. It is wholly reprehensible and the amendment should be supported.

**Nick Ainger:** Well, we have gone over the same old ground as we did in Committee. Let me put on the record what is, in fact, proposed in part 3, and not the fantasy outlined by Conservative Members. The purpose of part 3 is to provide the Assembly with a streamlined procedure to achieve its legislative priorities. It builds on the existing devolution settlement, giving the Assembly greater scope to determine the detail of Welsh legislation, but with Parliament remaining in overall control through the Order in Council process. It will enable the Assembly to break free from the Westminster logjam without fundamentally altering the devolution settlement. That was approved by the referendum in 1997.

**Mr. Grieve:** The Minister repeats what he said on Second Reading—that there is a legislative logjam—but we established in Committee that there is no legislative logjam. Why should we take seriously what he has to say when, in fact, he is merely repeating verbatim what he said on Second Reading and not engaging in debate at all.

**Nick Ainger:** It is not surprising that I repeat what I said verbatim: the hon. Gentleman made the same points on Second Reading and I am merely responding to them.

The hon. Gentleman claims that there is no legislative logjam, but of course there is. The Welsh Assembly cannot get legislation on the statute book as quickly as it would like to. The Bill proposes a way to deal with that problem.

Everyone agrees that the split between the legislature and the Executive needs to be established, but if amendment No. 4 were passed, it would result in the absurdity of a legislature without any legislative powers. The Assembly might have to wait many years to acquire primary powers in a referendum; in the meantime, Wales would be wholly dependent on primary legislation passed at Westminster, which would have to compete for time with UK Government priorities.

**Mr. David Jones:** The Minister suggests that there would be a delay of years, but why should there be any delay at all? Why do the Government not simply proceed immediately to a referendum under part 4? Is it because they know that they would lose it?

**Nick Ainger:** As we have debated on many occasions and as my right hon. Friend the Secretary of State has

explained several times, the Labour party's view is that if a referendum on any particular issue were held now, there would be no guarantee that it would be won. That would deal a fundamental blow to the confidence and reputation of the Assembly. We have put part 4 in the Bill so that, in the future, when a two-thirds majority in the Assembly deem that the time is right for a referendum and that there is a consensus in Wales in favour of moving forward to full primary powers, a referendum will be held. At present, the judgment is that now is not the time.

**David T.C. Davies:** The Minister said that the Government would not hold a referendum because there is no guarantee that they will win it. Does not that underline the point that we have been trying to make, which is that the Government have got into the habit of holding referendums only when they feel that they can win them, whereas we believe in holding referendums to allow people to have their say?

**Nick Ainger:** I am trying to remember how many referendums were held in 18 years of Tory rule. The answer is: not one. I will take no lectures from the hon. Gentleman about referendums. His argument is bizarre. The purpose of referendums is to establish people's view on a change.

It is pointless to hold a referendum if one knows that one is not going to achieve the change that is its purpose. *[Interruption.]* I am not going to take any lectures from the right hon. Member for Suffolk, Coastal (Mr. Gummer), who was a member of the Cabinet for many of the 18 years in which the Conservatives were in government. During that period, not one referendum was held.

7 pm

The procedure set out in part 3 will enable the Assembly to deal in a more timely way with legislation to deliver manifesto commitments made by Welsh Ministers, and will prevent the need to secure slots for Wales-only Bills or to rely on suitable England and Wales Bills being introduced at the right time.

Turning to Conservative new clause 1, which is the same as new clause 6, which was debated and rejected in Committee, the proposal to hold a referendum before the relevant part of the Bill can come into effect is unnecessary. There was a clear commitment in the Labour manifesto at the general election in May 2005 to "legislate for a stronger Assembly with enhanced legislative powers".

The Government were elected on that manifesto. It is argued that the proposals were not set out in detail for the electorate, but the electorate knows that once a Government are formed their job is to introduce detailed proposals, and that is what we did in the White Paper published in June last year. There was not a single response among the 81 responses received to suggest that a referendum was required before the Assembly could be granted power to make Assembly Measures on matters on which Parliament had given it legislative competence. Those powers are an adaptation of the current settlement, not a fundamental change, and they are not the same as giving the Assembly primary powers.

Part 3 does not give the Assembly any new powers to legislate on devolved subjects, but it provides a new procedure for Parliament to grant such powers. It is extraordinary that the Opposition should want Parliament to hold an expensive referendum to seek permission to change our own procedures. Parliament will be able to scrutinise and control on a case-by-case basis the draft Orders in Council that confer those legislative powers on the Assembly. It will rightly be for the Assembly to scrutinise the way in which its legislative competence is used to enact Assembly Measures that address the needs of Wales. Since 1999, Parliament has passed legislation that gives the Assembly powers to make its own provisions for Wales. Increasingly, Parliament has been willing to give the Assembly broad powers to legislate in Wales-only clauses in England and Wales Bills. The proposed system develops that approach. Parliament still has control of the process, as legislative competence cannot be conferred on the Assembly unless both Houses of Parliament have agreed to do so. It is essential that part 3 should be in place from the outset. It is essential, too, that the Assembly should have the ability to seek legislative competence on its own initiative.

**Mr. Grieve:** The Minister says that it is essential that part 3 should be in place, yet only a few moments ago, he acknowledged that part 4 probably could not be implemented because the people of Wales did not want it. Why does he think that part 3 is desired by the people of Wales?

**Nick Ainger:** Because they voted for a Labour Government and a Labour manifesto.

Amendment No. 5, which was tabled by the Conservatives, deals with Assembly resolutions to ask Parliament to pass legislation on devolved matters, but it would not change the legal effect of the Bill. There is nothing in the Bill to prevent the Assembly from making such a resolution. While Parliament passes legislation, it is for Government to introduce it, so the Government's role could not be circumvented and the amendment is not required. In addition, I remind Members of the provision in clause 33 whereby the Secretary of State is required to consult the Assembly about the Government's legislative programme. The Assembly can use the consultation to ensure that the Secretary of State is aware of matters that it wishes to be dealt with in primary legislation affecting Wales, whether or not the Assembly has competence to make Assembly Measures on those matters. There is therefore no need for the amendment.

Turning to new clause 3, I have made it clear throughout the progress of the Bill that pre-legislative scrutiny of proposed Orders in Council under clause 94 should be at the discretion of Members of Parliament and of Assembly Members. It is worth maintaining flexibility, rather than specifying requirements for joint scrutiny in the Bill. It is worth noting, too, that the House of Commons already makes provision for the Welsh Affairs Committee to undertake joint inquiries with Assembly Committees under Standing Orders Nos. 137A(1)(a) and 137A(3). That arrangement has led to successful pre-legislative scrutiny of a number of Wales-only Bills, so we do not require any further legislation. The right way forward is to allow Parliament to work

*[Nick Ainger]*

with the Assembly to develop that successful model further, rather than establish over-prescriptive requirements in legislation. The way in which pre-legislative scrutiny is carried out is usually left to Parliament to decide, rather than being specified in legislation. Standing Orders, not legislation, are the appropriate means of dealing with that.

Amendment No. 7, which was tabled by the Conservatives, would prevent Orders in Council that amend schedule 5 from being made before the Assembly election in 2007. The Bill provides for the early commencement of clauses 94 and 95 so that clarifying amendments can be made to schedule 5 before general commencement, should that prove necessary. For example, if one of the descriptions of fields or matters in schedule 5 is found to be insufficiently clear, an Order in Council under clause 94 could be proposed to clarify the extent of the field or matter. I am quite happy to place on record the fact that it is not intended that such Orders in Council should be used to confer wholly new legislative competence on the Assembly in advance of general commencement of the Bill following the 2007 election. Although the Bill provides that sections 94 and 95 will come into force on the day on which it is enacted, in fact, we would not carry out any functions under those sections for a period of two months following Royal Assent.

Under amendments Nos. 59 to 61, which were tabled by the hon. Member for Cardiff, Central (Jenny Willott), Parliament cannot be written out of the process of approving draft Orders in Council. The hon. Member for Beaconsfield (Mr. Grieve) was quite right—the amendments would mean that there would be no parliamentary scrutiny of Orders in Council. It is not acceptable for the Assembly to vote itself additional powers. It is for Parliament to decide whether it is appropriate to confer legislative competence on the Assembly. Parliament has the right to legislate in relation to Wales, so it has the right to decide whether to allow another legislature to do so.

Amendments Nos. 60 and 61 would leave the Secretary of State with a vestigial role in the process. He or she would receive notice of a draft Order in Council approved by the Assembly, but he or she could do no more than sit on it for up to 30 days before having to return it to the Clerk of the Assembly, who would submit the draft Order for approval by Her Majesty in Council. There would not be any scrutiny by Parliament. The amendments illustrate the dangers of starting to unpick the Bill's provisions. If the Assembly could give itself legislative competence, what opportunity would there be to challenge it? I assume that the 30 day-provision is designed to cater for that, but it is a most unsatisfactory way of tackling the issue. I therefore urge hon. Members who have tabled amendments in this group not to press them any further.

**Mr. Grieve:** I suspect that the Minister and I agree on one thing—amendment No. 59 encapsulates the criticism that my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) made of the Liberal Democrats. When faced with a difficult choice, they decided that the best way to proceed was to eliminate all form of democratic scrutiny from the legislation to enable the Secretary of State to have a free hand with the Assembly without any intervention from Parliament in part 3. I do not know whether they intend to press their amendment to a vote, but I wish to concentrate on amendment No. 4.

The Minister has been wholly unpersuasive on the matter. One of the most telling comments that we have heard during the debate was the confession made for the first time by the Government that they considered that part 4 would not pass a referendum in Wales. Regrettable though that might be to my right hon. Friend and others, it highlights the absurdity of the Government proceeding by means of part 3. The justification offered to the House was that the Assembly would otherwise wither on the vine, whereas in fact it can have a perfectly respectable and separate existence implementing secondary legislation, if that is what the people of Wales want. There is no reason why the Executive cannot be split from the Legislature in order to improve that, which is why we supported the part of the Bill which does exactly that.

Our position is that in the absence of an assurance from the Government that there would be a referendum on the implementation of part 3, the only proper course of action is to remove part 3 from the Bill entirely. The people of Wales will lose nothing thereby. Part 4 offers them real change if they want it. The other parts of the Bill, particularly the splitting of the Assembly and the Legislature, offer them a new format for governance along current lines, if that is what they want. Part 3 should have no place in the Bill, and I urge every hon. Member in the House to support us in opposing it. If we do not succeed in removing part 3, I hope at the appropriate moment later this evening to press new clause 1 to the vote.

*Question put,* That the amendment be made:—

*The House divided:* Ayes 133, Noes 337.

**Division No. 177]** **[7.11 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Green, Damian
Greenway, Mr. John

Grieve, Mr. Dominic
Gummer, rh Mr. John
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jones, Mr. David
Kawczynski, Daniel
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Maclean, rh David
Malins, Mr. Humfrey
Mates, rh Mr. Michael
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and**
**Mr. David Evennett**

## NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Gordon
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hancock, Mr. Mike
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kilfoyle, Mr. Peter
Kramer, Susan
Kumar, Dr. Ashok
Lamb, Norman
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacNeil, Mr. Angus
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony

Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oliver, Mr. Bill
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Russell, Christine
Ryan, Joan
Salmond, Mr. Alex
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Stephen
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Alan Campbell and Tony Cunningham**

*Question accordingly negatived.*

## Clause 92

ASSEMBLY MEASURES

*Amendment made*: No. 34, in page 50, line 14, leave out 'proceedings of the Assembly' and insert 'Assembly proceedings'.—*[Nick Ainger.]*

## Clause 94

LEGISLATIVE COMPETENCE: SUPPLEMENTARY

*Amendment proposed*: No. 60, in page 51, line 38, leave out subsections (7) and (8) and insert—

'(7) The Secretary of State must, before the end of the period of 30 days beginning immediately after the day on which notice of the Assembly's resolution is received, submit the draft to the Clerk.

(8) It is for the Clerk to submit draft Orders in Council for approval by Her Majesty in Council.'.—*[Jenny Willott.]*

*The House divided:* Ayes 99, Noes 275.

**Division No. 178]** **[7.28 pm**

**AYES**

Alexander, Danny
Arbuthnot, rh Mr. James
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Binley, Mr. Brian
Bone, Mr. Peter
Bottomley, Peter
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clappison, Mr. James
Davey, Mr. Edward
David, Mr. Wayne
Davis, rh David *(Haltemprice and Howden)*
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Foster, Mr. Don
Fox, Dr. Liam
Francis, Dr. Hywel
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Grieve, Mr. Dominic
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jones, Mr. David
Kawczynski, Daniel
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Lewis, Dr. Julian
Lilley, rh Mr. Peter
MacNeil, Mr. Angus
McLoughlin, rh Mr. Patrick
Milton, Anne
Moore, Mr. Michael
Mulholland, Greg
Mundell, David
Öpik, Lembit
Paisley, rh Rev. Ian
Price, Adam
Pugh, Dr. John
Rennie, Willie
Robertson, Angus
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Salmond, Mr. Alex
Scott, Mr. Lee
Spicer, Sir Michael
Spink, Bob
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Vara, Mr. Shailesh
Watkinson, Angela
Weir, Mr. Mike
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wishart, Pete
Young, rh Sir George

**Tellers for the Ayes:**
**Mr. Adrian Sanders and Lorely Burt**

**NOES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera

Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Mr. Neil
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Alan Campbell and Mr. John Heppell**

*Question accordingly negatived.*

## Clause 101

### Approval of proposed Assembly Measures

*Amendment made:* No. 35, in page 56, line 18, after 'by' insert 'or by virtue of'.—*[Nick Ainger.]*

## Clause 106

### Acts of the Assembly

*Amendment made:* No. 36, in page 58, line 15, leave out 'proceedings of the Assembly' and insert 'Assembly proceedings'.—*[Nick Ainger.]*

**Clause 107**

LEGISLATIVE COMPETENCE

*Amendments made:* No. 37, in page 58, line 37, leave out 'or Assembly Measure'.

No. 38, in page 58, line 38, after '(4)' insert

'or a provision of an Assembly Measure'.—*[Nick Ainger.]*

**Clause 114**

ROYAL ASSENT

*Amendment made:* No. 39, in page 63, line 6, at end insert—

'(7) The validity of an Act of the Assembly is not affected by any failure to comply with provision made by or by virtue of subsection (4), (5) or (6).'.—*[Nick Ainger.]*

**Clause 120**

BORROWING BY WELSH MINISTERS

*Amendment made:* No. 40, in page 65, line 19, after 'Treasury' insert 'may'.—*[Nick Ainger.]*

**Schedule 8**

AUDITOR GENERAL FOR WALES

*Amendment made:* No. 67, in page 133, line 39, after 'Ministers', insert ', the Counsel General'.—*[Nick Ainger.]*

**Clause 147**

MEANING OF "WELSH PUBLIC RECORDS"

*Amendments made:* No. 41, in page 79, line 42, leave out paragraph (a).

No. 42, in page 80, line 15, after second 'of', insert

'the Assembly or the Assembly Commission or records of'.—*[Nick Ainger.]*

**Clause 152**

POWER TO VARY RETROSPECTIVE DECISIONS

*Amendment made:* No. 43, in page 83, line 17, after 'competence' insert—

'(b) that any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the Assembly is outside the powers under which it was, or purported to be, made,'.—*[Nick Ainger.]*

**Clause 157**

INTERPRETATION

*Amendments made:* No. 44, in page 85, line 43, at end insert

'(but see also subsection (1A)).'.

No. 45, in page 86, line 18, at end insert—

'(1A) In sections 94(3), 108(2) and 150(2) "enactment" includes an Act of the Scottish Parliament and an instrument made under such an Act.'.—*[Nick Ainger.]*

**Schedule 10**

MINOR AND CONSEQUENTIAL AMENDMENTS

*Amendment made:* No. 46, in page 152, line 17, at end insert

', and

(b) in paragraph (a), after "other than" insert "the National Assembly for Wales Commission,".'.—*[Nick Ainger.]*

**Clause 160**

COMMENCEMENT

*Amendment made:* No. 47, in page 89, line 23, at end insert 'and Schedule 5'.—*[Nick Ainger.]*

**Schedule 11**

TRANSITIONAL PROVISIONS

*Amendment made:* No. 48, in page 170, line 31, leave out 'such power instead' and insert

'instead power to pass Assembly Measures in relation to that matter in the same terms as the relevant Assembly function or in terms differing from those terms to such extent as appears appropriate.'.

No. 49, in page 175, line 7, after 'made' insert 'before'.

No. 50, in page 176, line 17, at end insert—

| | |
|---|---|
| "Section 75(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), if exercised to amend or repeal any part of the text of an Act. | Power to require prescribed persons to provide explanation of documents etc. |
| Section 96 of that Act, if exercised to amend or repeal any part of the text of an Act. | Power to confer additional functions in relation to Welsh local authority social services. |
| Section 101(1) of that Act, if exercised to amend or repeal any part of the text of an Act. | Power to require prescribed persons to provide explanation of documents etc. |
| Section 33(3)(a)(ii) of the Higher Education Act 2004 (c. 8). | Power to require institutions' plans to include provision relating to promotion of higher education. |
| Section 12(2) of the Public Audit (Wales) Act 2004 (c. 23). | Power to add to definition of "local government body in Wales". |
| Section 39(1) of that Act, if exercised so as to include a declaration that a contravention is an offence. | Power to make provision about publication etc. of accounts. |
| Section 46(2) of that Act. | Power to apply sections 47 to 49 to other local government bodies. |
| Section 47(5) of that Act. | Power to shorten period within which body must publish information." |

No. 51, in page 177, line 24, at end insert—

| | |
|---|---|
| "Section 45D of the School Standards and Framework Act 1998 (c. 31). | Power to repeal school funding provisions. |
| Paragraph 5(2) of Schedule 7 to that Act. | Power to prescribe content and form of publication of proposals. |
| Paragraph 12(2)(d) of Schedule 7 to that Act. | Power to prescribe period within which objections to proposals may be made. |

| | |
|---|---|
| Paragraph 17(2) of Schedule 7 to that Act. | Power to make transitional exemption order relating to proposal for school to cease to be single sex. |
| Paragraph 13B(1) of Schedule 26 to that Act. | Power to prescribe period within which nursery inspection report must be made." |

No. 52, in page 177, line 36, at end insert—

| | |
|---|---|
| "Section 77(4) of the Learning and Skills Act 2000 (c. 21). | Power to prescribe period within which report must be made. |
| Section 83(7) of that Act. | Power to make further provision about obligation to provide information. |
| Section 128(4)(b) and (c) of that Act. | Power about statement of proposed action. |
| Section 109(6)(b) of the Transport Act 2000 (c. 38). | Power to specify date by which deemed local transport plan to be replaced. |
| Section 24(4) and (5) of the National Health Service Reform and Health Care Provisions Act 2002 (c. 17). | Power relating to health and well-being strategies. |
| Section 102 of the Education Act 2002 (c. 32). | Power to specify period which is foundation stage. |
| Section 108(2)(a) of that Act. | Power to specify areas of learning in respect of foundation stage. |
| Section 139(1) of that Act. | Power to approve institutions to provide course of higher education etc. |
| Section 192 of that Act. | Power to prescribe content and manner of publication of proposals to secure regional provision. |
| Section 193 of that Act. | Power to make provision about proposals to secure regional provision. |
| Section 197 of that Act. | Power relating to partnership agreements and statements. |
| Section 198 of that Act. | Power relating to transition from primary to secondary school. |
| Section 207(4) of that Act. | Power relating to adjustments between local education authorities." |

No. 53, in page 178, line 18, at end insert—

| | |
|---|---|
| "Section 75(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), unless exercised to amend or repeal any part of the text of an Act. | Power to require prescribed persons to provide explanation of documents etc. |
| Section 96 of that Act, unless exercised to amend or repeal any part of the text of an Act. | Power to confer additional functions in relation to Welsh local authority social services. |
| Section 101(1) of that Act, unless exercised to amend or repeal any part of the text of an Act. | Power to require prescribed persons to provide explanation of documents etc." |

No. 54, in page 178, line 34, at end insert—

| | |
|---|---|
| "Section 30(1)(b) of the Higher Education Act 2004 (c. 8). | Power to designate "relevant authority". |
| Section 38(2) of that Act. | Power to prescribe maximum period during which relevant authority can refuse to approve institutioe's new plan. |
| Section 18(2)(c) of the Public Audit (Wales) Act 2004 (c. 23). | Power to specify documents to which right of access applies. |
| Section 21(1) of that Act. | Power to replace scale of audit fees. |
| Section 39(1) of that Act, unless exercised so as to include a declaration that a contravention is an offence. | Power to make provision about publication etc. of accounts. |
| Section 52(2)(c) of that Act. | Power to specify documents to which right of access applies. |
| Section 29 of the Children Act 2004 (c. 31). | Power relating to information databases. |
| Section 31 of that Act. | Power relating to Local Safeguarding Children Boards. |
| Section 32 of that Act. | Power to prescribe functions and procedures of Boards. |
| Section 34 of that Act. | Power to make provision about functions of children's services authorities relating to boards." |

No. 55, in page 179, line 37, leave out 'paragraph 27 has effect.' and insert

'the end of the initial period.'.—*[Nick Ainger.]*

## New Clause 2

REFERENDUM NOT TO BE HELD MORE THAN TEN YEARS AFTER PASSING OF ACT

'No Order in Council under section 102(1) may be made after the expiration of the period of ten years after the passing of this Act.'. —*[David Mundell.]*

*Brought up, and read the First time.*

**David Mundell:** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this it will be convenient to discuss new clause 13—*Interval between referendums*—

'No Order in Council under section 102 (1) (other than the first such Order in Council) may be made until four years have elapsed after the referendum held by virtue of the previous Order in Council under subsection (1).'.

**David Mundell:** During our debates on the preceding amendments, it was said that, if a referendum were held, it would be lost and that the Government therefore did not plan to hold one. However, the Bill places no time limit on holding such a referendum. Although the Secretary of State said that he intended the measure to settle the constitutional situation in Wales for a generation, it cannot be right that there is no end position about holding a referendum. Foresight in government and in legislation is always important, but we could be legislating for something that took place in 20 or 30 years, when it could not be described as depending on specific circumstances. That is inappropriate and it is why we have tabled the new clause.

The new clause clearly provides that if a referendum on giving the National Assembly full law-making powers such as those set out in part 4 had not been held after 10 years, fresh legislation would be required. There is good reason for that. We are legislating on the basis of a referendum that we are already told would be lost. There is no logic in requiring that to happen in 15, 20 or more years.

*[David Mundell]*

The Secretary of State and the Under-Secretary conceded that a referendum would be lost. The Secretary of State said that he did not anticipate holding a referendum for the rest of the decade. We therefore propose 10 years as a reasonable period in which to allow a referendum to take place. It is not unreasonable to ask Parliament to reconsider the matter if a referendum has not happened in 10 years. If the Secretary of State and the Government are sincere about presenting the argument to persuade the people of Wales to take forward, through the Assembly, the powers in part 4, they could do that, by any reasonable reckoning, in 10 years.

**Mark Tami** (Alyn and Deeside) (Lab): If one provides for a specified period—whether five or 10 years—does not the hon. Gentleman believe that, when one approaches it, an impetus would be created that perhaps would not exist if the normal process were followed?

7.45 pm

**David Mundell:** Unless I misunderstand the hon. Gentleman, his intervention is an argument for the new clause, which provides that a referendum should take place in a fixed time period to focus minds on the matter, rather than some nebulous, distant provision. As many speakers have said, there is a lack of clarity about the Government's intentions. Do they want to increase powers and put the Welsh Assembly on the same footing as the Scottish Parliament, or are they simply conducting a smoke-and-mirrors exercise? The fact that they do not have the confidence to hold a referendum now or in 10 years leads me to suspect that there is no will in the Government or the Labour party in Wales to campaign on the issues in part 4. Unless the Under-Secretary says something new and surprising, we are not minded to accept an open-ended provision and we shall press the new clause to a Division. He may surprise us with something that gives us comfort or hope—we shall wait and see.

New clause 13 is about the frequency of referendums and its purpose is clear. It would prevent a further referendum on part 4 powers from taking place for at least four years after the date of the first one. It would thus prevent the Assembly from simply holding repeat referendums at regular intervals until the desired result was achieved. We believe that if a referendum on part 4 powers is held and the vote is no, the result should trigger a period of reflection.

A minimum interval of four years means that only one referendum could be held during an Assembly term. Any further referendums would have to be endorsed by the people of Wales at an Assembly election. We have heard much during our proceedings about the importance of election results in ascertaining the views of the people of Wales. It is therefore appropriate that they should have a say about whether a further referendum should be conducted shortly after a previous one.

I am not fully au fait with the details of the repeat referendums in Quebec in the 1970s and 1980s, but asking the same question repeatedly until the public are ground down, through a war of attrition, either to vote in a particular way or to turn out in low numbers is unsatisfactory. It is possible to envisage repeat referendums being used for political purposes rather than for taking forward the constitutional arrangements for Wales or for the enhancement of the Welsh Assembly.

Both the new clauses are fair and reasonable in the context of the Bill, and in the context of the debate about the appropriateness of holding referendums. As has been stated in the debates on previous amendments, the logic remains that a referendum should be held under the part 4 arrangements as soon as the legislation is passed, so that the people of Wales can give their view straight away. The matter would then be settled for a significant period. However, the Government are clearly not minded to do that and, in those circumstances, we would want to establish a process to ensure that there was a cap on the period in which a referendum had to be held. For the reasons that I have set out, we suggest a period of 10 years. In addition, new clause 13 would prevent the possibility of holding repeat referendums.

**Nick Ainger:** The practical effect of new clause 2 would be to ensure that a referendum under the terms of the Bill could not be called by Order in Council more than 10 years after the Bill had received Royal Assent. It will come as no surprise to the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) that I cannot accept that such an arbitrary time limit on the possibility of enacting the part 4 provisions is necessary. Those provisions do not have a use-by date.

Under the Bill, the timing of a referendum would have to be considered and agreed on by a two-thirds majority in the Assembly and by both Houses of Parliament. That consideration by democratically elected bodies, and not an arbitrary 10-year time limit in the Bill, will ensure that the referendum is held at an appropriate time. The Secretary of State has said that he cannot see a referendum happening before 2011, because it makes sense to see how the provisions enabling the Assembly to make measures bed down first. I cannot predict at this stage exactly when a referendum should be held, and it would be inappropriate for me to say that a referendum should be held within 10 years, or not at all.

New clause 13 is aimed directly at ensuring that there would have to be a gap of four years between any referendum and an Order in Council calling for a further referendum. The fact that a referendum can be held only with the agreement of two thirds of the Assembly, the Secretary of State and both Houses of Parliament—all of whom would be aware of the financial and political cost of frequent repeated referendums—is safeguard enough in this respect. I fully agree that frequent referendums under the Bill would be counter-productive. However, the process for approving a call for a referendum that is built into the Bill will ensure that referendums are not called repeatedly for no good reason. I therefore invite the hon. Gentleman to withdraw the new clause.

**David Mundell:** As we anticipated, the Minister's response contained no surprises. I hope that he is correct about the issues raised by new clause 13, and that fiscal prudence, if nothing else, will prevent the repeated use of referendums. However, given that referendums have

been called repeatedly in other jurisdictions when the political climate has been ripe for them, I do not believe that the possibility can be ruled out. I would have preferred to see the new clause being accepted.

I am not in the least satisfied by the Minister's response to my arguments on new clause 2. I do not believe that 10 years is an arbitrary period. I had understood that the Government were now going to promote the concept of sunset clauses in legislation. A period must necessarily be determined in which to hold the referendum, and 10 years is a fair period to choose. Circumstances could change significantly in that time, and if the Government and the Welsh Assembly were not confident that they could secure a majority in a referendum 10 years after the passage of the Bill, it would be appropriate to revisit the legislation and examine the issues relating to the powers involved. One reason for a lack of confidence in the result of a referendum might be to do with the nature and structure of the proposed legislation. On that basis, I intend to press new clause 2 to a vote.

*Question put*, That the clause be read a Second time:—

*The House divided:* Ayes 136, Noes 324.

**Division No. 179]** **[7.57 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and Michael Fabricant**

**NOES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don

Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, Mr. David
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kilfoyle, Mr. Peter
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacNeil, Mr. Angus
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickthall, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Alan Campbell and Mr. Parmjit Dhanda**

*Question accordingly negatived.*

## New Clause 11

### ALLOCATION OF FUNDS

'(1) The Secretary of State shall appoint a panel of not less than four and not more than six experts to recommend the sums of money to be allocated to the Welsh Consolidated Fund.

(2) The Secretary of State shall publish in full the terms of any recommendations made under subsection (1).

(3) The panel shall have regard to—

(a) the principle of fairness,

(b) the principle of transparency, and

(c) the particular needs of Wales.'.—*[Lembit Öpik.]*

*Brought up, and read the First time.*

**Lembit Öpik:** I beg to move, That the clause be read a Second time.

I am grateful to the hon. Member for Chesham and Amersham (Mrs. Gillan) and her colleagues for speaking so briefly on the preceding new clauses.

New clause 11 deals with the allocation of funds. It returns us to the age-old debate, which I have initiated many times over the past nine years, about the principles of fairness, transparency and a needs-based formula for conveying money to the Welsh Assembly and thus to the Welsh people. Currently, as all Members know, we have the Barnett formula, which is so discredited that Barnett himself—the inventor of the formula—says that he is

ashamed to be associated with it. It was good for its time but its time has long gone, and for that reason we Liberal Democrats propose new clause 11, which would require the Secretary of State to

"appoint a panel of not less than four and not more than six experts to recommend the sums of money to be allocated to the Welsh Consolidated Fund."

The Secretary of State would also be required to publish in full the terms of any funding recommendations made by the panel. Moreover, the panel would have specific regard to

"the principle of fairness . . . the principle of transparency . . . and . . . the particular needs of Wales."

The problem is that the Barnett formula is not needs-based and does not take account of the social and economic conditions of Wales. Furthermore, it has random unintended consequences that create difficulties in allocating funds to Welsh expenditure. If we compare what Wales is given with what it needs, it is clear that it often loses out. The levels of deprivation in Wales and its economic circumstances are often quite different from those in the rest of the UK. So our request is very simple: that the Government take on board a recommendation that has come from all quarters, including from the inventor of the existing formula himself; and that, for once, they listen to recommendations—made, on this occasion, by Opposition politicians—based on common sense.

**Mrs. Gillan:** The other day, the First Minister said that Wales has 5 per cent. of the UK's population and makes 4 per cent. of its income but receives 6 per cent. of that income. Does the hon. Gentleman envisage improving those figures through his new clause, or worsening them?

**Lembit Öpik:** We are not seeking to gerrymander the formula in favour of Wales; rather we are trying to ensure that it is fair to Wales—and, for that matter, to Scotland and Northern Ireland—by it being needs-based. We have to take the chance that, as Wales prospers under a Liberal Democrat Administration, its funding will be less because its needs will be less. But so far as we are concerned, this is not about begging bowls and asking for more; rather, we are asking for fairness. As the new clause makes clear,

"fairness . . . transparency . . . and the particular needs of Wales"

are the right bases on which to allocate funds.

In conclusion, I look forward to hearing what the Minister and others have to say. I hope that he will say that he has been persuaded by the arguments—arguments that have been made many times before—and that he will incorporate the new clause. If he does, he will be a hero not just to the Liberal Democrats but to the people of Wales. If he does not, he will stand condemned alongside other Ministers who have shown a similar unwillingness to demonstrate the ability to listen that this "listening" Government so often claim for themselves.

**Mrs. Gillan:** I was not going to speak to this new clause—until I heard what the hon. Member for Montgomeryshire (Lembit Öpik) had to say, whereupon I was forced to my feet. I am sorry to say that if he presses it to a vote, I will be unable to recommend to my hon. Friends that they support him, not least because of the wishy-washy nature of subsection (3). *[Interruption.]* Someone said "Surely not" from a sedentary position, but

"the principle of fairness . . . the principle of transparency . . . and . . . the particular needs of Wales"

is fairly wishy-washy and imprecise language, as I anticipate the Minister will agree.

This is possibly a good-hearted attempted by the Liberal Democrats and I do want to be fair to the hon. Gentleman, who is probably leading with his heart but certainly not with his head. As he just said, if, under this new and magic formula Wales gets less money, well, so be it. Of course, much as that might appeal to people in Northern Ireland, Scotland and England, I doubt whether the people of Wales would be very happy to discover such an attitude toward the support that they receive. As I pointed out earlier, the First Minister has said that he supports the current situation. I therefore doubt very much whether the Government will accept the new clause—particularly given that it has not been planted and then moved by a Labour Back Bencher, but has genuinely come from the Liberal Democrats—because doing so would put them directly at odds with the First Minister.

8.15 pm

**Mr. David Heath** (Somerton and Frome) (LD): I am most grateful to the hon. Lady for giving way. She is obviously taking a view in her capacity as shadow Secretary of State for Wales, but does she not think that a fairer and more transparent system would be in the interests of many of the English constituents whom she and I represent?

**Mrs. Gillan:** The hon. Gentleman is perhaps in danger of being ruled out of order, Madam Deputy Speaker. *[Interruption.]* You are indeed nodding, and we are not going to go down that route. We are not discussing the English regions, much, of course, to his chagrin; rather, we are discussing Wales and the people of Wales and what is best for them.

Although the hon. Member for Montgomeryshire has tabled the new clause with hope in his heart, to be fair to the people of Wales, he is probably doing them a great disservice in doing so. If he presses it to a vote, I will be unable to support it.

**Adam Price:** I am disappointed to hear the hon. Member for Chesham and Amersham (Mrs. Gillan)—who has been gracious, as ever—say that, unfortunately, the Conservatives will not support the new clause, despite the spirit of revisionism that seems to be blowing through their party as we speak. This is an opportunity for us to raise the hugely important question of the Barnett formula, which is a non-statutory formula. Indeed, this is one of the few opportunities that we have had in recent years to force a vote on this issue, which, notwithstanding law-making powers and the various other important matters that we have been discussing, is probably the single most important determinant of the Assembly's and the Assembly Government's ability to improve the lives of the people of Wales.

The Barnett formula is a convergent formula: over time, it results in a fall in the relative position of public expenditure per capita in Wales, compared with

*[Adam Price]*

England. For example, only six years ago—in 1999–2000—the public expenditure per capita index figure for devolved services in Wales was 115. Now, it has fallen to 112, which is a very significant relative fall over that period. That process will continue until we reach the point at which Wales and England are exactly the same, even though there is no guarantee that the level of need in Wales and England—the economic and social position—will be identical. That is why we must support the principle of a needs-based formula.

**Mrs. Gillan:** This matter is far too important to be discussed in the dying minutes of consideration on Report. It demands full and fair examination at another point, and in that regard I am in agreement with the hon. Member for Montgomeryshire (Lembit Öpik). Before I paint myself into a corner, let me reiterate that this issue needs discussion, but not at 19 minutes past 8 o'clock, with a guillotine about to fall at 8.30.

**Adam Price:** I accept that and look forward to the Conservative party devoting one of its Opposition days to a call for the revision of the Barnett formula. We would support such a motion, as we will support the Liberal Democrats in the Lobby tonight. This matter is far too important to be left to party politics.

The hon. Member for Chesham and Amersham mentioned the First Minister, Rhodri Morgan, and said that he supported the Barnett formula. I am sure that he does now, but in 1997 he told the Treasury Committee that the formula was "detrimental" to Wales. Moreover, he said in an interview with John Humphrys that the formula was

"putting a lot of pressure on expenditure in Wales. We now cannot keep up with the percentage increases in health and education that the Department of Health and the Department of Education and Employment are doing in England."

That shows that the First Minister at that time supported our proposals. As has happened all too often, however, he has failed to support our position now.

The Government claim that there is no evidence for the position adopted by my party and others, but there is plenty, and the amount is growing. As the hon. Member for Montgomeryshire (Lembit Öpik) said, even the formula's progenitor agrees that it is long overdue for revision. If we do not act now, we will continue to suffer.

I appeal to Labour Members—we must move away from the Barnett formula. It is detrimental to Wales, and Northern Ireland is also beginning to suffer from the effects of the Barnett squeeze. The problem will continue to get worse, unless and until we get a proper formula that is fair to the nations of these islands and to the regions of England. It is a matter of territorial justice; for example, per capital expenditure on public services in some parts of the south-west region of England is very low. We need a root and branch reform of the allocation of finances in these islands.

**Kevin Brennan:** The problem with new clause 11 is that it would set up a panel of so-called experts to make recommendations about the Welsh block grant. In other words, it would create another new quango to determine how much money would be devoted to public expenditure in Wales.

The Barnett formula has been used for some time to determine public expenditure in Wales, and has produced significant increases in that expenditure, but the quango created by the new clause would make recommendations in isolation from the rest of the UK. It would not pay heed to fairness, transparency and the particular needs of Wales—language that the hon. Member for Chesham and Amersham (Mrs. Gillan) described as "wishy-washy".

Essentially, the new clause would adjust public expenditure in Wales according to the views of the panel of experts, but in isolation from what was happening with public expenditure in the rest of the UK. However, funding public expenditure in Wales cannot be separated from what happens in the UK as a whole. I think that hon. Members recognise that, although the new clause does not.

No rational system of resource allocation for public expenditure could ever consider funding the needs of one part of the UK in isolation from the whole, as that would make it impossible to manage any logical process for setting budgets. The Barnett formula is operated by the Treasury, and it determines the funding allocations for Northern Ireland and Scotland as well as for Wales. However, this Bill deals only with Wales, and so is inappropriate for the new clause's proposal to abandon the Barnett formula in respect of Wales alone and replace it with a new system for allocating public expenditure there.

The Barnett formula has been criticised by various hon. Members, but it has worked well in practice. It has provided a stable and secure financial context, and allowed the National Assembly to plan public expenditure with some confidence. The National Assembly has received financial settlements without the need for lengthy annual negotiations with the Treasury. The Barnett formula is a relatively simple mechanism, whereby money is allocated to the National Assembly in a way that is open, transparent and comprehensible to the people of Wales.

The Barnett formula ensures that changes to planned public expenditure on comparable services in England are properly reflected in the budget in Wales. The formula will provide average growth of more than 4 per cent. each year in the period since the spending review of 2004. All public institutions must be realistic and work within a fixed budget. They have to concentrate on the outcomes of the use of public money, and not just on the quantum figure, important though that is.

The National Assembly Government are committed to providing quality public services, using the funding provided through the Barnett formula. As a result of that process, the Assembly budget has risen from less than £8 billion in 1999 to more than £14 billion in 2007–08. That means that the budget has almost doubled in that period.

I confirm that the Government have no plans to review the Barnett formula, which has served the UK very effectively. In practice, it has produced reasonably fair settlements, and we will continue to monitor its operation to ensure that it is being applied properly and rigorously. Clearly, the mechanism has some advantages in the context of devolved government, and indeed it was developed originally by Joel Barnett in the 1970s when the question of devolution was first visited.

The Barnett formula is simple to understand, and provides the degree of stability that is essential in the consequential flow of resources to Wales. It also allows Administrations a considerable degree of freedom when it comes to making spending decisions. The Government have looked carefully at the matter, but we have concluded that there is no advantage in reopening the question of the Barnett formula at this time.

New clause 11 is well meaning, but would be unworkable in practice. It would create yet another quango, and mean that decisions about public expenditure in Wales would be made outside the context of such decisions in respect of the rest of the UK.

**Lembit Öpik:** The hon. Member for Chesham and Amersham (Mrs. Gillan) said that the funding calculation was too important to be decided in the dying moments of the Report stage of this Bill. We agree, which is why we tabled the new clause. We are suggesting that the experts should say how we decide the formulation. We all agree that there are flaws in the system, and the Liberal Democrats feel that the flaws are so significant that we should change the formula.

The hon. Lady also quoted the First Minister in defence of the existing formulation, but we have heard from the hon. Member for Carmarthen, East and Dinefwr (Adam Price) that the First Minister himself has criticised the formula on other occasions, when it suited him to do so. We cannot pretend that he has any consistent form on the issue.

Ranting a series of numbers at the Opposition is not a sufficient defence of the existing formulation. This is not about specific figures, but about fairness and transparency. I must point out to the Minister that it is obvious that when we talk about the principle of fairness, that has to be seen in the context of the UK. When we talk about the principle of transparency, that has to be seen alongside the principle of collective decision making, not as some isolationist approach for Wales. And when we talk about the particular needs of Wales, of course we have to think about the needs of the rest of the UK as well. For those reasons, the Minister should recognise the strength of feeling that many of us have in favour of a change—and that is why I need to press the new clause to a vote.

*Question put,* That the clause be read a Second time:—

*The House divided:* Ayes 44, Noes 281.

**Division No. 180]** **[8.29pm**

**AYES**

Alexander, Danny
Beith, rh Mr. Alan
Brake, Tom
Brooke, Annette
Browne, Mr. Jeremy
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Davey, Mr. Edward
Featherstone, Lynne
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Moore, Mr. Michael
Mulholland, Greg
Öpik, Lembit
Price, Adam
Rennie, Willie
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Swinson, Jo
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Williams, Hywel
Williams, Mark
Willis, Mr. Phil
Willott, Jenny

**Tellers for the Ayes:**
**Andrew Stunell and**
**Lorely Burt**

**NOES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda

James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Mr. Neil
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Frank Roy and**
**Mr. Parmjit Dhanda**

*Question accordingly negatived.*

*It being after half-past Eight o'clock,* MADAM DEPUTY SPEAKER *put forthwith the remaining Questions required to be put at that hour, pursuant to Order [27 February].*

## New Clause 12

BUSINESS SCHEME

'(1) The Welsh Ministers must make a scheme ("the business scheme") setting out how they propose, in the exercise of their functions, to take account of the interests of business.

(2) The business scheme must specify how the Welsh Ministers propose—

(a) to carry out consultation about the exercise of such of their functions as relate to matters affecting the interests of business, and

(b) to consider the impact of the exercise of their functions on the interests of business.

(3) The Welsh Ministers—

(a) must keep the business scheme under review, and

(b) may from time to time remake or revise it.

(4) Before making, remaking or revising the business scheme, the Welsh Ministers must consult such organisations representative of business (including trade unions) and such other organisations as they consider appropriate.

(5) The Welsh Ministers must publish the business scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(6) If the Welsh Ministers publish a scheme or revisions under subsection (5) they must lay a copy of the scheme or revisions before the Assembly.

(7) The Welsh Ministers must—

(a) within the period of two years beginning with the day on which the business scheme is first made, and

(b) subsequently at intervals of no more than two years,

publish a report of how the proposals set out in the business scheme have been implemented.

(8) The Welsh Ministers must lay before the Assembly a copy of each report published under subsection (7).'.—*[Huw Irranca-Davies.]*

*Brought up, read the First and Second time, and added to the Bill.*

*Order for Third Reading read.*

8.42 pm

**The Secretary of State for Wales (Mr. Peter Hain):** I beg to move, That the Bill be now read the Third time.

If I may say so, Madam Deputy Speaker, to have a daughter of Wales in the Chair at this time is indeed most appropriate.

St. David's day, tomorrow, sees the official opening of the inspirational new Assembly building in Cardiff bay—the very same building where the Bill was launched only two and a half months ago. A truly iconic building that has attracted architectural acclaim from all over the world, I have no doubt that it will become a powerful symbol of the new Wales. With the Bill now empowering the Assembly to be bolder and more ambitious than ever before, the people of Wales have all the more reason to feel proud.

Devolution and decentralisation of power have been watchwords of the Labour Government. Just as one of our first acts in 1997 was to bring forward proposals for an Assembly for Wales, so we have moved swiftly in our third term to build on the success of devolution. Once again, that destroys the myth that any party other than Labour is the true party of devolution. It was a Labour Government who appointed the first ever Secretary of State for Wales. It was a Labour Government who broadened and deepened the role of the then Welsh Office. It was a Labour Government who passed the first Welsh Language Act in 1967 and it was a Labour Government who called the 1997 referendum and then passed legislation for a democratically elected Assembly for Wales.

No other party has come anywhere near to delivering so much for Wales. Indeed, no other party has ever delivered any devolution for Wales. So as we commemorate 100 years of the parliamentary Labour party, we can be truly proud that devolution, one of the ideals of our first parliamentary leader, Keir Hardie, has not only been achieved, but is being improved. Once again, it is Labour and only Labour that is delivering on devolution.

I thank my hon. Friend the Under-Secretary of State for Wales for his sterling work on the Bill. After four years of silence in the confines of the Whips Office, his voice has been heard during the five days of consideration that the House has given to the Bill. He has dealt patiently and diligently with the issues that Members have raised.

I should also like to express my appreciation of the work of my hon. Friend the Member for Cardiff, West (Kevin Brennan), who, notwithstanding his role as a Whip, has also been able to assist in the progress of the Bill from the Front Bench. Similarly, I thank my Parliamentary Private Secretary, my hon. Friend the Member for Vale of Clwyd (Chris Ruane), who has supported me with his customary energy and enthusiasm—the quietest man in the House. Above all, I thank my excellent team of hard-working officials, drawn from both the Welsh Assembly and our own Wales Office—a partnership in action.

I thank my hon. Friend the Member for Aberavon (Dr. Francis), who, with the members of his Select Committee, produced a report on the Bill that helped to inform our deliberations. As I have said previously, I envisage his Committee playing a very significant role in the pre-legislative scrutiny of the proposed Orders in Council that will come before the House by virtue of the proposals contained in part 3. Such pre-scrutiny is crucial, and it will be open to all Members to submit written evidence for consideration, or even to seek to give oral testimony if they so prefer.

I am glad that we have been able to subject the Bill to detailed scrutiny, through some 33 hours of debate on the Floor of the House. The House will be aware that the vast bulk of the Bill was either modelled closely on the Government of Wales Act 1998, or modelled on other statutory provisions that have worked effectively. The finance provisions, for example, draw heavily on those in the Scotland Act 1998. Those 141 clauses have broad cross-party support. I am therefore particularly pleased that the House was able to concentrate its scrutiny on those parts of the Bill that are genuinely new—the 24 clauses on enhanced and primary powers and our proposed electoral changes. Those are clearly the most significant parts of the Bill, and I am pleased that they have been given such thorough consideration.

One thing that has not survived the scrutiny of the House is the credibility of the Opposition and their new, supposedly more constructive stance on devolution. First, they tried to scupper the Bill at the outset by tabling a reasoned amendment on Second Reading, and I am told that they may even vote against the Bill on Third Reading. Then they attempted to construct a process of 16 locks to hamper the Assembly acquiring enhanced legislative powers. Then we saw them try to insist on a referendum before Parliament could grant the Assembly even a modest extension of its legislative powers through the Order-in-Council process. Then they tabled amendments that would have reduced the democratically elected Assembly to little more than a Committee of Parliament.

Finally, the Opposition tried to strike enhanced powers out of the Bill altogether, even though such powers were a clear Labour election manifesto commitment. It is hard to square that approach with the view of their leader, the right hon. Member for Witney (Mr. Cameron), who says that he wants to make devolution work. It is even harder to reconcile that with his opinion that, on devolution, the Tories share the views of the Liberal Democrats. They called themselves liberal Conservatives in the recent Scottish by-election. Well, there is not much liberal about their attitude to Wales. I thought the hon. Member for Chesham and Amersham (Mrs. Gillan) would bring a new approach; instead, she has played the same old Tory gramophone record of suspicion and hostility to more powers for Wales.

On dual candidacy, we have learned that the Opposition are against the ban because, as the shadow Attorney-General told us, they

> "wish to maximise the chance of getting their chosen people into the Assembly.—[*Official Report*, 30 January 2006; Vol. 442, c. 112.]

The hon. Member for Clwyd, West (Mr. Jones) was worried that such a reform would make life tougher for weak Tory candidates. The Government's view remains that such matters are for the electorate, rather than the political parties, to determine, so we intend to put the voters back in charge by requiring candidates to choose between the constituency and the list seats and by removing the ability of candidates to guarantee election for themselves regardless of the voters' verdict. There will be no more each-way bets at the voters' expense.

We have made great progress in Wales since the establishment of the Assembly, through a strong partnership between our UK Government and Rhodri Morgan's Labour Welsh Assembly Government. Wales has a strong economy, more jobs, rising prosperity, better hospitals and better schools, but it still has huge challenges to face. Levels of economic inactivity are still far too high. Welsh industry is facing tough global economic competition. Although crime is falling compared with the situation under the Conservative Government, it must be reduced still further, and antisocial behaviour must be combated. We also face important decisions on energy policy to cut costs, guarantee security of supply and keep Wales clean and green. By giving the Assembly the means, through the

*[Mr. Peter Hain]*

Bill, to respond to those huge challenges, we will enable Welsh politics to focus on policy delivery, rather than debate about more or fewer powers.

The Bill will settle the constitutional debate in Wales for a generation. For the first time ever, it places full law-making powers for Wales on the statute book. It also recognises the need to proceed by consensus, requiring a referendum while providing a path towards primary powers when that consensus emerges. Some argue that that does not go far enough and that we should move to a referendum immediately. All I say to them is: remember what happened in 1979. The defeat then set back the cause of devolution for a generation. Even in 1997, when all the parties except the Tories were united, we only just squeaked home. I have no doubt that if a referendum were held today, it would be lost. Indeed, I cannot see it happening before the end of this decade.

I urge all supporters of primary powers, of whom I am one, to recognise the need for consensus. The Bill provides a route to primary powers, but places the responsibility on supporters of primary powers to go out there, build a consensus and win the argument. In the meantime, the Bill develops the existing devolution settlement by conferring enhanced legislative powers on the Assembly—while ensuring that Parliament remains in overall control—and giving it greater discretion to determine the detail of Welsh legislation. That streamlined procedure will enable the Assembly to break free from the Westminster logjam, while ensuring that the final say remains with Parliament just as it does today, as was endorsed in the 1997 referendum. The Bill also means that the Assembly will start to gain new powers from 2007—four years earlier than the Richard commission recommended.

My right hon. Friend the Member for Torfaen (Mr. Murphy), whom I commend for his insightful contributions during the course of our deliberations on the Bill, has referred to the views of the man in Splott market. I am sure that he would agree that the true test of devolution is whether it enables us to deliver positive benefits and lasting changes to the lives of our constituents, whether they be in Cardiff, Pontypool, Neath or Holyhead. The Bill will enable the Assembly to achieve exactly that. It is right at the political centre of gravity in Wales. It provides for better, more responsive, more accountable Welsh government and helps us to build a world-class Wales.

The Bill will provide a lasting constitutional settlement for Wales. It establishes a flexible constitutional architecture that will adapt to Wales's changing needs over the years to come. It is designed to endure. Whatever changing circumstances we face over the coming years, there will be no case for a successor Government of Wales Bill in the decades to come—this really is it. I commend the Bill to the House.

8.53 pm

**Mrs. Gillan:** I offer the Secretary of State and all Welsh Members my best wishes for St. David's day tomorrow. I was at a delightful service earlier today in St. Mary Undercroft with the Under-Secretary of State for Wales. Together with the hon. Member for Cardiff, Central (Jenny Willott), we had the privilege of contributing to the service to celebrate St. David's day. I was sporting a daffodil at that stage, but I am not now because I gave it to a little girl—I think from the London Welsh school—who was also performing at the service. I thought that that was rather nice because she was able to take it home to her mother. I notice that Members on the Labour Front Bench are already wearing their daffodils, but that the Secretary of State's daffodil is wilting rather badly. That, I hope, is a reflection on Labour's fortunes in Wales, particularly after this Bill.

I pay tribute to my hon. Friends for their assistance on the Bill. My hon. Friend the Member for Beaconsfield (Mr. Grieve) argued with great erudition, particularly on using Orders in Council to delegate law making to secondary legislation. It is always a pleasure to listen to him. He is exact and precise, and he has not found his equal at the Dispatch Box in the Under-Secretary. My hon. Friend the Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), who I think is taking a well earned break, having been on the Bench alongside me for many hours, has argued from a position of great knowledge on devolution, particularly in Scotland. It is sad that the arguments made by Opposition Members have been swept aside by the Government and given little credence.

There have been valuable contributions from Opposition Members. I draw attention in particular to those of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). I am pleased to note that the three Conservative Members with Welsh seats have all participated in the proceedings on the Bill. I wish that the same could be said for Labour Members with Welsh seats, not all of whom, I am afraid, have taken an active part or interest in the passage of the Bill.

I started on Second Reading with a positive attitude towards the Bill. There were some aspects on which we agreed with the Government and others that we drew to their attention in the hope that they would rethink their proposals. We purposely did not vote against Second Reading, but chose to highlight the problem areas of the legislation with a reasoned amendment, which we used expressly to launch our concerns about some of the matters in the Bill. With the new, strong intention of my party to try to make devolution work for the people of Wales, I had hoped that the Government would respond positively to our concerns, but that has not been the case.

We see successful devolution depending not only on the support of the people but on some broad political consensus, requiring in turn constructive dialogue between the political parties. We have seen little or none of that during the Bill's passage, and I notice that the other Opposition parties also received scant responses to their points. They have been swept aside and ignored by the Labour machine, which cannot bear to be questioned on any part of the Bill.

In fact, the only amendments that have been accepted are those tabled by the hon. Member for Ogmore (Huw Irranca-Davies). I will examine carefully what the Minister said about that, but that appeared to be a Government-placed new clause and amendment because they came as very little surprise to the Minister. *[Interruption.]* Yes, the new clause came from the CBI and the TUC, but it could just as easily have been tabled by the Government as by the hon. Member for Ogmore.

I congratulate him on managing to at least produce some amendment to the Bill, which otherwise appears to be totally unamendable—it has much in common with the Assembly Measures that it sets up.

As the Bill has progressed, more issues have emerged, and even the Father of the House has expressed disquiet at some of the provisions. Various claims of support put forward by the Government have not prospered under close scrutiny, and it has become apparent that Labour is putting party politics before the interests of people in Wales. If we are to have a devolution arrangement in Wales that is built to last, we will need more thought and consultation with the people of Wales than is evidenced by this Bill, and all-party support as far as possible.

Briefly, taking the parts in turn, on part 1 we agree with many of the provisions. However, the partisan way in which the Government have plucked out a change to the electoral arrangements to placate their own party members and against any clear advice from the Arbuthnott commission, the Electoral Commission, leading academics and even Labour-sponsored research projects, has made a mockery of their attitude toward the Assembly itself. Even there, a tied vote on that subject revealed that only Labour Assembly Members wanted the change, and in Divisions during our debates in this place, we have had the support of all the Opposition parties. A further change at this stage will undermine electoral confidence at a time when education of the electorate would seem to be the priority, in the interests of electors themselves. Furthermore, banning dual candidacy may impinge on candidates' human rights. I hope that the Members of the other place will look closely at those provisions, coupled with those in clause 11.

We support and agree with the separation of powers of the Assembly and the Executive in part 2. That, in itself, would have justified a Bill that would have received all-party support of the sort that the Government should have sought on changes in the constitutional position of Wales.

Part 3 is fraught with problems. It introduces the Order in Council provisions, which amount to primary legislation by the back door, to cure an alleged legislative blockage, which has not been proved under questioning. I do not know who is the author of that tortuous legislative route, but it cannot be one who has the best interests of the Assembly in his heart. The procedure is devolution by statutory instrument—or, as the Father of the House said, devolution by salami-slicing. It is a device for saying one thing to one audience and another thing to another, as was pointed out by Lord Richard, whose report has largely been pushed to one side. Lord Richard has expressed some major qualifications in respect of procedure, so I hope that he and his colleagues in the other House will examine the proposals, not least because, if viewed in conjunction with the Legislative and Regulatory Reform Bill, which moves the Executive away from traditional ways of legislating to Orders in Council, they lead me to believe that we need to exercise great caution about the ways in which we are changing our systems.

We have argued that, if part 3 does indeed delegate the substantial powers to which the Secretary of State referred, that should be put to the people of Wales. Apparently, that is not a route that the Government are willing to take in respect of either the part 3 powers or the part 4 powers, unless and until they can win any referendum put to the electors. The Bill is not about consulting the people of Wales but about achieving a Labour agenda.

The Secretary of State said that part 4 will settle the constitutional issue for a generation—a claim that he repeated this evening. How can that be, when part 4 leaves the question of additional powers wide open? How can it be, when not even the number of MPs has been discussed, or the number of AMs that might be required if the Assembly takes on the full law-making powers set out in part 4? Some Labour Members have suggested that the whole electoral system should be reviewed; perhaps it would have been better to reflect on that.

The Bill leaves the House with a lot of unfinished business and with a Government who are trying to create the impression that they are pro-Wales but, after scrutiny by Opposition parties, it has emerged that they are, in fact, purely pro-Labour. Claims have crumbled under scrutiny. The Secretary of State prayed in aid Lord Dahrendorf, Lord Holme and Sir John Arbuthnott, but his claims proved to be not strictly accurate. His claim that there is a legislative blockage hardly stood up to scrutiny, and his claim of abuse by AMs of the electoral system has not been substantiated. He has ignored the Richard commission, Assembly Members, the Electoral Commission, the Electoral Reform Society and leading academics to go his own way and produce legislation that means that the people of Wales will not be consulted at the right time and that will give more responsibility to the Labour Assembly Government before they have even got to grips with the responsibilities that they already have.

The Assembly Government have not yet grasped the new local democracy with efficiency or effectiveness. They have broken promises to the electorate—for example, on free care for the disabled and free breakfasts for all primary school kids. They have ditched targets on economic matters, truancy rates and GCSE pass rates, and they have presided over huge increases in waiting lists for operations. That is to name only a few areas in which the performance of the Welsh Assembly Labour Government needs to be improved. To give the Labour Assembly Government more powers before they have flourished and got to grips with the difficult business of governing in areas already under their control is like suffocating the institution before it has embarked on its democratic journey. Faith in the Labour Assembly Government is fragile. Turnout fell at the last Assembly elections by 8 per cent. to 36 per cent., and the Electoral Commission said that that was the result of a lack of awareness of the role of the Assembly and a growing disconnection between the politicians and parts of the electorate.

The Secretary of State said at the time that the low turnout was dreadful and that politicians were "talking past the people". I agree, but it is the Secretary of State who is talking past the people in the Bill. I want the Assembly and the Assembly Government to do a good job for the people of Wales, and my party wants them to succeed. The Bill includes some good proposals, but the Government could not resist the chance to play party politics with it. It is therefore with a heavy and a disappointed heart that, to support the Assembly and to give the people of Wales a voice, I urge my colleagues to

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*[Mrs. Gillan]*

vote against the Bill. I regret that we were unable to have a better dialogue with the Government during its passage.

I want no nonsense from the Secretary of State and I do not want to hear his usual track of alleging that Conservatives are against devolution. He knows that that is not true. We want to make devolution work and we want it to secure substantial cross-party agreement on many matters. Ours is not an anti-devolution vote, nor is it an anti-Assembly vote. It is a vote against a Government who put party before people. That is not good for the House, and it is not good for Wales. The Opposition will do everything they can to explain to the people of Wales that the Labour Government are trying to manipulate their future for 10 or 15 years on the basis of a Labour fix while they remain in power. I sincerely hope that they will lose that power at the next Assembly election in 2007. In the meantime, to protect the health of the Assembly, its effectiveness and efficiency, and in the interests of the people of Wales, the Opposition have been forced by the intransigence of the Secretary of State and the Government to vote against the Bill.

9.7 pm

**Mr. Martyn Jones** (Clwyd, South) (Lab): I did not take part in Committee, for the very good reason that I believed that the Government had achieved the right level of devolution and introduced the necessary changes in Wales for the Assembly to further its powers and grow in the way that we all want. I believe that Committee is the appropriate forum for Members to voice their concerns to the Government. I welcome the amendments that have been made, but I am disappointed that the Opposition are going to vote against the Bill.

**Chris Ruane:** It is a total surprise.

**Mr. Jones:** I am surprised, and it is a shame. We should vote collectively for a very good Bill which, I hope, will become a very good Act that will support devolution in Wales and throughout the UK, as my right hon. Friend the Secretary of State said, for a generation to come.

**Mr. David Jones:** How does the hon. Gentleman square his last statement with the fact that in the Welsh Affairs Committee he voted for the abolition option in any future referendum?

**Mr. Jones:** I do not regard that as a problem at all. I believe that the referendum could offer other options, but I am happy with the provision in the Bill.

**David T.C. Davies** *rose—*

**Mr. Jones:** The hon. Member for Monmouth (David T.C. Davies) may wish to raise other desirable options. I would have liked a provision to elect 40 male and 40 female Members, so that there is an in-built gender balance. However, that is not the way this place works. The Bill, on the whole, is acceptable to my electorate and will carry forward devolution in Wales, as I said.

**David T.C. Davies:** The comment that we should all vote for the Bill because the hon. Gentleman happens to think it is a good idea is extraordinary, especially given the fact that, in opposition, Labour Members often voted against Bills, such as the Maastricht Bill and even the Welsh Language Act 1993, which they subsequently thought were quite good ideas. They always put their party politics first. We are putting our principles first tonight.

**Mr. Jones:** I cannot follow the logic of that: when we were in opposition, we did not put our principles first, but the Conservatives are doing the same as we did in opposition. I find that a bizarre argument. I am more than happy to support the Government on a Bill which, overall, is good for Wales.

9.10 pm

**Lembit Öpik:** We have heard some interesting debates and exchanges, not least the rather curious claim from the hon. Member for Monmouth (David T.C. Davies) that as the hon. Member for Clwyd, South (Mr. Jones) points out, something that is rank and despicable when Labour does it is a matter of positive principle when done by the Conservatives. But that is not the only reversal that we have witnessed in the five days of debate on the Bill. Who would have predicted at the turn of the century that there would come a debate and a vote where the Government argued passionately in favour of the d'Hondt electoral mechanism and the Liberal Democrats voted against it? What a remarkable turn of events.

We also had the remarkable discovery of a mysterious and shady organisation, the Bevan Foundation, and we unveiled some research sponsored by a cheeky monkey from Caerphilly, as it turned out. He is not in his place today. I presume he is out there trying to prove, together with another 47 random members of the public, that 35 per cent. constitutes a majority. The most surprising claim is that because the Conservatives support devolution, they will vote against it. I studied philosophy at university, and I never came across that kind of logic. I got a 2:1, so I was not too bad at it.

The hon. Member for Chesham and Amersham (Mrs. Gillan) said some interesting things in the spirit of the new liberal Conservatism that did so well in Dunfermline. She said a moment ago that she had started with a positive attitude towards the Bill on Second Reading. Let me remind her that she said on 9 January that

"as Leader of the Opposition just before Christmas my right hon. Friend"—

I presume she meant the right hon. Member for Witney (Mr. Cameron)—

"made it clear that devolution and the National Assembly are now established features of the Welsh political landscape. I hope that the Secretary of State will resist the temptation to revisit past battles over devolution and misrepresent out position. A future Conservative Government will seek a constructive relationship with the Assembly".

As far as I can tell, one can judge a party by what it does, and today, if I understood the hon. Lady correctly, the Conservative party, the official Opposition, will vote

down a flawed but nevertheless genuine contribution to the devolution debate and to devolution. I agree that the Bill is disappointing, but why vote against it? Surely she understands that all the high talk about a pro-devolution Conservative Government does not stand up if the Conservatives cannot even bring themselves to support such a limited and timid measure as the Government offer.

On the subject of fighting old battles, the hon. Lady will remember that the hon. Member for Monmouth said on 9 January:

"I was delighted to stand against the original proposals for the Welsh Assembly. I can see that it has had some advantages in terms of openness, but those advantages do not outweigh the disadvantages. We have caused enormous damage to the UK".—[*Official Report*, 9 January 2006; Vol. 441, c. 46, 88.]

The hon. Member for Chesham and Amersham has said that her party is united, and the hon. Member for Beaconsfield (Mr. Grieve) criticised my suggestion that there are splits. However, I did not make up those two quotations, which were made in the same debate by Conservative Members of Parliament. The biggest irony is that the Conservative Member who talks down devolution is a Welsh Member.

**David T.C. Davies** *rose—*

**Lembit Öpik:** I knew that that would work.

**David T.C. Davies:** If the hon. Gentleman were to shorten his speech, he would get to hear some more comments. I am sure that many people would like to hear from the monkey rather than the organ grinder.

**Madam Deputy Speaker (Sylvia Heal):** Order. I would rather hear about the content of the Bill.

**Lembit Öpik:** I would be happy to take lessons from Conservative Members, if the right hon. Member for Suffolk, Coastal (Mr. Gummer), who is apparently a Welsh nationalist, had stayed for Third Reading instead of making—

**Madam Deputy Speaker:** Order. I remind the hon. Gentleman that we should discuss the content of the Bill.

**Lembit Öpik:** I apologise, Madam Deputy Speaker. If the right hon. Member for Suffolk, Coastal were available for comment, I am sure that he would have something to say in his defence, but no doubt he is at home writing his next speech on Northern Ireland or Scotland.

Although I have had a little bit of fun at the expense of Conservative Members, my criticism of the Conservative party is entirely serious. The Conservative party cannot be credible on devolution if it offers vague, warm words about hoping that the Bill would be good enough by Third Reading while behaving in a way that shows that its colours have not changed one iota on devolution. I believe that the mood of the hon. Member for Monmouth is in tune with what is going on in the Conservative party.

The Bill poses real dilemmas for the Liberal Democrats. We are a pro-devolution party that believes passionately in the best devolutionary arrangement for Wales, which was set out by the Richard commission. The Richard commission proposed an 80-Member Senedd with primary law-making powers elected by a single transferable vote system, and the Bill delivers some of that. The Bill provides two pathways for the Assembly to gain primary legislative powers, which are otherwise known as Assembly Measures, namely the Order in Council procedure and a referendum in Wales. It also creates a strong and clear basis for the Assembly to exercise greater powers more efficiently by separating the Assembly's Executive and legislative elements. That change was so desperately needed that the Assembly was heading that way itself through various ad hoc measures, and it is to the Government's credit that they have formalised that distinction. The Bill is a step away from the Conservative anti-devolution strategy, which would significantly dilute the potential for Wales to gain primary legislative powers by putting a whole series of restrictions and conditions between where the Liberal Democrats would like the Welsh Assembly to be and where it actually is.

So much more could have been done in the Bill, which is the product of compromise not with other parties or pro-devolution organisations in Wales, but with Labour Back Benchers. By caving in to internal pressure, the Government have missed an opportunity, and a number of points will need to be reconsidered in a future reworking of the devolution argument. In fairness, the hon. Member for Chesham and Amersham has highlighted concerns that we share. The extreme concentration of power in the hands of the Secretary of State is not appropriate. The arrangement is almost colonial: unlike Scotland, Wales must go cap in hand to the Secretary of State for Wales.

The Secretary of State can turn down requests for pretty much any reason. As the hon. Member for Chesham and Amersham said, every one of the modest changes that we proposed to reduce the Secretary of State's governor-like potential to intervene was rejected. The Welsh Affairs Committee said that

"the Secretary of State's powers should be limited to refusing Orders in Council on the basis of procedure, not the merits of policy aspiration."

The Secretary of State can shake his head, but he must recognise that the limitations proposed by the Committee have been ignored.

The banning of dual candidacy has been discussed in great detail. We feel that there is no justification for that, as did the Richard commission. The Government have acted in a way that I can understand emotionally but is not right in terms of human rights and democracy. Having people standing in a list on a constituency basis does not devalue the integrity of the electoral system or act as a disincentive to vote in constituency elections. Nevertheless, we lost that vote, and Welsh democracy has been somewhat compromised as a result.

We talked about the Barnett formula and the injustices of having a somewhat random formulation. I proposed, and we voted on, the modest request for a panel of experts to suggest how it could be done better, but even that was not accepted by the Government.

*[Lembit Öpik]*

The limit on the scope of the Welsh Assembly's powers is another frustration. The Secretary of State rightly commented on Wales's potential to be a beacon for the environment, yet the Assembly does not even have the power to legislate on power stations over 50 MW. That could become very significant in the nuclear debate.

On powers over policing, we all know that the majority of people in Wales, and a large proportion of police officers themselves, are opposed to the centralist—

**Madam Deputy Speaker:** Order. May I remind the hon. Gentleman once again that a Third Reading debate concerns the contents of the Bill rather than what is not included?

**Lembit Öpik:** All right. Nevertheless, Madam Deputy Speaker, we did discuss those issues, and in every single case I felt that the Government were not only intransigent but completely unwilling to listen to the many reasonable points made by Members on both sides of the House.

**Mrs. Gillan:** I am listening to the hon. Gentleman very carefully. He has read out a catalogue of aspects of the Bill with which he categorically does not agree. How does he think that he will help the Assembly and the people of Wales by abstaining or voting for it? Can I persuade him to join me in the Lobby with the intention of voting to try to improve the situation for the Assembly, and not to accept the flawed Bill to which he has outlined his objections?

**Lembit Öpik:** Despite its imperfections, of which there are many, the Bill is marginally better than the existing arrangements. The channels to primary powers, narrow though they are, represent an improvement on the Government of Wales Act 1998, the passage of which I was as intimately involved in. Liberal Democrats will support the Bill because it is a small step in the right direction towards the truly democratic and authoritative representative body that Wales needs and desires. What matters now is that we understand the way in which the new system will work. In particular, I hope that the Secretary of State will apply his mind to the many criticisms of the Orders-in-Council process that he envisages. I am not even sure that we have spotted all the unintended consequences, but I suspect that it will be fraught with problems.

My answer to the hon. Member for Chesham and Amersham is that we have to make a judgment about the real situation. Instead of making the tokenistic gesture of filing into the No Lobby, as if that is in any way a responsible and mature commitment to what we are trying to achieve, we will, with a heavy heart, vote with the Government.

The Conservatives feel uncomfortable about that because it serves only to highlight their anti-devolution position and I am not surprised that they want members of other parties to vote against the Bill, but there is no prospect of the Liberal Democrats doing that.

**Mrs. Gillan:** Hypocrisy.

**Lembit Öpik:** The hon. Lady accuses me of hypocrisy. How ironic that she does that after pretending to hope that the Bill would change so much that she could vote for it on Third Reading. She pretended that, in all but absolute fact, the Conservatives voted against Second Reading, dressed up as voting for a reasoned amendment. She should be cautious before accusing me of hypocrisy. I may be many things—an unsuccessful punter when it comes to the leadership election in my party—but I do not believe that I am hypocrite.

**Madam Deputy Speaker:** Order. Perhaps I can take some of the heat out of the debate and remind the hon. Gentleman again that we are debating Third Reading.

**Lembit Öpik:** The hon. Member for Chesham and Amersham is now blackmailing me from a sedentary position and it has worked. I shall move on to my conclusion.

The true party of devolution—the Liberal party—was talking about devolution when the Labour party was in short pants. It is a delight to witness the first faltering steps towards a grasp of what devolution means. I know that the Secretary of State, who is truly in favour of devolution, would perhaps like to go further.

**Mr. Hain:** I would not.

**Lembit Öpik:** In his heart, the Secretary of State is a Liberal, and hope springs eternal.

Although we hoped for a big step forward, we have a small shuffle in the right direction. However, even the Bill's modest powers are better than nothing. I assure hon. Members that Liberal Democrats will continue to dream of a devolution settlement that is worthy of the nation that we represent. It is a shame that the Government found themselves snoozing for five days at the various stages of the Bill's passage. However, I hope that, through working together, the Government will perceive the flaws in the measure and have the humility to come back and put right the elements that they have allowed to go badly wrong in the five days and 33 hours that we have had in which to debate the matter so far.

9.27 pm

**Dr. Hywel Francis** (Aberavon) (Lab): I want to place on record my personal support for the Bill and that of the Welsh Affairs Committee, which I have the privilege of chairing.

In Committee, I presented several constructive proposals and criticisms on behalf of the Welsh Affairs Committee. We noted the Government's responses and it is important to acknowledge that we are taking an important—some may call it modest—step forward. Nevertheless, as a strong and long-standing supporter of democratic devolution, I believe that it is a critical step forward for the people of Wales. I am proud on behalf of not only the Welsh Affairs Committee but my constituency and the people of Wales to say that the Bill constitutes a major step for democracy in Wales and in the whole of Britain.

**Huw Irranca-Davies:** Does my hon. Friend accept that, when one is attacked on the one hand for not going far enough and on the other for going too far, it may be because we have got it right?

**Dr. Francis:** I think that I understand my hon. Friend and I suppose that I agree.

It is important to recognise at this vital stage that the Bill was a Labour manifesto commitment that we are now fulfilling. I am delighted, on behalf of the Welsh Affairs Committee, to support it.

9.29 pm

**David T.C. Davies:** The Secretary of State began his speech with the bizarre accusation that the Conservative party is trying to undermine devolution or prevent it from working. Ever since the referendum, the Conservative party has worked flat out to ensure that an institution with which we did not especially agree works as well as possible for Wales. That is why we got involved in the Welsh Assembly and why Conservative Assembly Members work so assiduously to scrutinise legislation in Committees and in the Chamber. That is why we hold surgeries every week, and why we raise issues on behalf of our constituents at local and national level—

**Madam Deputy Speaker:** Order. May I remind the hon. Gentleman of what I have said to other hon. Members? We really must concentrate on the content of the Bill on Third Reading.

**David T.C. Davies:** Very well, Madam Deputy Speaker, but one of the major effects of the Bill is the change in the voting system that has been proposed because Labour Members have said that they are tired of Members who represent regions popping up in constituencies and opening up offices to compete with other Labour Assembly Members for their work. That is what my Conservative colleagues in the Welsh Assembly have done, and I am very proud of them. It is partly because we have worked extremely hard to make devolution work for the people in Wales that Labour Members have become frustrated and have had to use their strength in Parliament to change the voting system in a way that they know will hinder the Opposition parties. I represent a constituency in the Welsh Assembly, but I have had Assembly Members from other parties, including the Liberal Democrats, claiming to be the Assembly Member for Monmouth. In reality, if the constituency Member is doing their job properly, they have nothing to worry about.

The Secretary of State for Wales undermined his own argument when he admitted that he would never hold a referendum unless he thought that he could win it. We argue that the Government should hold a referendum and let us see what the people of Wales have to say. I am not afraid to put these matters to the people of Wales, even if the Secretary of State is. We know why the people would vote against giving any further powers to the Assembly. Contrary to what the Secretary of State says, we have longer hospital waiting lists there, and fewer schools, and higher council taxes—

**Mr. Deputy Speaker (Sir Michael Lord):** Order. The hon. Gentleman has been asked once to confine his remarks to the content of the Bill. I hope that he will do that; otherwise I shall insist that he does.

**David T.C. Davies:** We will vote against the Bill tonight not because we do not want devolution to work but because we want to reflect the views of the people of Wales. Even the Secretary of State for Wales has admitted tonight that those people would not be in favour of giving the Assembly any further powers.

Tomorrow will be an historic day in Wales, and I shall be down there with my colleagues—yes, in a building that we might not particularly have wanted in the first place—making sure that devolution works.

9.23 pm

**Albert Owen** (Ynys Môn) (Lab): It is always a pleasure to follow the hon. Member for Monmouth (David T.C. Davies), who leads so graciously with his chin on so many issues. He talks about a referendum, but we know that he would vote against it. He has said tonight that he is pro-devolution, yet he is going to vote against that, too.

I happen to agree with a lot of what the hon. Member for Montgomeryshire (Lembit Öpik) said, but we think that things should move at a different pace. That is the difference between us. In 1997, I was happy to work with many pro-devolution parties to get the Assembly up and running, and it was a great tribute to the cross-party coalition that that happened. The referendum result in my constituency reflected the national picture—51 per cent. were in favour and 49 per cent. against, which is why we have to be a little cautious about the pace at which we move forward. I engage a great deal with my constituents and I do not think that they have the appetite for the great change that the Liberal Democrats and, certainly, Plaid Cymru want—namely, total independence. Plaid Cymru wants to use the Assembly to move towards full independent status. I want the Welsh Assembly to work for the people of Ynys Môn, and I believe that the Bill is pitched just about right in that regard.

I am proud to follow a strong tradition, along with my hon. Friend the Member for Llanelli (Nia Griffith). Our predecessors, Jim Griffiths and Cledwyn Hughes, were the real architects of devolution, and they knew what was acceptable to the people of Wales at the time. They set up the Welsh Office and introduced the biggest pieces of legislation of the time to help the Welsh language. I remember talking to Cledwyn Hughes after the 1997 referendum debate. I thought that he would be very disappointed at what was on offer, but he said no, it was about right. It was enough, given the shock when we lost the referendum in 1979, and he felt that we had to move at an appropriate pace.

The Bill has three main parts. There is consensus on the part that separates the Executive from the corporate body of the Assembly. We all agree with that. My difficulty with the Conservatives' argument is that although, in Committee and on Report they said time and again that we should not amend an arrangement that was only a few years old, they agree with us on that aspect. Even the hon. Member for Chesham and Amersham (Mrs. Gillan) said tonight that we could have had a Bill dealing only with the separation of powers. The Conservatives really are confused about the Bill as a whole.

Then there is the banning of the dual mandate. That is confusing. Like the hon. Member for Monmouth, I do not get exercised about it, but I recall that when I was first elected a Member of Parliament, the Assembly Member who is now the leader of the Opposition in the

*[Albert Owen]*

Assembly did get exercised when a Conservative list Member used to claim to be the based Assembly Member in that constituency. That has changed a little. It does not really bother me, but it is confusing when losers under the first-past-the-post system become winners. I think it right to adjust the position. The Opposition's arguments about gerrymandering and rigging were unfounded—they had no evidence to support their claim that the measure would benefit the Labour party. I do not think that it will be of benefit, but I think that it will clarify the situation.

The other main measure involves Orders in Council. On the eve of St David's day, I hope that one of the first Orders in Council from the Welsh Assembly will be for a public holiday in Wales. It would be very symbolic. I believe in enabling powers, and in working in partnership with the National Assembly. It is important for that young institution to produce positive measures that we can discuss and on which we can make progress.

I want devolution to move faster because I am a pro-devolutionist. I always have been, following a proud tradition in my constituency. However, I do not think that we should move too far ahead of the people in Wales. I think that the Bill has the balance about right. That is why, as a pro-devolutionist, I am proud to support pro-devolution measures—unlike the Conservatives, who claim to be pro-devolution but are prepared to vote against any pro-devolution measure at any stage in the House.

9.37 pm

**Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): I am sure that we are all looking forward to the end of this long groundhog day, so I shall be brief.

Ministers, I am sure, hope that the eventual passing of the Bill will be greeted in Wales with a Millennium stadium-style roar of approval, but I believe that it will be greeted with an empty millennium dome-style wall of silence and lack of interest. We should not forget that nearly two thirds of the Welsh electorate did not participate in the last Assembly elections two and a half years ago, and I see nothing in the Bill that will deal with that problem.

I want devolution to work. I am one of the Conservative Members who are open-minded about how the devolution settlement might be extended and deepened in years to come. What the people of Wales signed up to in the referendum, by the thinnest margins, was Executive devolution, not legislative devolution. What the Bill gives them is legislative devolution in all but name, through a piece of constitutional trickery. That is why, with a heavy heart, I shall vote against the Bill this evening. I want the Assembly to work—I want it to be an expression of a vibrant political culture in Wales. However, I consider the Bill to be deeply flawed.

9.38 pm

**Nia Griffith** (Llanelli) (Lab): It gives me great pleasure to speak on Third Reading. I know that my predecessor James Griffiths, the first Secretary of State for Wales, would have been proud to see the Bill become law. He was very clear that there should be a Wales Office. He was also very clear that there should be a strong voice for Wales in the Cabinet. He was an enthusiastic advocate of devolution long before it became popular. At the same time, he did not want independence for Wales—he saw Wales as an integral part of the United Kingdom.

To me, the Bill represents an important step in bringing decision-making nearer to the people—the people who will be affected by the decisions. Given the increasing emphasis on globalisation, it is important for us to find the correct level for each type of collaboration and each type of legislation. I believe that the Bill brings power to a more appropriate level. At a European level, we can discuss issues such as the environment and working together to maintain decent working conditions and standards of living for workers across the European Union, while ensuring that our own workers are not undercut.

In this place, we discuss issues appropriate to the UK as a nation, such as defence, finance and law and order. The Bill will enable the Assembly to have a much greater degree of flexibility—a flexibility that will allow it to reflect more truly in its legislation the concerns and wishes of the people of Wales. As I said, I see the Bill as an important step in bringing decision making closer to the people. We need to go further and to ensure that we listen more carefully to our town and community councils. We must renew and strengthen our community spirit and get more people involved in the decision-making process.

Although the list system has been much criticised, it does give a much louder voice to those voters whose parties do not do so well under the first-past-the-post system. They have the Labour party to thank for that. The Assembly is a very representative body that reflects the diversity of community and politics in Wales. The Bill will give it greater opportunity to reflect the needs and wishes of the people of Wales. I look forward to attending the opening of the new Assembly building tomorrow, and I wish the Assembly as an institution a very successful future.

9.41 pm

**Adam Price:** The hon. Member for Llanelli (Nia Griffith) is of course right—the Charter Secretary of State for Wales advocated the creation of a Welsh Office as early as 1946, I believe. Of course, it took almost 20 years to achieve that modest objective, and that is part of the problem that we as a nation have had to face, namely, the exasperating, almost glacial speed of political devolution.

**Nia Griffith** *rose—*

**Adam Price:** Time is short, so if the hon. Lady will forgive me I will not give way.

This Bill, like so many home rule Bills in our history, stands in a long line of half-measures and missed opportunities. Tom Ellis's home rule Bill, for example, was struck down by a Liberal Government and certainly was not given time or support. Such things have happened throughout our history. People sometimes speak of a slippery slope to independence, but the slope certainly is not slippery and it is always uphill. Every small step constitutes precious ground that those of us in the national movement, and devolutionists in other parties, have had to fight for every inch of the way.

Lord Morgan of Aberdyfi has pointed eloquently to the fact that it took some 70 to 80 years longer to establish a Welsh Office—in 1964—than it did to establish the Scotland Office. He said that that was a product of our being a conquered people. Only a Labour parliamentarian could say that without getting heckled, but there is probably something in what he says. Consider our history as a nation. In contrast with Scotland, we did not retain—in fact, we did not even have—modern institutions of civil society. We had an absentee aristocracy, followed by an absentee landlord and political class. Because of that, we have had to make these halting steps forward—steps that we see once again in this Bill.

I do not think that the Government have got the Bill just about right, but I do not think that they have got it totally wrong, either, which is why I will support Third Reading. If we had refused all along the crumbs and half-loaves that were sometimes given to us by the political establishment in this place, the Welsh nation would have withered on the vine. We have to accept that pragmatism—the accepting of sometimes deficient measures—is part of our history. However, I look forward to the day when Government of Wales Bills no longer echo in this Chamber and when the governance of Wales will not be a matter for debate in this neo-gothic monument. It will be a matter, entirely properly, for the people of Wales, and will be dealt with where it belongs—in the Senedd that will be symbolically opened tomorrow. One day, it will be open in earnest, and have all the powers that a Welsh nation with the right of self-determination will deserve.

The late Gwyn Alf Williams said that Wales as a nation had existed for almost 1,600 years, and that it was about time that we got the keys to our own front door. We are still waiting. The Government somehow suggest, through the post-referendum device, that Welsh democracy—and, by extension, even the Welsh nation itself—is not yet mature enough to have the full range of primary law-making powers. I reject that assertion. It is symptomatic of the strange position that Wales is in that one of the oldest nations in these islands and on this continent should be one of the youngest democracies. There is a contradiction and a tension there, and that is why I think that, in his heart of hearts, the Secretary of State does not believe his own assertion that the Bill, shot through with contradictions as it is, can resolve the national question that we in Wales have debated for so many generations. Perhaps the right hon. Gentleman is also shot through with contradictions and tensions: he is certainly a complex political operator.

The Secretary of State said earlier that the matter has been resolved for a generation, but I think of a generation as lasting 20 years. I am not prepared to wait that long to get primary law-making powers in Wales—*[Interruption.]* He also said that no other party had delivered devolution for Wales. However, I thought that the referendum campaign was meant to be a collective enterprise that went beyond political party divisions. How easy will it be to resurrect that sense of collective endeavour, given the sectarian and partisan approach displayed even tonight by the Labour party and the Secretary of State?

We must recreate the national consensus created in 1997 so that we can make progress along the long and arduous path towards national self-determination. By their approach to the Bill, the Secretary of State and his colleagues have made that difficult task even more onerous. Unfortunately, that will be the badge of shame that he must carry.

9.48 pm

**Mr. David Jones:** I shall be brief, as I know that time is short. The Bill is a huge missed opportunity. The Secretary of State said that it is intended to settle the devolution issue for a generation, but it will do nothing of the sort. What it has done is to sow seeds of constitutional strife that it will take the next Conservative Government to resolve.

Some elements of the Bill are laudable: I support them, and should have liked to do so wholeheartedly. First, the separation of the legislature from the Executive is manifestly desirable. The arrangement established by the original devolution settlement was wrong, and should have been rectified long ago. That is a laudable provision and I support it.

Similarly, if the Secretary of State had had sufficient courage to go to the people of Wales at this stage and ask them if they wanted more devolution and more primary powers, I would have had much more respect for his position. However, he did not do that; instead, he has resorted to an opaque and byzantine device that effectively gives primary powers to the people of Wales without prior consultation in a referendum. The Secretary of State will find that in years to come the people of Wales will grow to resent that. They will demand the right to state their position in a referendum, and I hope that they do it sooner rather than later. I also hope that at that stage the Secretary of State will listen to what they have to say and abide by their decision.

The Bill is flawed. As a matter of principle, I cannot possibly support it. Frankly, I find the position of Plaid Cymru and the Liberal Democrats accommodating in the extreme. They have compromised their principles, but the occupants of the Conservative Benches will not. For that reason, I shall vote against the Bill.

9.50 pm

**Huw Irranca-Davies:** I am pleased to speak towards the end of the very long process of our dealings with the Bill. I spoke on Second Reading, I spoke in Committee, and I am pleased to be here at the denouement. I am also pleased to see that at the end of the long process of Welsh debate on what will become the Government of Wales Act, many English Members are gathering on the Benches here to see it through—*[Interruption.]* And Scottish and Northern Ireland Members, too.

I begin by congratulating fellow Members on the arduous journey of these debates, and on bringing the Bill to what I hope will be a successful conclusion, which we shall see in a few moments. I also thank the Chairman and the members of the Welsh Affairs Committee, who have contributed so strongly to the development of the Bill with their ideas. I want to mention the members of the Wales TUC and the CBI, whose support has undoubtedly—albeit on one small part in one clause—contributed significantly to ensuring that the voices not only of employers, but of employees

*[Huw Irranca-Davies]*

and unions are more firmly represented in the Bill than has previously been the case in legislation. That recognises the good work that the Welsh Assembly has already done in dealing with the affairs of business, and also puts it there right in front of us so that there can be no retreat.

The hon. Member for Carmarthen, East and Dinefwr (Adam Price) mentioned that we now have half a loaf—but my reading of the situation is that at the moment half a loaf is what is being demanded. There is no stomach for anything more than what is on offer. However, this is still a process, and there are still questions. Devolution was never a moment in time, or a definitive statement followed by a stop.

What is in the Bill undoubtedly will not satisfy some Members here because it does not go far enough for them. For others, it goes much too far, and they would like us to roll back the whole thing. I have been speaking to my constituents since the start of the process, at the time of Second Reading and all the way through. I have to say that there are not many people knocking on my surgery door to ask about the Bill—and when we do get into discussion about it, there is no great appetite for running headlong into further referendums and transfers of primary powers. However, what there is—and what the Bill in its present form recognises—is the fact that the Welsh Assembly Government are starting to deliver well. They are starting to be recognised more and more by the Welsh people for the way in which they connect with communities, consult and, at a very local level, do far more than the old Welsh Office used to do. That is good, but there is no appetite to rush headlong any further.

The three main components of the Bill, and the split between the Executive and legislative powers, seem to have caused no great difficulty for most people. By and large, that was one of the easiest areas to take through. I think that all of us, or at least many of us—everyone apart from the Conservatives—are looking forward to maximum use of the Orders in Council, and to seeing that system working. It is a good stage development of the devolution process. Labour Members recognise that the Bill does not go as far as some people want, but we think that what we now have with the Orders in Council, and what we will be voting on in a few minutes, is exactly what the Welsh people are now willing to accept.

The most contentious area of all is the idea of standing as a first-past-the-post candidate in one seat, losing and then, the following morning, being resurrected as a regional Member. We will never agree on that across these Benches, but—as we have said throughout progress on the Bill—it does not seem right, in terms of natural justice, that there should be a Lazarus-like resurrection of candidates the morning after they have been soundly defeated. We will not agree on that, but we think that the changes are appropriate.

I also wish to put firmly to bed the idea, which has been frequently thrown at us, that the most contentious proposal has anything to do with gerrymandering. We have shown time and again that—*[Interruption.]* As has just been said from a sedentary position, it is not partisan, because Labour Members will be as likely to lose out as Opposition Members. I do not wish to regurgitate the arguments from Committee, but the changes are to no one party's particular advantage.

I welcome the approach being taken by the Liberal Democrats and Plaid, because even though they are not happy with everything in the Bill, they have said that they will go out and try to make it work. Regrettably, that is in stark contrast to the major Opposition party. At the beginning of this process, we hoped that the Conservatives would say that although they had difficulties with some of the details, they supported in principle the idea of staged devolution at a pace suitable to the Welsh people. Unless Opposition Members change their views in the next few minutes, it seems that only one party in Wales will, once again, nail its colours firmly to the anti-devolution mast. That is a matter for great regret because, regardless of the difficulties with the Bill, it would be great to be able to say with one voice that we were all united.

**Mrs. Gillan:** I reiterate that it is with heavy hearts that we will vote against the Bill. We are not prepared to support devolution by taking scraps that fall from the Labour table, as the Liberal Democrats and Plaid obviously are. In voting in that way, we will vote in the interests of the Assembly, the people of Wales and Wales itself. To represent our position in any other way would be dishonest.

**Huw Irranca-Davies:** I have been called worse things in my time and probably will be again. However, whether the Bill is scraps from the table or half a loaf, what is on offer tonight is exactly what the Welsh people are demanding. It is a huge regret that at the last minute of the eleventh hour the Conservative party—the main Opposition—should set its face firmly against devolution. The Conservatives cannot seriously hold their heads up high tomorrow. They cannot ever again say that they support devolution. They would be laughing stocks if they tried to maintain that position.

Like my hon. Friend the Member for Newport, East (Jessica Morden), I take particular pride in and satisfaction from the fact that new clause 12—which is unique to this Bill and has been incorporated into it through the Government's acceptance and with cross-party support—will strengthen the links not only with employers' federations and small and large businesses, but with our union colleagues. That will be a major advance in the Assembly's existing arrangements. In major decisions on environmental, social and economic well-being, there will be a duty for the Assembly to consult employers and employees.

That is a huge move forward and I regret that this evening the Conservatives will be voting not only against devolution and the principles of devolution, but against new clause 12 which gives a voice to employers and employees. Alone in the House, the Conservative party is setting its face against the CBI, the TUC and devolution in Wales. That is remarkable and I look forward to Conservative Members justifying it not only to their constituents but to the head of the CBI in Wales and the head of the TUC.

*Question put,* That the Bill be now read the Third time:—

*The House divided:* Ayes 324, Noes 143.

**Division No. 181]** **[10 pm**

**AYES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Öpik, Lembit
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rowen, Paul
Ruane, Chris
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard

Strang, rh Dr. Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David

**Tellers for the Ayes:**
**Mr. Frank Roy and**
**Mr. Parmjit Dhanda**

**NOES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dorrell, rh Mr. Stephen
Dories, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Noes:**
**Mr. David Evennett and**
**Mr. Henry Bellingham**

*Question accordingly agreed to.*

*Bill read the Third time, and passed.*

## DELEGATED LEGISLATION

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Representation of the People

That the draft Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, which was laid before this House on 14th December, be approved.—*[Mr. Cawsey.]*

*Question agreed to.*

## EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

### Value Added Tax

That this House takes note of European Union Document No. 11439/05, draft Council directive amending Directive 77/388/EEC as regards the place of supply of services; and welcomes the principle that tax is due in the country where the service is consumed and that there is a need to create a level playing field for businesses engaged in cross border transactions of services which are subject to VAT.—*[Mr. Cawsey.]*

*Question agreed to.*

## AGRICULTURAL REGULATIONS

*Ordered,*

That the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005 (S.I., 2005, No. 3459), dated 19th December 2005, the Common Agricultural Policy Single Payment Scheme (Set-aside) (England) (Amendment) Regulations 2005 (S.I., 2005, No. 3460), dated 14th December 2005, the Cattle Compensation (England) Order 2006 (S.I., 2006, No. 168), dated 26th January and the Common Agricultural Policy Single Payment and Support Schemes (Reduction from Payments) (England) Regulations 2006 (S.I., 2006, No. 169), dated 26th January be referred to Standing Committees on Delegated Legislation.—*[Mr. Cawsey.]*

## Housing (North Dorset)

*Motion made, and Question proposed,* That this House do now adjourn.——*[Mr. Cawsey]*

10.15 pm

**Mr. Robert Walter** (North Dorset) (Con): This debate concerns a serious situation in my constituency with regard to the future provision of housing. It exemplifies a conflict between existing structure plans and the yet-to-be-determined regional spatial strategy. It also exemplifies a dilemma because in the north and west of my constituency, which is part of the North Dorset district, the policies seem to be different from those in the eastern part of my constituency, in the East Dorset district.

In the east, the debate on the proposed regional spatial strategy seems to centre on eating up more of the green belt, whereas it appears that the existing policy framework in the north, and the development of what is today a series of vibrant market towns, is being frustrated by the Government office for the south-west and the Office of the Deputy Prime Minister.

Planning, and the calling in of planning applications by the Secretary of State, is obviously a serious matter. It is not my purpose to discuss the merits of these particular applications. That has been performed according to the due democratic process, and if there is a public inquiry, they will be examined there. I want to examine what is behind the decisions to call in the applications, and more particularly the effect that that is having in my constituency and the implications for the future of housing provision there.

The Government office for the south-west has called in two planning applications that were submitted to North Dorset district council for the Secretary of State's own determination, which would follow a public local inquiry. The main reason given is that the proposal may conflict with national policies on important matters. The planning applications that I refer to are in the town of Shaftesbury, which was recently described by one property magazine as one of the 10 most desirable places to live in England. I do not know whether that was because the local Member of Parliament lives in the town, but I suspect that other factors were involved.

In that call-in, the inspector will consider the extent to which the proposed developments accord with RPG10, the regional planning guidance for the south-west; the extent to which they are consistent with the adopted Dorset, Poole and Bournemouth joint structure plan and the adopted North Dorset-wide local plan; and the extent to which the applications may prejudice the emerging regional spatial strategy and the consequences for the appropriate scale and distribution of housing development in North Dorset, including in Shaftesbury.

The two applications are for outline planning permission to develop land for residential and mixed-use purposes. A total of 190 units of affordable housing would be offered in these schemes. They will also offer many community and transport facilities, a cycle-way, pedestrian infrastructure and the expansion of education facilities. The schemes are consistent with the existing local plan and the structure plan and have already been tested by public inquiry.

North Dorset faces serious problems with the decline in its traditional farming economy. Younger people are leaving the area and there is a growing and large affordability gap for the indigenous population who want to live locally. House prices are rising fast and all the market towns in North Dorset require regeneration.

The call-in raises important questions and serious matters of principle. The case has been called in ahead of the regional spatial strategy—in other words, in advance of any approved regional policy. The regional economic strategy, which has been approved, states that affordable housing is one of the key elements in building the local economy. The provisions made by the Housing Corporation and the district's own housing needs survey show that the applications are consistent with the predictions of need—in fact, they fall far short of the needs identified for affordable housing.

The policy of the regional spatial strategy and Government policy in RPG10 are clear that the main focus of development should be on the principal urban areas, with some growth in other designated centres for growth. Development outside those areas should be smaller scale to meet local needs. Unfortunately, market towns in North Dorset have not been designated as areas for growth; it is self-evident, however, that the market towns need a certain amount of growth to remain sustainable. In the rural White Paper, the Department for Environment, Food and Rural Affairs acknowledges that towns in rural, coastal and coalfield regions have serious economic difficulties with the loss of younger people, low wages and heavy dependency on primary industries such as agriculture, which causes social and economic difficulties where there is a large change in those industries. The White Paper sees market towns as a focus for growth in areas that need regeneration.

North Dorset district council has successfully set up community planning partnerships to assist the regeneration of the market towns. The partnerships have ensured a high degree of local involvement with and support for the development schemes. The White Paper states:

> "We want people to be able to live in the communities where they grew up. In the South West there is a severe shortage of affordable housing for local people. We are doubling the Housing Corporation rural programme to provide 3,000 homes a year nationally in small rural settlements and we will provide more affordable homes as part of mixed developments in market towns and villages."

The district council estimates that about 600 affordable homes are needed each year to meet the needs of the area and wants to focus development in its market towns. That is in line with the spirit of Government policy, but the current mismatch of the regional spatial strategy, the rural White Paper and the regional economic strategy leave Dorset people the losers.

The letter that the Government office for the south-west sent to my district council on 4 October came as a shock to the local community. It states:

> "The first Secretary of State's policy on call-ins is set out in"

a statement made by the right hon. Member for Sheffield, Central (Mr. Caborn), then a Minister of State at the Department for the Environment Transport and the Regions, on

> "16 June 1999 in reply to a Parliamentary Question tabled by Mr. Bill Michie"

*[Mr. Robert Walter]*

who at that time was the Member of Parliament for Sheffield, Heeley. Mr. Michie's question was:

"To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about his policy on calling in planning applications under section 77 of the Town and Country Planning Act 1990."

The right hon. Member for Sheffield, Central replied on behalf of the Secretary of State, saying:

"My right hon. Friend's general approach, like that of previous Secretaries of State, is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. It is right that, in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when my right hon. Friend may consider it necessary to call in the planning application to determine himself, instead of leaving the decision to the local planning authority.

His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Such cases may include, for example, those which, in his opinion:

may conflict with national policies on important matters"—[*Official Report*, 16 June 1999; Vol. 138, c. 333.]

At the moment, there is not a national policy in that area. Some cases may, according to the right hon. Member for Sheffield, Central, have significant effects beyond their immediate locality, but there is no clear indication that that is so. Some cases may give rise to substantial regional or national controversy, but I believe that the only national controversy is the one that I am raising in the House tonight. According to the right hon. Gentleman, some cases may raise significant architectural/urban design issues—that is clearly not the case in North Dorset—or may involve the interests of national security or of foreign Governments.

The application has been called in. I quote again from the letter:

"On the information so far available to the First Secretary of State the following are matters which he particularly wishes to be informed about . . . :

(i) the extent to which the proposed developments are in accordance with regional planning guidance for the south west (RPG 10), including guidance on rural areas . . .

(ii) the extent to which the proposed developments are consistent with policy advice in the adopted (2000) Dorset, Poole and Bournemouth Joint Structure Plan and the adopted North Dorset District-Wide Local Plan . . .

(iii) the extent to which the applications may prejudice the emerging Regional Spatial Strategy . . . and the consequences for the appropriate scale and distribution of housing development in North Dorset including Shaftesbury".

The key factor is the possibility that the application may prejudice the emerging regional spatial strategy. It is only emerging—it has not yet been agreed. Does that mean that we have to stop? In my constituency, these towns need development. We are not talking about areas that have been ignored. The South West of England Regional Development Agency published a document entitled "Raising the Game" in which it looked at key economic performance indicators for those areas, including the market towns in my constituency. The percentage of the working-age population with NVQ level 4 qualifications and above is the highest in the south-west region at 30.5 per cent. The percentage of people with NVQ level 3 qualifications and above is 54.7 per cent.—more than half the population—compared with the national average of 45 per cent.

The average employment rate in my constituency is one of the highest in the area at 82.5 per cent., compared with the national average of less than 75.5 per cent. It is a vibrant economic area, but it desperately needs affordable housing. The provision of such housing is the highest priority in the Dorset community strategy, which has been endorsed by the Dorset strategic partnership that brings together all the local authorities in the country. The sustainability of the market towns is dependent on a certain amount of development through which districts can lever in affordable housing and economic development. The Government are calling for a concerted effort from local authorities to boost the development of housing to meet the urgent need for more dwellings, so it is ironic that the Secretary of State, via the Government office, has called in those planning applications in North Dorset that, together, would provide about 670 dwellings, of which 180 would be affordable homes.

The sites in question provide the bulk of a major allocation for the town of Shaftesbury, as proposed in the North Dorset local plan, which was adopted in 2003. The strategy behind that plan and the reason for the allocation were scrutinised in the local plan inquiry in 1999. In reaching his conclusions, the local plan inspector noted that he had considered the objections made in the light of PPG3 on housing, which was published in March 2000 while he was writing his report on the objections to the local plan. The plan conformed with the adopted structure plan and regional planning guidance to 2011. Although the Government office raised concerns about the allocation at the modification stage, it did not pursue them or prevent adoption of the plan.

In accordance with Government guidance, the prospective developers of the Shaftesbury site undertook a major consultation using resources provided by the Prince's Foundation to hold a three stage "Enquiry by Design" event, which involved the local community and a wide range of stakeholders.

Planning applications were submitted alongside a detailed environmental impact assessment, and the applications were again subject to major public consultation and detailed scrutiny. The applications were supported by the town council, the local community partnership and, most importantly, the Campaign to Protect Rural England, as the site is surrounded by the Cranborne Chase and West Wiltshire area of outstanding natural beauty and is clearly visible from a significant National Trust property at Melbury Beacon.

Together, the applications will contribute not only the 180 new affordable dwellings, but a new bus service to the development, new community facilities in the form of a community hall, open space and more allotments, and major financial contributions to a number of other facilities in the town that were required under the council's planning obligations. Without the contributions that the development will make, many of

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these facilities may founder, as the development comprises more than half of all the development proposed in the town up to 2011.

I must ask the Minister to rescind the call-in on the Shaftesbury applications. I urge him to understand the grave concerns about the seemingly heavy-handed approach of the Government office for the south-west and the Deputy Prime Minister towards development in rural areas. As least until there is more certainty regarding the regional spatial strategy, I ask the Minister to adopt a more lenient approach to development in districts such as North Dorset.

10.31 pm

**The Minister for Local Government (Mr. Phil Woolas):** I congratulate the hon. Member for North Dorset (Mr. Walter) on raising an important issue for his constituency in such a logical and professional manner. I will use the time at my disposal to try to answer the points that he made and to explain our policy and how we may move forward.

The hon. Gentleman's concern about housing is shared by others who have written to the Office of the Deputy Prime Minister and raised questions about housing in North Dorset. Several have questioned the Secretary of State's decision last October to call in planning applications for residential development at Shaftesbury, which I know to be one of the most beautiful parts of our country.

Although I welcome the opportunity to discuss housing provision in North Dorset, I cannot comment, as the hon. Gentleman will understand, on the merits or otherwise of the specific proposals, which will, as he says, be the subject of a public local inquiry later this year, and I cannot prejudice the Secretary of State's impartiality. However, the debate is timely, as last December the Government gave their response to the Barker review.

We announced a commitment to increase the rate of house building from 150,000 per year at present to 200,000 by 2016, and to increase affordable housing for ownership and rent by a new partnership with the private sector to promote shared equity. The Government have just consulted, as has been mentioned, on new planning policy for housing—draft planning policy statement 3—on delivering infrastructure using a planning gain supplement and on a new draft code for sustainable homes to improve the energy efficiency of new homes.

Draft planning policy statement 3 sets out the Government's key objectives for planning for housing to ensure that everyone has the opportunity of living in a decent home that they can afford, in a community where they want to live. To achieve this objective, the Government are seeking to ensure that a wide choice of housing types is available for both affordable and market housing to meet the needs of all members of the community. We are seeking a better balance between housing demand and supply in every housing market, and to improve affordability where necessary and create sustainable, inclusive and mixed communities in all areas.

As well as being attractive, safe and designed to a high quality, developments should be located in areas with good access to jobs, key services and infrastructure. Now we start to understand the problem. The Office of the Deputy Prime Minister has as its key objective sustainable communities in all regions of the country, and this debate is an excellent opportunity to reinforce that commitment. The current regional spatial strategy for the south-west, RPG10, focuses development on the region's principal urban areas, with some growth at other designated centres for growth, which includes the region's main towns and cities. RPG10 advises that development outside those areas should be on a smaller scale to meet local needs. The emerging review of the regional spatial strategy, which the South West regional assembly is considering, seeks to continue and reinforce this direction while increasing overall levels of housing delivery across the region in order to meet growth needs and address the affordability problems that I have described.

I know that there is an important question about what rate of housing development is appropriate in North Dorset to meet local needs. The Dorset structure plan set a rate some time ago of approximately 335 dwellings a year. That requirement is long overdue for review, and I understand that the emerging regional spatial strategy currently anticipates a much lower rate of 220 dwellings a year by 2026. Some say that that represents a major slow-down of development, limits the scope for affordable housing and threatens to put market towns in the district into recession. Others say that maintaining such high rates of housing development only sustains high rates of car commuting and provides limited benefits to local people.

What are the possible solutions to that dilemma? I believe it important to look at bespoke solutions to issues and problems in rural communities rather than treating growth as a one-size-fits-all solution, be it North Dorset or North Cornwall. The issue is about understanding our communities' needs and how our communities work. As the hon. Gentleman has acknowledged, inward migration is a main component of population growth in North Dorset, as it is in the south-west as a whole. Gathering evidence and understanding local housing markets is a key step in ensuring that there is an appropriate mix of housing to meet local needs, including the important issue of affordable housing. As far as rates of housing development are concerned, there clearly needs to be a proper judgment in relation to demand and supply within the housing market area consistent with our desire to promote a sustainable pattern development for the region.

The regional spatial strategy will set that balance with a planning framework for a sustainable pattern of development for the south-west, and in so doing it will set rates of housing development for North Dorset looking forward to 2026. The Government's commitment to tackling housing supply, to the provision of more affordable housing and to reforms to the planning system equips local communities with the tools to focus on solutions tailored to local needs.

What are the Government doing? We are keen to increase the supply of housing and to address the problems of affordability. It is clear that there still needs to be substantial housing in the small towns and villages of the region with a focus on delivering more affordable housing. However, it is also important that the south-west owns the agenda—if I can put it that way, Mr. Deputy Speaker—and seeks its own solutions. Once a

*[Mr. Phil Woolas]*

draft of the regional spatial strategy is submitted to the Secretary of State, an examination in public before an independent panel will examine the evidence around housing provision in North Dorset and the rural areas of the region.

The regional spatial strategy will provide rates of housing development for each planning authority in the region. Most importantly, the strategy will be prepared in harness with strategies for housing investment, the environment and the region's economic growth. Together, those measures will provide local communities with a clear strategic context.

I welcome the way in which North Dorset district council is helping to lead a housing market assessment for the wider housing market area in partnership with other local authorities in Dorset, and I am sure that that will go a long way to providing a robust and comprehensive evidence base on which to understand local needs.

Draft PPS3 suggests how local planning authorities might use their local development frameworks to set the balance of different household types to be provided across the plan area. Those measures, along with others, are intended to strengthen the ability of North Dorset, and of every local community, better to meet its housing needs.

Turning to our package of investment in housing, I am extremely proud of the increased resources that the Government have provided for more affordable housing. We have increased spending on new affordable homes to £2 billion in 2007–08—more than double the 1997 level. The region's No. 1 priority is the provision of more affordable housing to help to improve the balance of its housing markets.

I look forward to the report this spring by the affordable rural housing commission, which the Government have set up to investigate the issues surrounding the provision of affordable housing in rural areas. However, in recognition of the increasingly acute affordable housing issues in the south-west following the 2004 spending review, we have already allocated the south-west the largest increase of the English regions—up from £137 million in 2005–06 to £203 million in 2007–08. That is a 48 per cent. increase.

Final details of the Housing Corporation's 2006 to 2008 programme will be announced shortly, but I can say that in the market area that includes the hon. Gentleman's constituency, it proposes to allocate more than £30 million in 2006 to 2008. Moreover, the south-west housing body has set a target to provide at least 800 homes in the smallest rural settlements, taking an estimated 11 per cent. of the total programme, with a further £85 million intended to be invested in other settlements in rural areas such as market and county towns.

My Department has as its key objective sustainable communities in all regions. The hon. Gentleman, with obvious commitment to his constituency, has rightly provided an opportunity to reinforce the Government's commitment to a better future for the south-west. I recognise the problem that he describes and hope that I have been able to explain the Government's policy, which recognises the dilemma that exists. I commend that policy to the House and look forward to further debates on the important issues that the hon. Gentleman raised.

*Question put and agreed to.*

*Adjourned accordingly at eighteen minutes to Eleven o'clock.*

# House of Commons

*Wednesday 1 March 2006*

*The House met at half-past Eleven o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

## SPOLIATION ADVISORY PANEL REPORT (ASHMOLEAN MUSEUM)

*Resolved,*

That an Humble Address be presented to Her Majesty, That she will be graciously pleased to give directions that there will be laid before this House a Return of the Report from the Right Honourable Sir David Hirst, Chairman of the Spoliation Advisory Panel, in respect of a painting held by the Ashmolean Museum in Oxford.—*[Tony Cunningham.]*

# Oral Answers to Questions

## INTERNATIONAL DEVELOPMENT

*The Secretary of State was asked—*

### Developing World (Good Governance)

1. **Mr. David Amess** (Southend, West) (Con): What steps he is taking to promote good governance in the developing world; and if he will make a statement. [53958]

**The Secretary of State for International Development (Hilary Benn):** The ability of developing countries to eradicate poverty will depend greatly on good governance. DFID works with partner countries to help them to promote safety and security, to encourage investment and growth, to improve public services and to build greater accountability, but, ultimately, developing countries themselves have to take responsibility for improving governance.

**Mr. Amess:** What assessment has the Secretary of State made of the American millennium challenge account, which seeks to promote good governance by directing aid towards Governments who govern justly, try to promote economic freedom and govern in the interests of their people?

**Hilary Benn:** That very much reflects an American approach, which is to impose a number of requirements to enable countries to get access to the millennium challenge account funding. One consequence of that has been that the account has found it very difficult to spend money. As donors take decisions about what we do, we have to make a judgment that balances progress—because it is direction of travel that really matters—against ensuring that our money is not used corruptly or goes to purposes for which it is not intended. We make a different assessment and do it in a different way, but I think that we are all trying to achieve the same objective.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): The Secretary of State will be aware that good governance is essential for good economic management and encouraging the development of the country. On several trips to African countries, Opposition and Government MPs have stated to me that they are interested in ensuring that the budgetary process is transparent and that they wish to follow the money. Does my right hon. Friend agree that that is essential and does he have any ideas about how we could encourage African parliamentarians in that process?

**Hilary Benn:** I entirely agree with my right hon. Friend. That is why part of DFID's programme of work is to provide support to parliamentarians to improve accountability and scrutiny of public expenditure, working with public accounts committees in several African countries and helping to strengthen national audit functions, which allow expenditure to be assessed independently. I pay tribute to the work that organisations such as the Westminster Foundation for Democracy and the Parliamentary Network on the World Bank are doing. We should discuss among ourselves what more we might be able to do as a country, and as parliamentarians in this House, to work with colleagues in other countries to help them to build their capacity and to share experiences.

**Andrew George** (St. Ives) (LD): In respect of good governance, can the Secretary of State reassure the House that his Department is not becoming a respectable front for lax and unacceptable practices by other Departments? I expect that he will be aware that Oxfam today published a report showing that a UK subsidiary based in South Africa has been exporting military equipment to Uganda—about whose Government the Secretary of State has expressed serious concerns—thereby bypassing normal export approval processes required in the UK. Can he assure the House that the Government's welcome words about an ethical dimension to the export of military equipment will be applied in practice across all Government Departments?

**Hilary Benn:** I am aware of the report in today's press. The first thing to say is that were BAE Systems in the UK to have taken part in any deal, that would have been caught by the UK's trade controls. Subsidiaries cannot always operate entirely outside the UK controls—it depends on the circumstances. On the other hand, we have to recognise that exports from South Africa to another African country, with no UK involvement, are rightly a matter for the South African Government, not for the Government of the United Kingdom. The truth is that it depends on the circumstances and on the nature of the subsidiary and the extent to which it is controlled by the company in the UK.

**Mrs. Ann Cryer** (Keighley) (Lab): Can my right hon. Friend comment on the governance, good or indifferent, of Sudan? Following his visit to Darfur last week, will he comment on the welfare of the people in the camps? I am

particularly concerned about the welfare of women, who frequently cannot leave the camps because of the fear of being raped.

**Hilary Benn:** I had a conversation on that very matter with a group of women in Abu Shouk camp when I was in Darfur last week. Overall, conditions in the camps are much better than they were two years ago because of the huge international humanitarian effort. However, security outside the camps is deteriorating, which affects women who have to go out to collect firewood. I heard complaints about a lack of help and support to protect them while they do that. Jan Pronk and the new African Union force commander, Major-General Ihekire, confirmed to me that security in Darfur has deteriorated since my last visit there in June. That is why the decision that we anticipate that the African Union will take in the next two weeks to ask the United Nations mission to take over the African Union mission is so important. More troops and a stronger mandate are needed to provide protection while the parties to the conflict in Abuja get around to negotiating a peace deal. It has been going on for two years and they have not done that yet. The international community is paying the cost.

The message that I gave last week, and that the Foreign Secretary conveyed when he was in Abuja and spoke to those taking part in the peace talks, was that we have to do a peace deal now because it is the only way that those people will go home.

**Mr. Andrew Mitchell** (Sutton Coldfield) (Con): I support the idea that the right hon. Member for West Dunbartonshire (Mr. McFall) proposed and we welcome the Secretary of State's decision to reduce British budgetary support to the Government of Uganda because of the President's failure to adhere to the principles of good governance and show respect for human rights. How did the Secretary of State respond to the Ugandan President's intemperate letter in which he complained that British aid was a "paternalistic arrangement", which held his country captive in a "beggar relationship"? Did he make it clear that we have every right to say how and where hard-earned British taxpayers' aid money should be spent and under what terms and conditions it should be disbursed?

**Hilary Benn:** I did indeed receive a letter last year from the President of Uganda. In correspondence and in the last conversation that I had with him in Malta at the Commonwealth Heads of Government conference, we made it clear that we will make our decisions on the basis of our assessments. Concerns about governance and especially the locking up of Kizza Besigye, the Opposition candidate in the presidential election, although he was subsequently released, led me to reallocate £15 million to helping the humanitarian situation in the north of the country, which, as the hon. Gentleman knows, is acute. We have retained £5 million and nothing will deflect us from taking the right decisions.

**Mr. Mitchell:** Is the Secretary of State aware that we also support his decision to reduce British aid to the Ethiopian Government? The Ethiopian Prime Minister's attitude to legitimate opposition was to gun down protesters on the streets of Addis Ababa. Does the right hon. Gentleman regret the Prime Minister's decision to include the Ethiopian Prime Minister in his Commission for Africa and to fête him at the launch of its report?

**Hilary Benn:** No, I do not regret that.

**Mr. Mitchell:** Why?

**Hilary Benn:** I shall explain. One should judge our development partners by what they do, and until the moment of the elections in June last year—the Commission for Africa concluded its work in March when the report was published; the hon. Gentleman must get the time scale right—the election was, in the historical context of Ethiopia, relatively free and fair and the Opposition won many seats. Subsequently, there were difficulties on the streets, people were shot dead and those who had won the seats were locked up. That is a breach of the principles on which our relationship is based. Having said that, Britain does not propose to walk away from people who are poor. That is why, like other donors, I am considering ways in which we can continue to provide help with water, sanitation and education. The people should not be punished for bad governance in their country.

## Afghanistan

2. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): If he will make a statement on aid to Afghanistan. [53959]

**The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas):** At the London conference on Afghanistan at the end of January, the Prime Minister signed a 10-year development partnership agreement with President Karzai, reaffirming the United Kingdom's long-term commitment to Afghanistan. That includes £330 million of development assistance over the next three years, as part of the overall UK pledge of £500 million to help reduce poverty, improve security and governance, and tackle the opium industry.

**Dr. Blackman-Woods:** Following the London conference on Afghanistan, what action is the Department taking to focus attention on achieving the millennium development goals not only in Afghanistan but throughout Asia?

**Mr. Thomas:** One of the most encouraging aspects of the London conference on Afghanistan was the scale of the continuing international commitment to that country. Some $10.5 billion was pledged for Afghanistan for the coming years. That will help the Afghan Government to continue their programme of investing in basic resources, improving the number of functioning health clinics, rebuilding more schools and getting more teachers for them and more children back in them.

My hon. Friend and other hon. Members may know that we are hosting a conference on the millennium development goals in Asia next week, with several senior Ministers from Asian countries coming to discuss progress and the nature of the remaining challenges.

**Tony Baldry** (Banbury) (Con): Will the Minister explain in more detail how the alternative livelihoods programme is to be delivered in Helmand? How many UK-based staff are going to be involved? Will it be delivered through United Nations agencies, international non-governmental organisations such as Oxfam and Save the Children, or local non-governmental organisations? What are the benchmarks for success? What is the time scale involved? May we have more information about the alternative livelihoods programme in Helmand?

**Mr. Thomas:** The hon. Gentleman will know that the progress that we make on alternative livelihoods will inevitably depend on the security situation in Helmand and more generally, and on the ability of our development partners to work safely on the ground. He will also be aware, from his previous visits to the region and his former role as the Chairman of the International Development Committee, of the work that we have done on alternative livelihoods in other areas, encouraging access to micro-finance and the establishment of elected community development councils, and giving grants to those councils to spend on projects that people at the grass roots think are important, such as irrigation projects, roads and bridges. The progress that we make on the alternative livelihoods programme in Helmand will inevitably depend on the security situation there.

## East Africa

3. **Tony Lloyd** (Manchester, Central) (Lab): What discussions he has had with countries in east Africa in receipt of UK aid about the eradication of corruption. [53960]

**The Secretary of State for International Development (Hilary Benn):** Corruption is a serious problem in much of Africa, and it is the poor who suffer from it most. DFID and other donors regularly discuss action to reduce corruption with east African governments. In Tanzania and Uganda, the UK is supporting improvements in public financial management and greater accountability to Parliament and civil society. I had a frank discussion with President Kibaki of Kenya about corruption during my visit in January. Since then, following the publication of the Githongo dossier, three senior Ministers have stepped down due to unprecedented public pressure.

**Tony Lloyd:** My right hon. Friend has been suitably forthright this morning about the need to take action against corruption, and he has identified the problems that exist in Kenya and Uganda in his responses to other questions. The Museveni regime has become progressively more corrupt, and the Kibaki regime in Kenya has, sadly, not lived up to the promises of corruption eradication on which it campaigned before the last presidential election. Will my right hon. Friend tell the House how he intends to bring proper pressure to bear on those Governments while protecting the interests of the poorest people in those countries who still need British assistance?

**Hilary Benn:** First, by ensuring that the funds that we give are used in an appropriate way. We take great care to do that, which is why we do not provide direct budget support to Kenya. Secondly, it is right that we continue to support a process of change in those countries to create the institutions that could be used to fight corruption, if there is the political will to do so. The institutions on their own will not work, if there is no political will to make them work. What has happened in Kenya over the past month is significant because domestic Kenyan politics are leading the change, precisely because people feel disappointed. My hon. Friend is right to say that we must continue to find ways to support the poor people in those countries. Those who say that British aid to Kenya should be withdrawn completely because of the problems there are fundamentally mistaken, because that would result in punishing the poor people for failures that are not of their own making.

**Mr. Andrew Mackay** (Bracknell) (Con): I agree that funds should continue to go to Kenya, but does the Secretary of State accept that the welcome arrest of three senior Ministers is only a small step in the right direction? Is he quite happy that the Government have struck the right balance between putting real pressure on the Kenyan Government to end corruption and avoiding adversely affecting the livelihoods of ordinary people there?

**Hilary Benn:** In the end, it is for the House to judge whether the Government have struck the right balance, but I hope that we have. We have been resolute in making clear our concern about corruption. As I said a moment ago, I did so very directly in my recent discussions with President Kibaki. However, the most important voice that should be heard loud and clear is that of the Kenyan people, and the unprecedented events surrounding the resignation of the three Ministers is a direct result of such pressure. We need to keep that up. As I said in answer to the first question today, good governance and fighting corruption are down to the countries themselves, and the more pressure there is from within, the greater the chance of resolving the problems.

**Ms Sally Keeble** (Northampton, North) (Lab): As my right hon. Friend knows, a great deal of the money that we give to Kenya goes in through organisations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. I am worried about the disbursement of the fund's money to support HIV/AIDS orphans in Kenya. What is my right hon. Friend doing, in addition to arranging our own bilateral aid, to ensure that those multilateral organisations also deal with the problems of governance, and that they arrange for effective disbursement so that the money gets through to the people who need it?

**Hilary Benn:** We work very hard with the Global Fund to ensure that the money and the increasing support that the Government have put in are used to good effect. Kenya is one of the countries where there have been difficulties in making the money work. Therefore, we have been supporting a programme with the Global Fund and UNAIDS to find out what the obstacles are and to ensure that that resource—that money—is delivered to change people's lives.

While we are talking about Kenya, an immediate concern is the drought, because that will affect a lot of people, including those who have been orphaned, not

least because in many cases they have lost means of support. I can tell the House today that I have decided to allocate a further £15 million in response to the latest assessment of the drought in Kenya, because there is an urgent need to get more help to people who are at risk of not having enough to eat, and therefore of dying.

**Mark Simmonds** (Boston and Skegness) (Con): Corruption has not only robbed east Africa of resources, but exacerbated and perpetuated poverty. It hinders economic development, erodes faith in Governments and dissuades people from paying taxes. Significant progress in strengthening African nations' auditor-general capacities is urgently required. The Prime Minister has stated that aid will be linked to the elimination of corruption. What assessment has the Secretary of State made of a specific amount of British taxpayers' money allocated as aid funding that has been lost as leakage—not only to corruption, but to expenditure outside the social portfolios for which it was intended?

**Hilary Benn:** We have a series of procedures in place to ensure that that does not happen. I will happily give the hon. Gentleman, in the small number of cases where there have been problems, the details of what we have found and what we have done to deal with it. The way we approach the problem is, first, to make a proper assessment of the fiduciary risk; secondly, to choose how we will give our aid, in response to an assessment of the risk; and, thirdly, having made that decision, to ensure that the way the money is given is tracked carefully so that it can be accounted for.

I take with complete seriousness my responsibility in this office to ensure that every single penny in our aid programme, for which many people have campaigned and which many people support, goes for the purpose for which it is intended.

**Jim Sheridan** (Paisley and Renfrewshire, North) (Lab): As with east Africa, my right hon. Friend will be aware of the absolute corruption in Nigeria and the difficulties in that country with foreign oil workers being held captive and oil production being stopped. Can I ask him about the money that is being stolen from the people of Nigeria—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I remind the hon. Gentleman and the Secretary of State that this question is about east Africa. We must move on.

## Supermarket Produce

4. **Dr. John Pugh** (Southport) (LD): What discussions he has had with major supermarket chains on the promotion of produce from developing countries.

[53961]

**The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas):** My right hon. Friend the Secretary of State has had several discussions with Asda, whose headquarters are in his constituency. Next month, he will be meeting with Tesco and Marks and Spencer, as well as Asda and other important supermarket supply chain participants, to discuss the opportunities that their procurement practices provide, potentially, for small farmers in developing countries. *[Interruption.]*

**Mr. Deputy Speaker:** Order. Before I call the hon. Gentleman to ask his supplementary question, may I appeal to the House to keep things quieter? I need to hear the questioner, as does the Minister, and we need to hear the answer.

**Dr. Pugh:** Does the Minister acknowledge that corporate responsibility from the major retailers over their supply chain and marketing can deliver enormous benefits, just as corporate irresponsibility can do the opposite? Does he acknowledge that there is more that retailers and the Government can do?

**Mr. Thomas:** I accept entirely the hon. Gentleman's point. Together with the International Institute for Environment and Development and the Natural Resources Institute, and as a result of recommendations made by the Commission for Africa, we have launched this initiative to look with the major supermarkets at what more we can do collectively to open up opportunities for small-scale farmers in developing countries to source goods into the UK market.

**Helen Jones** (Warrington, North) (Lab): Does my hon. Friend agree that, when we are encouraging supermarkets to promote more produce from the developing world, that has to be fairly traded produce? There is also a lot of work that needs to be done with consumers to encourage them to buy such produce and to help them to understand why we need to pay a fair price for those goods.

**Mr. Thomas:** My hon. Friend is absolutely right to make that point, particularly as Fairtrade fortnight is almost on us. I am sure that Members will have the opportunity up and down the country to contribute to consumer awareness. I pay special tribute to the Co-op Group, one of the leading UK supermarkets, which has led the way in the number of fair trade lines that it has offered. Other supermarkets are following in its wake and seeking to promote more fair trade lines. I welcome that, but, as my hon. Friend said, much more needs to be done.

**Robert Key** (Salisbury) (Con): While the Minister seeks to develop local markets in niche products, will he be careful that we do not encourage air miles and food miles, which can be hugely destructive of the global economy, and that we do not pursue a laudable aim with the wrong method?

**Mr. Thomas:** The hon. Gentleman is right to add that cautionary note, which is why we work closely with other Departments that focus on such issues. We can do much more to encourage access to UK markets for small farmers' goods. That is why we are working closely with supermarkets and the Fairtrade Foundation, have pledged additional resources to them and are working with the Ethical Trading Initiative.

**Palestinian Authority**

5. **Mr. Andrew Dismore** (Hendon) (Lab): What plans he has to review UK aid to the Palestinian Authority in the light of the outcome of their elections; and if he will make a statement. [53962]

**The Secretary of State for International Development (Hilary Benn):** The international community is united in its support for the Quartet statement of 30 January. Hamas needs to give up violence, recognise Israel and sign up to previous obligations on the peace process. Aid to the Palestinian territories will be reviewed against those principles. While the current caretaker Government are in place, the international community is examining closely what steps could help to stabilise their financial situation, as recommended by the Quartet. On Monday, the UK made £5 million available to the World Bank to transfer to Abu Mazen's interim Government. *[Interruption.]*

**Mr. Deputy Speaker:** Order. May I once again appeal for extraneous conversations to cease? International Development questions are as important as any other proceedings of the House today.

**Mr. Dismore:** Will my right hon. Friend make it an unambiguous precondition of continued UK aid to the Palestinian Authority that the Hamas Administration should recognise Israel, renounce violence and the Hamas-organised terror attacks that have killed 400 people and injured more than 2,400 others, and that Hamas disarms and accepts the terms of international agreements? Will he give the House an assurance that no EU or UK funding will be used to support in any way Hamas's extremist ideology and propaganda?

**Hilary Benn:** I can certainly give that assurance—no UK aid money will be used to support Hamas or the propaganda to which my hon. Friend refers. The international community is saying clearly that Hamas needs to take the steps set out in the Quartet statement. At the same time, everybody recognises that it is in nobody's interest that services to Palestinians—particularly poor Palestinians, who have suffered so much—should be removed because of the election process. The international community is currently grappling with that.

**Zimbabwe**

6. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will make a statement on the humanitarian situation in Zimbabwe. [53963]

**The Secretary of State for International Development (Hilary Benn):** Zimbabwe is a country in crisis. More than one fifth of all adults are HIV-positive, 3,000 people die of AIDS every week and 1.3 million children have been orphaned. Three million to 5 million Zimbabweans face food shortages in the "hungry" months leading up to the harvest. To make matters worse, in 2005, the Zimbabwean Government destroyed the homes and livelihoods of an estimated 700,000 people in "Operation Clean-Up". DFID will spend £38 million in 2005–06 to tackle shortage of food, help to deal with HIV/AIDS and provide support for orphans and vulnerable children.

**Sir Nicholas Winterton:** I am grateful to the Secretary of State for that full and factual answer. Does he go along with the United Nations, which believes that Zimbabwe is in meltdown? Not only are 700,000 people now dispossessed, but unemployment is at 80 per cent., and 70 per cent. of the population exist on one meal or less a day. What can this Government do to bring about change? How effective is the African peer review mechanism in getting Robert Mugabe to improve his human rights?

**Hilary Benn:** I share the hon. Gentleman's assessment of the current crisis in Zimbabwe. It has the fastest-collapsing economy in the world and is a testament to monumentally bad governance. We have discussed that at some length at Question Time today.

We have had the European Union sanctions, and the United Kingdom is very clear in its assessment of the position and the pressure that we exert. It would be helpful if others in the international community, including those in the rest of Africa, were equally straight and honest about the cause of the problems in Zimbabwe. That would bring closer the day when the change that is needed will happen, so that the Zimbabwean people's nightmare can come to an end.

**Palestine**

7. **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): What assessment he has made of the effect of the Palestinian elections on international aid flows to Palestine. [53964]

**The Secretary of State for International Development (Hilary Benn):** I refer my hon. Friend to the answer I gave my hon. Friend the Member for Hendon (Mr. Dismore) a moment ago.

**Mrs. Humble:** Further to my right hon. Friend's reply to my hon. Friend, may I ask whether, if he does not receive assurances from Hamas about its involvement in terrorism, he will consider providing that essential aid for the poor people of Palestine through non-governmental organisations that will then be properly monitored?

**Hilary Benn:** That is one of the things that the international community will need to consider. Ultimately, it is a question of striking the balance between being absolutely clear about the principles that the Quartet has set out and which we expect Hamas to accept, and ensuring that poor Palestinians do not suffer even more. However, it will not be possible to say precisely what the alternative ways of giving support might be until it is clear what a Hamas-led Government will decide to do.

## PRIME MINISTER

*The Prime Minister was asked—*

**Engagements**

Q1. [53973] **Andrew Miller** (Ellesmere Port and Neston) (Lab): If he will list his official engagements for Wednesday 1 March.

**The Prime Minister (Mr. Tony Blair):** Before I list my engagements, let me say that I am sure the whole House will join me in sending our condolences to the families of the two British soldiers who were killed in Iraq yesterday. They were doing a vital and important job, and we owe them a great debt of gratitude.

I am also sure that the House will join me in sending our warm wishes to Mr. Speaker for a speedy recovery.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

**Andrew Miller:** Let me—on behalf of the whole House, I am sure—associate myself with my right hon. Friend's remarks about the soldiers, and, indeed, the absence of Mr. Speaker.

My right hon. Friend will know that in my constituency, local industry has done a tremendous amount in addressing issues of climate change. To remain competitive, however, industries need the strengthening of international agreements. What steps is my right hon. Friend taking to develop such agreements?

**The Prime Minister:** Along with my right hon. Friends the Chancellor of the Exchequer, the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for International Development, I met representatives of the "Stop Climate Chaos" coalition yesterday. We need to do three major things. First, we need to strengthen the international framework, both through the United Nations process and through the G8-plus 5 dialogue, which has been very useful indeed. Secondly, we need stronger action at European level, especially on the extension of the emissions trading system post-2012. Thirdly, obviously, we need action here. We are giving careful consideration to the idea of a carbon budget, which was advanced by the coalition yesterday. However, I think that this country has led the way over the past few years in respect of the environment and climate change, and we must continue to do so.

**Mr. David Cameron** (Witney) (Con): May I join the Prime Minister in expressing our sympathy for the families of the two British soldiers who died in Iraq yesterday? They died serving our country, and we should honour their memory. I also agree with what the Prime Minister said about Mr. Speaker, and wish him a speedy return.

On a happier note, may I thank the Prime Minister for the flowers that he sent to my family? He may not know that I received flowers from both No. 10 and No. 11. I am delighted to be the first man in history to get bunched by both our Prime Ministers.

Yesterday, the Government published their Education and Inspections Bill. The phrase "trust schools", which appeared throughout the White Paper, has now disappeared. Can the Prime Minister confirm that he is renaming those schools "foundation schools," and that they will have all the same freedoms?

**The Prime Minister:** Let me first congratulate the right hon. Gentleman on the birth of his child, wish him and his family well, and say thank you to him for his thanks to me for the flowers? I am glad that the Chancellor was immensely generous in sending him flowers as well. Whether he will be as generous in the Budget I do not know. I certainly hope that that is the limit of his generosity to the right hon. Gentleman. We do not for legal reasons need to mention the words "trust school". It is exactly the same for specialist schools, which are not mentioned in legislation either. However, the trust schools will have exactly the freedoms that we have set out in the legislation and those freedoms will allow schools by a simple vote of their governing body to become self-governing trust schools.

**Mr. Cameron:** Good, so trust schools remain. That is important. That is clear. Let me try to clarify something else. The Government's White Paper said that local authorities would not be able to provide new schools. The Prime Minister made a concession and said that they could, but that the Secretary of State for Education and Skills would have a veto. Will he confirm that, as the Bill goes through the House, that veto will remain in the Bill?

**The Prime Minister:** It has to remain for this reason. We have made this clear all the way through. The change was made because we listened to the Local Government Association, which includes Conservative as well as Labour members, which said that, if the driving force behind this is parental choice and parents want a new community school, it seems a bit much to prevent local authorities from being in the competition to provide a new school. However, let me emphasise that, if a local authority proposes a new community school, it is not then the deciding authority. That decision is made by the adjudicator. Of course, the Secretary of State has to have the power to ensure that it is in accordance with parental choice.

**Mr. Cameron:** Good, so the veto remains in the Bill. Given that the Prime Minister has our support, he does not have to make any further concessions to the rebels, so will he make it clear that the Bill will not be weakened any further?

**The Prime Minister:** Yes, I do make that clear, but let me say to the right hon. Gentleman that I do not know whether he agrees with what we have done, with local authorities being able to propose community schools. If he does—both Conservative and Labour members of the Local Government Association have said that that should happen—that is a point of agreement between us. Also, as far as I am aware, he now supports us on selection and agrees that we should put in safeguards against selection. So we now have a very happy consensus between us and I look forward to seeing him in the Lobbies.

**Mr. Cameron:** The right hon. Gentleman will see me in the Lobbies. We back school freedom. That is 200 of us. If he can just find 150 of his own MPs, we can get on and pass the Bill.

Two former Cabinet Ministers, the right hon. Members for North Tyneside (Mr. Byers) and for Darlington (Mr. Milburn), have said that the Prime Minister's position would be untenable if he relied on

Conservative support. Does he agree that that is nonsense and that he should just get on and do the right thing for school standards and for our children?

**The Prime Minister:** We are doing the right thing for our children. What we have done so far as a result of the changes and the investment and reform in our schools is that we have raised standards substantially. We have 100,000 extra staff in our schools—teachers and teaching assistants—the biggest ever building programme for schools is under way, and this country's schools have had the best results they have ever had for children at the ages of 11, 16 and 18. We will continue to do the right thing for children in our country because we want to ensure that every child, no matter what their background, gets the best start in life.

**Mr. Piara S. Khabra** (Ealing, Southall) (Lab): What information is available about the whereabouts of Osama bin Laden and what intelligence reports are available about his activities?

**The Prime Minister:** On the whereabouts, for obvious reasons, if I knew, I could not say. In respect of the activities, there is absolutely no doubt that, around the world, al-Qaeda and linked groups are causing, and are engaged in, acts of terrorism that are killing many innocent people. Whatever part of the world it is, whether it is Iraq, Afghanistan, any of the middle eastern countries or indeed Europe, that organisation, with its evil ideology, continues to kill wholly innocent people in an attempt to destroy the values that I believe most people in the world share of democracy, freedom and respect for human rights.

**Sir Menzies Campbell** (North-East Fife) (LD): I associate my right hon. and hon. Friends with the expressions of sympathy that the Prime Minister made at the beginning and extend our good wishes to the Speaker for a speedy return.

The Prime Minister recently described Camp X-Ray in Guantanamo Bay as an anomaly that would have to be dealt with sooner or later. When will it be dealt with—sooner, or later?

**The Prime Minister:** As I said, I hope that a judicial process can be put in place that means that Guantanamo Bay can close, as I think it should for the reasons that I have given. However, the reason why I always qualify my answer on this issue is as follows. This arose out of the worst terrorist act that the world has ever known, in which 3,000 totally innocent people lost their lives in New York. The people who were picked up in Afghanistan were engaged in helping the reactionary forces there to defeat American and British troops. So I agree that Guantanamo Bay is an anomaly, which is why it has to end, but I am afraid that when I answer questions on it, I will always draw attention to the circumstances in which it was introduced.

**Sir Menzies Campbell:** Along with the outrage of Guantanamo Bay, there remains the continuing problem of the unequal extradition arrangements between the United Kingdom and the United States. How can the Prime Minister be comfortable with an extradition treaty that results in British citizens having inferior rights to American citizens, and which the US Senate shows no signs of ratifying?

**The Prime Minister:** I do not accept that the rights of British citizens are subject to unfairness. I am very sorry to have to say this to the right hon. and learned Gentleman and the Liberal Democrats, but I sometimes wish that they would spend a little of the effort that they put into attacking the United States on understanding why these international terrorism issues are so important, and why it is important that we stand with our allies in defeating global terrorism. *[Interruption.]* People can say what they like about it, but I am also entitled to say what I like about it. I find the uneven way that the Liberal Democrats always express themselves on this issue—*[Interruption.]* I am sorry, but I find it an affront, given what people are facing right round the world: a global terrorism that I would have thought we could unite against and defeat.

Q2. [53974] **Jonathan Shaw** (Chatham and Aylesford) (Lab): Is it not the case that the terrorist attacks on Londoners last July murdered people of all faiths and were condemned by people of all faiths? If someone carries a placard announcing, "Europe, you will pay. 7/7—it's on its way", would not most British people agree that that statement glorifies terrorism? So will my right hon. Friend say to the Lords, glorification—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I think that the point has been made.

**The Prime Minister:** The point has been made, and obviously, I agree with it.

**Mr. David Cameron** (Witney) (Con): On bird flu, is the Prime Minister personally convinced that all the necessary preparations have been made? In particular, are there sufficient quantities of bird flu vaccines, and when will the Government set out the circumstances in which vaccination will be used? Is it not essential that we avoid repeating the mistakes made during the foot and mouth outbreak, when decisions on such issues were made too late in the day?

**The Prime Minister:** I do not agree with the right hon. Gentleman on vaccination. A series of people—our chief scientific adviser, the chief veterinary officer and others—advise us and sensibly we follow their advice. I am not an expert on this issue and nor is the right hon. Gentleman, but these people are. The reason why we have taken the view against vaccination, on their advice, is that they say that although vaccination is effective in stopping birds dying, it is not effective in stopping the virus spreading. Their worry has always been that vaccination masks the disease, rather than stopping it spreading. That is their reason and it is sensible in these circumstances to stick closely with the expert advice that we receive. And yes, I am satisfied that—in so far as it is possible—we have all the necessary precautions in place.

**Mr. Cameron:** Yesterday, the chief scientific adviser said that he anticipates that bird flu will arrive in Britain.

Why are the Government waiting until April to carry out the full field trial of their contingency plans? Is there not a strong case for bringing forward that trial?

**The Prime Minister:** The advice that we have is that exercises engaged in during January—and during this month—provide us with a sufficient basis for the precautionary measures that we are going to take. In addition, the so-called Newcastle strain of the disease, which led to an exercise being carried out last December, has given us a fairly strong basis on which to work. But as I said earlier to the right hon. Gentleman, there are people whom we meet regularly—I met them myself just the other day—in order to be satisfied that the necessary precautions are in place. It is important that we maintain the right balance between taking the right precautionary measures and not worrying or concerning people unduly. As the chief scientific adviser said, the fact that the H5N1 virus has been found in Europe enhances the risk of it coming here. Its possible spread into poultry involves one set of considerations, but whether that transmutes into some different, human form of the virus is a completely separate issue. As I said, we get regular updates from those who advise us about the precautions that we should take, and we try to strike the balance that I set out, in the right way. I am very happy to make available to the right hon. Gentleman any of the information that we have so that he can satisfy himself on that point too.

**Mark Durkan** (Foyle) (SDLP): Today is Ash Wednesday. Will the Prime Minister say that he and his Government are definitely giving up side deals in Northern Ireland for Lent—and, hopefully, for good? Will he set a date for the restoration of the institutions that are currently suspended, and call an end to the malingering and posturing of the parties involved?

**The Prime Minister:** We will do our best to try to get an agreement, as we have over the years. However, the hon. Gentleman has long experience of dealing with these matters and will know that, in the end, the Government can facilitate but that it is for the parties involved to agree. If he can give me a little bit of help and reach agreement with the other political parties, I am very willing to come in behind him.

Q3. [53975] **Nick Herbert** (Arundel and South Downs) (Con): In the south-east, reservoirs and rivers are at their lowest levels for three decades, and hosepipe bans have been in force for seven months. Since the Government are insisting on proposals to build more than 500,000 new homes in the area, does the Prime Minister accept that they have a responsibility to deal with that deficit in local infrastructure first?

**The Prime Minister:** It is important that we combine any development with the local infrastructure, but I hope that the hon. Gentleman understands that no responsible Government could not plan to build more homes. The country needs them, and they are a necessary consequence of any sensible housing policy for the future, but he is right: of course it is important to put in infrastructure planning at the same time, and that is what we are doing. That requires substantial extra investment, and fortunately my right hon. Friend the Chancellor has made the money available. I hope that the hon. Gentleman is not trying to suggest that it would somehow be wrong to plan ahead for the increase in housing, because it is necessary.

Q4. [53977] **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): Is my right hon. Friend aware of the work of the Commission for Social Care Inspection, and of the "Stand Up for Social Care" campaign run by *Community Care* magazine? The aim is to raise the profile of the 1.5 million people who work in social care. Will he ensure that adequate resources are made available, so that social care workers can be equal partners in delivering on the health and social care agenda?

**The Prime Minister:** My hon. Friend is right, and the Government have provided some £11.5 billion for local councils for adult personal services this year, an increase of £850 million on the previous year. She is also right to draw attention to the need to continue to develop the adult social care service, and the Green Paper entitled "Independence, Well-Being and Choice" is a very important part of that. Incidentally, I also pay great tribute to the work done in this area by the voluntary sector.

Q5. [53978] **Mr. Richard Bacon** (South Norfolk) (Con): Will the present inquiry by the Cabinet Secretary examine whether the Home Office acted improperly in relation to an extradition request involving Mr. Mills?

**The Prime Minister:** We will, of course, examine any allegations that are made, and reply to them fully.

Q6. [53979] **Mr. David Marshall** (Glasgow, East) (Lab): I trust that my right hon. Friend enjoyed the very warm welcome that he received in Aviemore last Friday, when he addressed the Scottish Labour conference and went on to break the ground for the Glendoe hydroelectric scheme. Did he notice that, after he left, the conference passed an excellent resolution on energy that urged that consideration be given to clean coal and new-generation nuclear plants, alongside the use of renewables? Does he consider that to be the sensible approach? The Tories and the Scottish National party reject onshore wind and nuclear generation, respectively. Does he agree that they are playing fast and loose with our energy future?

**The Prime Minister:** I agree entirely with what my hon. Friend says and I think that the position adopted by the Scottish Labour party was extremely sensible. We need all of those things together, including the renewables. We obviously need to consider the issue of nuclear power for the future and clean coal technology is also dramatically important. I hope that when we publish the results of the energy review, my hon. Friend will see reflected some of the sensible concerns that were expressed in Aviemore last week.

**Mr. Rob Wilson** (Reading, East) (Con): Does the Prime Minister agree that his Education and Inspections Bill is more radical than it first appears? Does he agree that it will deliver a final blow to the failed comprehensive education system and the overweening powers of local education authorities?

**The Prime Minister:** Well, it is interesting that the Conservatives indicate that they are against the principle of all-ability teaching. The hon. Gentleman is a bit behind his leadership, which has switched positions on that subject over the past few months. I believe absolutely in all-ability teaching and I think that it is important. But I also think that schools should have the freedom to develop in the way that they want, within the process of all-ability teaching, and the freedom to manage their assets and staff in the way that they want. Under this Government, we have seen dramatic improvements in the number of children getting the right results, as a result of investment that the Conservative party opposed each and every point of the way.

Q7. [53980] **Mr. Lindsay Hoyle** (Chorley) (Lab): Does my right hon. Friend agree that it is totally unacceptable to have 22 per cent. price increases in gas at the same time as profits of £1.5 billion for British Gas? Has not the time come for a windfall tax to ensure investment in new gas streams in the UK and the further introduction of storage facilities in order to bring the price down to help the poor consumer?

**The Prime Minister:** Well, I agree with my hon. Friend that there has been much concern about the recent rises. It is true that even with those increases we are still well below the EU median level and other countries have also seen significant price increases, but he is right to draw attention to the steepness of the price rises. One answer is to liberalise energy markets in Europe still further, and that is an important part of the answer. But I entirely understand the concern that he raises.

Q8. [53981] **Mr. Graham Brady** (Altrincham and Sale, West) (Con): Some 11,000 fewer people in Altrincham and Sale have an NHS dentist than when the Prime Minister came to power. Why does he think that is?

**The Prime Minister:** Back in the 1990s—*[Interruption.]* I am sorry, but a contract was introduced by the previous Government in the early 1990s that allowed dentists to leave the NHS if they wanted to. It is the Labour party that has put more money into dentists and is hiring more dentists from overseas, but we cannot force dentists to come back into the NHS. That is why there are not more NHS dentists in the hon. Gentleman's area.

**Rosie Cooper** (West Lancashire) (Lab): Major cities appear to be prioritised by regional bodies in north-west transport projects. Does my right hon. Friend agree that long-standing local priorities, such as the Ormskirk bypass in my constituency, which has been second in the Lancashire priorities for the past 10 years, cannot be dismissed and demoted at a stroke?

**The Prime Minister:** I understand entirely the concern that my hon. Friend raises and the investment in that has significantly increased. I am of course happy to look into the point that she raises and to write to her.

**Susan Kramer** (Richmond Park) (LD): The Prime Minister will be aware that the family of Emily Jenkins, who was tragically killed in the 7/7 bombings, has set up a charity to post on the internet basic, non-confidential information about the victims, in a timely manner, to reunite victims and relatives. Why will his Government not give the necessary permissions for the scheme to go ahead, especially in the light of the failure of existing systems to give any timely guidance to relatives on 7/7?

**The Prime Minister:** I thought that we had a very great deal of provision available for those families who tragically lost people in the 7/7 bombings. I am happy to look at the initiative that Beverley Chambers has put forward, and I will reflect on that and get back to the hon. Lady as soon as possible.

**Mr. Jim Devine** (Livingston) (Lab): My right hon. Friend the Prime Minister rightly congratulated the Leader of the Opposition on the birth of his son. I, too, wish him, his wife and his baby well, but I feel a little embarrassed because I have not sent him any flowers. However, should we remind the Leader of the Opposition about the Labour party's child trust fund—the so-called baby bond—which has been advantageous for many of my constituents?

**The Prime Minister:** An immense amount has been done for children in this country, not just through tax credits but, as my hon. Friend rightly says, through the trust fund; and of course, for some of the poorest families in the country, as a result of the rises in child benefit, the minimum wage, the child care tax credit and the children's credit—all of which the Conservatives opposed—we have done an immense amount to lift children out of poverty. Indeed, about 700,000 children have been lifted out of poverty since we came to office.

Q10. [53983] **Mr. Andrew Mackay** (Bracknell) (Con): Returning to extradition, surely the Prime Minister cannot be comfortable that, as a result of his recent legislation, British citizens accused of non-terrorist offences can be extradited to the United States of America, yet the promised reciprocal legislation in America is not in place. What will he do to put pressure on the President to introduce that legislation quickly and when will it come into effect?

**The Prime Minister:** The issue, as I understand it, is actually within Congress itself. However, it is important that we make sure that we get the reciprocal provisions in place and we will continue to do all that we can. We still believe, however, that it is right to have those extradition proceedings in place in respect of America.

Q11. [53984] **Mr. Eric Martlew** (Carlisle) (Lab): The Clean Neighbourhoods and Environment Act 2005, which we pushed through the House despite opposition, gives local authorities tough powers to deal with environmental issues such as litter, fly-posting and graffiti. Is the Prime Minister convinced that local authorities will use those powers?

**The Prime Minister:** Around 20,000 fixed-penalty notices have been issued by local authorities, but my hon. Friend is right to draw attention to the fact that not enough local authorities are using them. As I constantly say about this issue—which is linked to antisocial behaviour—we have given local communities the

powers and resources but it is up to communities themselves to use them. He is right to say that local authorities now have a great deal more power than before, and fixed-penalty notices are a simple way to make sure that things such as dog fouling and littering can be easily dealt with by local authorities, but they need to use the powers they have been given.

**Mr. Jeremy Hunt** (South-West Surrey) (Con): Given that more than 1 million hard-of-hearing people say that they use subtitles whenever they can, does not the Prime Minister think that it sets an extremely bad example that there is no such facility on our own Parliament channel and will he take urgent action to make sure that deaf people have the same access to democracy as everyone else?

**The Prime Minister:** For once, I am in the happy position of saying that it is not up to me to decide how Parliament arranges its affairs, but I am sure that those who are looking at these things will—*[Laughter.]* I do not know that an outbreak of laughter is the right response from my right hon. Friend—*[Interruption.]* I am sure he will. No doubt discussions in the usual channels can take place; but it is a matter not for me but for Parliament.

Q12. [53987] **Mr. David Crausby** (Bolton, North-East) (Lab): My right hon. Friend has done a fantastic job delivering lots of things—in particular, off-peak local travel for pensioners—so will he put the icing on the cake by reducing the qualifying age for a free TV licence to 65 so that our pensioners can travel, keep warm and watch the telly in peace?

**The Prime Minister:** Well, I am not sure that I can promise to do that, but my hon. Friend is absolutely right in drawing attention to the fact that something like 3.5 million households have benefited from free TV licences. There is also the winter fuel allowance and, as he says, free travel for OAPs at off-peak times. Taken together with the money spent on pension credit, there has been a massive increase in the support that the Government have given to pensioners. In addition, incidentally, 4 million pensioner households have been lifted out of fuel poverty, so I cannot promise to do more, but my hon. Friend is entirely right to draw attention to what we have done already.

**Mr. Mark Harper** (Forest of Dean) (Con): In a written answer to me this week, the Secretary of State for International Development confirmed that the Government's success criterion for the alternative livelihoods programme in Afghanistan is only a 10 per cent. year-on-year increase in the uptake of legal livelihood opportunities. Is that really adequate to the challenge we face in Afghanistan, especially with the forthcoming deployment of British forces? If we fail, we shall create not stability but further insurgency, and put our troops at great risk.

**The Prime Minister:** Of course, the hon. Gentleman is right to draw attention to the issue and the problem, but we have to make progress as we can and a lot depends on the security situation. If we can go faster, we will, but we have set a target that we believe is reasonable at the moment. What is happening in the south of Afghanistan is an attempt by al-Qaeda and the Taliban to regain control of a country that wants a democracy; millions of its people voted in democratic elections for the President and Parliament. Of course, it is important that our troops do all that they can to secure the situation so that the country can move forward in peace, but we have set targets on the change of livelihoods on the basis of advice given to us as to the realistic prospect of what we can achieve on a year-by-year basis.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): This could be the last question in the session today. Could the Prime Minister take the opportunity to explain to the wider world why there is such wide and deep unease about the trust schools proposal among Labour Members, yet such unfettered enthusiasm among Opposition Members? Is not this politics scripted by Lewis Carroll?

**The Prime Minister:** I will take a bet with my hon. Friend that there will be more Labour MPs than Conservative MPs in the yes Lobby for the Education and Inspections Bill. [HON. MEMBERS: "Oh?"] Well, we will wait and see. He is entirely entitled to take the view that he does, but the reason why I believe in these reforms so passionately is that, over the past few years, we have made big improvements in our education system; but it is not good enough when, even for all the progress and improvement—far more kids are getting the GCSEs that they need at 16 than 10 years ago—40 per cent. still do not get five good GCSEs. Now in some of the poorest areas, for the schools that have been worst performing, it is necessary in my view to take radical action. We want to do that with local authorities. We want to make sure that we do it in a way that encourages schools to develop, so that every child, no matter what their background or what their class, gets the best start in life, and I think that those are good Labour principles.

## Video Games

12.32 pm

**Keith Vaz** (Leicester, East) (Lab): I beg to move,

That leave be given to bring in a Bill to amend the Video Recordings Act 1984 to extend certain provisions of that Act to video games and to make provision about the labelling of video games.

Video games have increasingly life-like graphics and antisocial themes. Their regulation has improved, but it has not gone far enough. The voluntary code must be made statutory and further safeguards put in place to protect our children.

Over the past two years, other hon. Members and I have campaigned to control the sale of video games to young people, following the tragic death of Stefan Pakeerah—a 14-year-old Leicester schoolboy who was brutally murdered. Stefan's parents believe that the perpetrator of that savage attack was influenced by the video game "Manhunt". Stefan's mother, Giselle Pakeerah, has been campaigning to ban the sale of the game. I pay tribute to Mrs. Pakeerah—a brave and courageous mother who, in her grief, could easily have let matters pass by doing nothing, but who started an impressive campaign on this issue.

Towards the end of 2004, Mrs. Pakeerah and I met the Prime Minister and urged him to tackle the menace of violent video games by examining the existing law governing the classification of such games and, in particular, labelling, and by requesting the British Board of Film Classification to take a more cautious approach. I am most grateful to the Prime Minister for his concern on this issue. Following the meeting, in December 2004, the Department for Culture, Media and Sport and the Department of Trade and Industry met representatives from the video games industry to consider the adequacy of existing provisions. Some new voluntary measures were introduced. New labelling for age restrictions is now twice the size it was a year ago. I welcome the industry's efforts in beginning to take action.

I am also grateful to the Secretary of State for Culture, Media and Sport and the Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Stalybridge and Hyde (James Purnell), who has responsibility for the creative industries, for meeting me to discuss their Department's continuing willingness to explore ways to strengthen such protection.

The concern about video and computer games is based on the belief that violent games are totally inappropriate for young children. Between the ages of seven and 17, children will play an average of eight hours of video games a week. However, despite recent voluntary steps, this aspect of children's entertainment is highly under-regulated. Moreover, the regulation that does exist is barely enforced.

The video games industry in the United Kingdom is widely and rightly seen as one of our many economic success stories. The latest figures show that the software development and publishing industry in the UK is worth £711 million. Most games on the market are appropriate for young players, but the few games that feature violence, crime and antisocial behaviour have led to concerns being raised. The Bill is not intended to censor the industry. However, we must recognise that it is our duty to protect our children from inappropriate influences such as violent video games.

The current trend in video games is for players to be the bad guys and act out criminal fantasies, earning points for attacking and killing innocent bystanders. In the forthcoming Rockstar video game "Bully", players take on the role of Jimmy Hopkins, a school boy at a boarding school. They get points for physically and psychologically tormenting other children. More than 50 Members have signed early-day motion 1172, which calls for the game to be banned.

The 2004 game "Grand Theft Auto: San Andreas" has been among the top 10 best-selling games for the past two years and has sold a total of 12 million copies worldwide, including 1 million copies in the United Kingdom in the first nine days after its release. The game contained a hidden code that could be unlocked by players and which introduced to the game scenes in which characters performed sexually explicit acts. Following campaigns in the United States, the publishers were forced to recall and rewrite the game to remove the hidden code.

Although those games are rated 18 for adult audiences, they are extremely popular among young people. This type of content is wholly inappropriate and unacceptable, but, regrettably, that is the path down which the games are heading. British research into the effects of video games has been inconclusive so far. A number of studies, including research published by DCMS today, have found no conclusive evidence that video games can influence children's behaviour. However, studies into the long-term effects of video games are in their infancy and are at best speculative. Due to ethical difficulties associated with exposing children to adult material, it is difficult to secure conclusive evidence either way—difficult, but not impossible.

On 25 January 2006, during Prime Minister's questions, I raised the findings of new research published by Professor Bruce Bartholow of the university of Missouri-Columbia last year, which shows that people who play violent video games become desensitised to violence and are more likely to commit aggressive acts. It is the first research to show that playing violent video games diminishes brain reactions to violent images. It shows a link between the playing of violent video games and a propensity to commit aggressive acts. Those who believe that violent video games have no effect on the person playing them are ignoring the facts. The link exists and should give us great cause for concern.

The implications of the research, which was published in the *Journal of Experimental Social Psychology*, are far-reaching. Every precaution should be taken to ensure that children are not exposed to games that will diminish their sensitivity to violence. Children need to be protected from violent games for this reason: although a child's morality continues to grow and mature as they grow older, they are still immature and lack the necessary capabilities to deal with the exposure to violence that these games give them. The warnings offered by the research need to be taken seriously and should urge us all towards cautionary, preventive regulations to protect our children.

*[Keith Vaz]*

At the moment, regulation is very confusing, as two rating systems are in use: the British Board of Film Classification, which rates about 2 per cent. of games, and the voluntary PEGI, or pan-European game information, system. The director of the Entertainment and Leisure Software Publishers Association, Roger Bennett, concedes that the ratings are not always clear. He states:

"BBFC ratings are on the front of games boxes, while ELSPA's are on the back. If a game does not have a BBFC rating, people sometimes assume it is suitable for children, forgetting to check the back."

Furthermore, a study by the Swiss firm Modulum showed that

"parents perceive age ratings as a guide but not as a definitive prohibition".

Current regulations are often ignored by retailers. An investigation for "Tonight with Trevor McDonald" in November 2004 uncovered the fact that children as young as 12 had managed to buy adult video games. Over two thirds of 11 to 14-year-old boys questioned admitted to playing video games with an 18 certificate. On camera, children between the ages of 12 and 14 were shown buying adult video games from Tesco, Virgin, Dixons, John Lewis, Sainsbury's and Asda.

Other countries have adopted a different approach. In Canada, in the European Union and even in the United States, action has been taken. This Bill will make it a requirement not only to have a larger sign indicating the certificate but to have an accompanying description of the content that led to the game being given that rating.

This is not about adult censorship; it is about protecting our children. We need to act now before it is too late.

*Question put and agreed to.*

Bill ordered to be brought in by Keith Vaz, Annette Brooke, Mrs. Betty Williams, Mr. Edward O'Hara, Mr. Elfyn Llwyd, Mrs. Iris Robinson, Jessica Morden, Miss Julie Kirkbride, Mr. Mike Hancock, Sir Nicholas Winterton, Mr. Stephen Crabb and Derek Wyatt.

VIDEO GAMES

Keith Vaz accordingly presented a Bill to amend the Video Recordings Act 1984 to extend certain provisions of that Act to video games and to make provision about the labelling of video games: And the same was read the First time; and ordered to be read a Second time on Friday 12 May, and to be printed [Bill 136].

# Opposition Day

[14TH ALLOTTED DAY]

## Dentistry

**Mr. Deputy Speaker (Sir Alan Haselhurst):** I must announce to the House that I have selected the amendment in the name of the Prime Minister and placed a 10-minute limit on Back-Bench speeches. May I also add that the amount of time available to Back Benchers will depend to a great extent on the restraint shown by the three Front-Bench spokesmen?

12.43 pm

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): I beg to move,

That this House supports the achievement of good oral health through the provision of NHS dentistry; calls, therefore, on the Government to fulfil its commitment that everyone should have access to NHS dentistry; is alarmed that the British Dental Association regards the new dental contract as 'a shambles' and is concerned that many dentists will reduce their commitment to NHS dentistry; and further calls on the Government to withdraw the National Health Service (General Dental Services Contracts) Regulations 2005 and the National Health Service (Personal Dental Service Agreements) Regulations 2005 and immediately to re-open negotiations with the dental profession on dental services contracts which are piloted and linked to patient registration and capitation payments, support for preventative work and the achievement of good oral health.

In September 1999, the Prime Minister said that by 2001 everyone would have access to NHS dentistry just by calling NHS Direct. Six years after he made that pledge fewer people than ever are registered for NHS dentistry. In those six years we have seen queues forming outside the premises of NHS dentists who are opening up their registrations. We may not see that in future because the Government propose that people will not be able to queue outside NHS premises to be registered; they will have to register by letter or by telephone—queuing is too embarrassing. Indeed, the situation has now become so bad that the public are queuing outside private dentists.

**Mr. Anthony Steen** (Totnes) (Con): Patients in Torbay are being told that they must not queue outside any new NHS dentist. I am advised that they have received letters informing them that it would be embarrassing for the primary care trust to have people queuing because it knows that so many people want dental treatment and that there are so few NHS dentists. Is that not outrageous?

**Mr. Lansley:** It is outrageous.

I visited Torbay before the last general election and talked to the secretary of the local dental committee. If I recall correctly, the number of patients registered in south Devon was under 30 per cent.—among the lowest in the country. Indeed, the number in my constituency was also among the lowest in the country.

**Bob Spink** (Castle Point) (Con): A Castle Point dentist and a local dental committee secretary, Mr. Foreman, states in a letter dated 21 January:

"Under the terms of the new contract our CACV has been reduced by some 80 per cent. from our historic NHS gross average."

Dentists in Castle Point do a great job and we must fund them properly. We must stop ill-thought-out cuts. Does my hon. Friend agree that the Government's policy is a shambles and will reduce the number of NHS patients?

**Mr. Lansley:** My hon. Friend is absolutely right. It is not only me who thinks that the policy is a shambles. The British Dental Association also thinks that it is a shambles. The association said that Ministers conducted the contract negotiations leading to a new dental contract with "extraordinary ineptitude". It described it as a "shambolic process". It has been a shambles. Over recent years, dentists have reduced their commitment to the NHS because they have been on a treadmill of drill and fill. We have known for years that change is necessary. That was why the Conservative Government, before the 1997 general election, introduced legislation that established primary care trusts and personal dental services contracts.

The Government have pursued a new dental contract based not on new ways of working but on targets. They propose a target-driven process that does not recognise the needs of the profession or of patients.

**Damian Green** (Ashford) (Con): My hon. Friend and the Minister might be interested in an e-mail that I received a few days ago from a constituent. It reads:

"Since I moved to Ashford some 40 years ago I have attended the same dental practice. Last Tuesday, after my six-months check-up, I was advised that due to Government contract changes I would not be able to make a new appointment."

That is what dentists believe and that is what their patients believe. Contract changes are driving people away from the NHS.

**Mr. Lansley:** I am grateful to my hon. Friend for that intervention. His experience is the same as mine in Bar Hill in my constituency, where a dental practice has walked away from a new dental contract. That experience is mirrored throughout the country.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): I thank my hon. Friend for visiting the town of Hornsea in my constituency. As he knows, it is an isolated rural town. It is the largest town in the country without an A-road into it. The threat, when he visited the town, concerned community hospitals. That threat still remains. However, there are three dental practices in the town, two of which have announced in the past week that, thanks to the Government's shambolic handling of dental contracts, they are leaving the NHS. Seven thousand fewer of my constituents are now registered with NHS dentists than before the Prime Minister's promise was made.

**Mr. Deputy Speaker:** Order. I should have added that the length of interventions will have some impact on opportunities to participate later in the debate.

**Mr. Lansley:** I am grateful, Mr. Deputy Speaker, but I am grateful, too, to my hon. Friend the Member for Beverley and Holderness (Mr. Stuart) for making that important point. Apart from persistent inequalities in terms of dental outcomes and dental health, inequality is increasingly apparent in terms of access to NHS dentistry, all of which is a condemnation of the Government.

**Ed Balls** (Normanton) (Lab) *rose—*

**Mr. Lansley:** How can I resist the hon. Member?

**Ed Balls:** I am grateful to the hon. Gentleman for reminding us of a previous Conservative Government with his reference to funding issues. On the "Today" programme this morning, the Leader of the Opposition confirmed that it was his party's policy to introduce a third fiscal rule—the proceeds of growth rule—which would mean that spending would fall as a percentage of gross domestic product under a Conservative Government. Does the hon. Gentleman expect the NHS and dentistry to be carved out of that rule, or does he expect it to apply to them too? If so, public spending would fall as a percentage of GDP on dentistry services.

**Mr. Lansley:** I am grateful to the hon. Gentleman, whose point comes from the bottom of page 2 of the Labour party briefing—we will see if we reach the rest of those listed. One would have thought that the hon. Gentleman could at least write his own interventions. We made clear before the election what we intended to do about dentistry, and our proposals would have made an enormous difference. I do not know whether the hon. Gentleman in his previous occupations had occasion to read "Proposals for modern oral health", which was published in October 2004 by the Conservative party, but before the election we set out proposals based on registration

"to encourage an ongoing relationship for patients with a general dental practice."

The Government, however, propose to abolish registration. We proposed, too, a shift from fee-based remuneration to capitation. The Government propose to retain an activity-driven system, instead of introducing a system in which finances are driven by the number of patients on a practice list. We proposed a low-cost monthly payment scheme for non-exempt adults—the Government propose to increase the charges for patients—and oral health promotion focused on children. The Government, however have enabled primary care trusts—and, in some respects, they have encouraged them—to refuse children for treatment and exempt adult contracts for dentists. Finally, we proposed an

"evidence-based schedule for NHS dentistry designed by the National Institute for Clinical Excellence".

At least the Government have begun to introduce that proposal.

**Ed Balls:** Will the hon. Gentleman give way?

**Mr. Lansley:** No, of course not. If the hon. Gentleman does not have anything original to say, I am not going to help him.

**Mr. Douglas Hogg** (Sleaford and North Hykeham) (Con): Will my hon. Friend include in his policies a commitment that the Government of the day should fund private dental care if someone is wholly unable to obtain NHS dentistry because none is available?

**Mr. Lansley:** I am grateful to my right hon. and learned Friend, but I am not going to make that pledge. My

*[Mr. Lansley]*

objective, and the objective of the Conservative party, is to secure access to NHS dentistry for people in this country on an equitable basis. Inequalities of access have given rise to the need for a new contract. The purpose of the motion is to make the Government realise that it is the eleventh hour—it is one month to the day before the new dental contract comes into force. The profession are against the contract, and it profoundly disagreed with it in earlier discussions. The Government, however, refused to listen. In December last year, the British Dental Association literally walked away from the negotiations, and said that talking to the Government was akin to a one-way street. It talked to the Government, but the Government did not respond.

**Mark Pritchard** (The Wrekin) (Con) *rose—*

**Mr. Lansley:** I shall give way to my hon. Friend, as I know that he is anxious to contribute.

**Mark Pritchard:** I am always anxious to contribute to debates secured by my hon. Friend. Does he agree that there is concern about oral health because of the lack of access to dentists, and that cancers of the mouth may increase and orthodontic provisions could be affected?

**Mr. Lansley:** That is absolutely right. A central reason why dentists as a profession want to spend more time with patients is that they want to undertake proper preventive work and good oral health work. In the mechanics of the contracts, the Government have not taken proper account of the time that it takes for new orthodontic practices to establish their work. Practices across the country, including one in my own constituency, have written to me, because they have been offered a contract that dramatically underestimates the amount of work that they need to do. The base year or target year did not include their work because they had established themselves more recently.

The dentists walked away from negotiations with the Government, so the Government proceeded on the wrong basis. They did not introduce proposals based on registration or a capitation system. Their proposals did not encourage preventive work or promote good oral health. They should work with the profession, rather than against it. Not only is the profession against the Government, but this morning, *Which?* published a survey in which 79 per cent. of the public said that they do not trust the Government to improve dentistry in the next year. The profession and the public are saying the same thing, so the Government must think again. The motion is designed to make sure that they do so. The contract is a shambles, and it is not based on the primary dental services pilots. It does not include a UDA system. I apologise to the House. There are no Northern Ireland Members in the Chamber, but by "UDA" I mean "units of dental activity". The personal dental services contracts were not established on that basis, although the UDA system allows dentists to spend more time with patients and takes account of the size of patient lists. The Government would not proceed with such proposals, which is tragic.

**Ann Winterton** (Congleton) (Con): Is it not irresponsible of the Government to introduce an untried and untested system, which is causing chaos throughout the United Kingdom, and will not achieve their aim of improving the quality of care for patients, securing access to dentistry and improving the nation's oral health?

**Mr. Lansley:** My hon. Friend is right, and has captured the profession's view. I have already cited the British Dental Association, which has said:

> "The new contract will not secure patient access, improve oral health or raise the quality of care."

Those are the things that we are supposed to target, but the Government are not setting out to achieve them. The contract is seriously flawed.

**David Tredinnick** (Bosworth) (Con): Leicestershire primary care trusts have a £6 million shortfall, so it will be impossible to deliver even the care that is available this year. That is on top of the complaints by the Leicestershire local dental committee, which is almost unanimously against the proposals, particularly the decision to charge on a treatment basis rather than per visit.

**Mr. Lansley:** My hon. Friend is quite right. The pictures of people queuing for a dentist in the *Leicester Mercury* are testament to the difficulties that they are facing in the light of the withdrawal of services. The Secretary of State has not bothered to stay in the Chamber to discuss dentistry, but there are dental practices in her own constituency that have written to my hon. Friend the Member for Westbury (Dr. Murrison) to say that they have ceased to provide NHS dentistry. We need a new contract. Not only do practices find it impossible to secure contracts that will enable them to continue to look after their patients—90 per cent. have experienced difficulties with contract values—but, as I have said, they have lost the ability to charge for missed appointments. They can no longer offer services to exempt adults and children.

**The Minister of State, Department of Health (Ms Rosie Winterton):** Absolutely.

**Mr. Lansley:** Well, there is a problem with which we must deal, as some dental practices say that adults can only register their children for NHS work if they enter into a private contract themselves. PCTs, however, have told practices that they cannot offer a contract to treat children and exempt adults on the NHS, whether or not the practice has made that condition. Children have therefore been thrown off NHS lists, even though their dentist is willing to offer NHS dentistry.

**Ms Winterton:** As the hon. Gentleman knows, because of demands in this House dentists were following exactly the practice that he outlined by saying, "We'll take your children on the NHS if you as parents go privately." There can still be children-only lists under the new system. I am sure that he agrees that if primary care trusts believe that it is better for dentists to offer services to children and parents at the same time, it is absolutely right that they have the discretion to do that.

**Mr. Lansley:** As the BBC survey said this morning, 5 per cent. of primary care trusts are saying that one cannot have exempt adult and children-only lists. I know why they are resisting it—because then there is no patient income.

That brings me on to another essential point—charges. The British Dental Association has accused the Government of using the new contract as a revenue-raising measure contrary to the principles of the national health service, yet this is a Government who talk about a free NHS. In 2004–05, dental charge income was £465 million; in 2006–07, it will be £623 million. Those are the Government's own figures. I only received the latest figures this morning, having asked the question in November—we can only get information out of the Government by bringing this debate to the Floor of the House. That is a 28 per cent. real-terms increase in dental charge income. The Government's contribution to dentistry over those same two years is rising by just 9 per cent.

That is completely contrary to the Government's previous claim that the contribution made by patients towards the cost of dentistry would remain the same. In fact, it is rising—I have just stated the figures. There are three bands of charges. That is simpler, but not necessarily fairer. For example, a check-up will cost £15.50 instead of £5. Lord Warner, the Minister in the other place, said that 42 per cent. of patients get their treatment in band 2 and, of those, three quarters will pay more under the new system. That is what is going on—more charging and more costs for patients. Of course, the Government will parade the fact that £2.7 billion is being spent on dentistry, neglecting to say that the cost of dentistry to patients has increased by one third, on the Government's figures, in the space of two years.

**Steve McCabe** (Birmingham, Hall Green) (Lab) *rose—*

**Mr. Lansley:** Perhaps the hon. Gentleman would like to explain that.

**Steve McCabe:** Given the hon. Gentleman's concern about charges, does he agree that there is something unethical—indeed, perhaps involving a breach of data protection legislation—in dentists who are voluntarily opting out of the NHS writing to patients to advise them of private insurance arrangements without disclosing the benefits that they themselves stand to make? Is that appropriate?

**Mr. Lansley:** I can understand that the hon. Gentleman is embarrassed that dentists are leaving the NHS and writing to their patients, but that is, regrettably, what is happening. They have a relationship with patients and are contacting them to give them details of what they are proposing to do. Instead of the hon. Gentleman criticising dentists, it would be better if he and his hon. Friends tried to work with them. The dentists we have talked to who are leaving NHS dentistry or reducing their commitment to it deeply regret having to do so.

The way forward is clear. Many dentists who sign up to the contract will do so reluctantly. They will be very unhappy with the straitjacket of activity targets that they are being put into. If they start to move beyond the 4 per cent. tolerances, they will find that they have no confidence that contract values will be honoured in future. They may well find that penalties are imposed on them. As time goes on, particularly as the income protection period expires, many will say that they are going to give up and go outside the NHS. A third of the dentists who got together in Birmingham at the local dental committee said that they would not sign the contract, and dentists in many other parts of the country are saying the same.

Instead of dentists reducing their commitment, we must go in the opposite direction. Their commitment to the NHS must be increased if we are to avoid recurring inequalities in access to dental care.

**Helen Goodman** (Bishop Auckland) (Lab): The hon. Gentleman has repeatedly mentioned inequalities. He is probably not aware that last week, in my constituency's most deprived ward of Coundon, a new health centre was opened with provision for two dental chairs, where there has never been a dentist before. His point is not borne out across the country as a whole.

**Mr. Lansley:** I received an e-mail from a dentist in north-west London—I think that he was in the constituency of the right hon. Member for Holborn and St. Pancras (Frank Dobson)—who was abandoning NHS dentistry and was deeply depressed about the Government's implementing of the new contracts. I am afraid that wherever one goes, including in north London, there are dentists who are going to do that. This morning the Minister and I discussed on the radio what is happening in Barnsley. I do not know whether any Members from Barnsley are here. That is not a wealthy area, but patients there have been queuing for private dentistry because their dentist has abandoned the NHS.

It is time for a new system. We know where the Government are heading because the Minister has made it perfectly clear in previous discussions. She is threatening dentists by saying that if they do not choose to do NHS work, she will find other dentists who will. There will be dentists coming in from Poland.

**Mr. Stewart Jackson** (Peterborough) (Con): Perhaps, like me, my hon. Friend would like to disabuse the hon. Member for Bishop Auckland (Helen Goodman) of the notion that everything is rosy in NHS dentistry. In my constituency, 34,000 patients have been deregistered, with a huge impact on lower income groups, older people and young families. What is worse is that the primary care trust has been forced into political posturing by operating a hotline that patients have to phone secretly to be told where the new NHS registrations are. That is spin under the NHS.

**Mr. Lansley:** As my constituency is nearby, I have seen that that is indeed what is happening in my hon. Friend's constituency, where the enormous loss of NHS dentistry is affecting a large proportion of his constituents. I sympathise with him and agree with the support that he is giving to NHS dentistry in his constituency.

**Mike Penning** (Hemel Hempstead) (Con): It is not only certain constituencies that are in crisis, but the

*[Mike Penning]*

whole country. When the Select Committee on Health looked into this, the Minister eventually admitted that 30 million people in this country do not have an NHS dentist.

**Mr. Lansley:** That is right. Only about 40 per cent. of non-exempt adults have access to NHS dentistry. Of course, the Government are going to abolish registration and manipulate the figures. They will say that increased numbers of people see an NHS dentist, but that does not mean that they are necessarily registered with them or have access as they did in the past on the basis of a long-term relationship.

It is deeply worrying that fewer children are getting access to NHS dentistry. This morning's *Which?* report said that 82 per cent. of the public think it extremely important that children get free dental treatment, but that too is being lost. The inequalities are dramatic. In some places, a quarter of adults have access to NHS dentistry, while in other places it is 60 per cent. That is deeply unacceptable in a national health service.

The Minister always used to say that we need a new way of working; well, we do. We need a new way of working that is not about dentists on a treadmill, particularly a new treadmill that is governed by primary care trusts, which, as the National Audit Office made clear, have none of the expertise necessary to put this new system in place. We cannot move towards the system that the Government seem to be proposing whereby patients have perverse incentives to delay treatment or present as urgent cases with pain because it will be cheaper than if they have the work done while not being in pain. We must have a system whereby the patient's relationship with their dentist is geared around preventive work and good oral health, patients know that they have security of access to NHS dentistry, and dentists are incentivised to offer NHS dentistry and to increase their commitment to NHS dentistry instead of reducing it.

**John Hemming** (Birmingham, Yardley) (LD): The hon. Gentleman almost certainly knows that the deadline for the first return of contracts was yesterday. If people have not returned their contracts by yesterday, payments will be delayed by a month. The secretary of the Birmingham dental committee told me that 75 per cent. of NHS dentists had not returned their contracts by the deadline. Some may be returned this month but the figures show a massive reduction in the number of NHS dentists in Birmingham.

**Mr. Lansley:** I understand the hon. Gentleman's point. We held discussions with the Birmingham dental committee, as he doubtless has. Dentists in Birmingham are rightly anxious and angry.

**Richard Burden** (Birmingham, Northfield) (Lab): Will the hon. Gentleman give way?

**Mr. Lansley:** No.

As I explained, we need a new way of working. However, we have made it clear that it is most important not only to commit ourselves to improving the NHS overall but to trusting NHS professionals. Happily, in this instance, the desires of the patients and the profession are exactly the same. Patients want a relationship with a dentist in which they have security of access and certainty that what is in their interests—good oral health—is being pursued, with their making a reasonable rather than an excessive contribution through charges. That is what we need. The motion calls for that, even at the last minute.

Two weeks ago, the Minister met representatives of the British Dental Association, who left the meeting deeply disappointed with its results. It is not too late for the Government to withdraw the contract, suspend the use of units of dental activity and work through a piloted system that is based on capitation. That is the way forward. I urge the Government to do that even now, and I urge the House to support the motion.

1.11 pm

**The Minister of State, Department of Health (Ms Rosie Winterton):** I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's Oral Health Plan for England, which builds on major oral health improvements in the last 30 years, and the additional £368 million for improving dental services in England announced in July 2004; recognises the Government's substantial achievements in improving the short and longer term supply of dentists for the NHS including recruiting the equivalent of an extra 1,459 whole-time dentists between April 2004 and October 2005, compared to the 1,000 extra dentists promised, and funding an additional 170 training places; further recognises that the Government is investing £80 million in improving dental school facilities, and has approved the establishment of a new dental school in the South West Peninsula; notes that the total number of primary care dentists in the NHS had increased to more than 21,000 by the end of October 2005, compared with 16,700 in 1997; further welcomes the reduction in the maximum patient charge from £384 to £189 from 1st April; further welcomes the new ways of working tested through Personal Dental Services pilots; supports the framework for new dental contracts which will free up significantly more time to provide preventative care, remove the requirement for NHS dentists to treat patients on a fee for service basis and ensure that a committed NHS dentist can expect to earn on average around £80,000 a year; and further welcomes the fact that, where dentists do not take up new contracts, primary care trusts will commission replacement services from other dentists."

Although the motion is flawed, it gives us the opportunity to debate NHS dentistry as we approach the implementation of the most significant reforms to dental services in the history of the NHS. It is worth reminding the House why we are making those changes to NHS dentistry. The current system provides no real stability for patients or the NHS. Under the traditional general dental services system, dentists can set up in practice where and when they wish and decide how much or how little NHS dentistry they wish to undertake. There have traditionally been no local budgets for dentistry. When dentists decide to reduce or abandon their NHS work, the NHS locally has no power to commission replacement services. I know that that has affected hon. Members of all parties and caused immense problems. That volatile system has not served patients well.

On top of that, the contract under which dentists have worked has been extremely unpopular with them, especially following changes that were introduced in the

1990s and the subsequent fee cuts. Let me remind hon. Members that the traditional way of paying dentists is based on payments for 400 individual items of service, for example, a filling, a crown or having a tooth out. That put the emphasis on invasive work rather than preventive treatment. As hon. Members have said in the House previously, it has been confusing for patients, who often did not understand what they were paying for on the NHS and what they were paying for privately. I am sure that many hon. Members have experienced constituents saying, "I've just paid £1,000 for treatment on the NHS." When they have come to me, I have told them that they could not have paid that amount because the maximum that they can currently pay on the NHS is £384. However, confusion between NHS and private treatment has occurred.

The dental profession, especially the British Dental Association, complained for many years about the treadmill effect of how dentists were paid. As I said, that put the emphasis on invasive rather than preventive treatment and was an incredibly bureaucratic system for dentists. Two dental schools were closed under the previous Administration. Again, that significantly reduced the numbers of dentists in training.

To tackle the genuine shortages in access to NHS dentistry, we have taken some immediate action.

**Mr. Mark Francois** (Rayleigh) (Con): I want to speak about clinical dental technicians, who specialise in making dentures, especially for senior citizens. The Minister knows that they are subject to a regulatory review by the General Dental Council and that they want to be brought within a new regulatory framework to remove the anomalous situation under which they have operated for many years. They have two key requests. First, they want a reasonable transition period. Secondly, if retraining must occur, they ask whether it can take place on a part-time basis in the United Kingdom to allow them to retrain in a way that does not destroy their livelihood. Does the Minister agree that that is reasonable and will she make that point to the GDC?

**Ms Winterton:** I hope that the hon. Gentleman understands that the GDC makes its own rules about what it considers to be appropriate training and registration requirements. However, he is right to point out that there are many opportunities under the new system not only for dental technicians but for dental therapists and hygienists. As we change the way in which dentistry is provided, we can increasingly make better use of different skills in the dental team. I believe that, when we consider the role of dental nurses and hygienists in future, they can increasingly take on some of the minor work that dentists currently do, leaving dentists to do the more complex work. However, I shall consider the hon. Gentleman's points and I am sure that the GDC will be aware of his comments.

**Steve Webb** (Northavon) (LD): The Minister was about to consider access. Will she clarify a point about the position after 1 April? Will two people who live next door to each other, one registered with an NHS dentist and the other not, have different rights of access to NHS dentistry after 1 April? Does being on an NHS dentist's list now grant more rights than not being on such a list?

**Ms Winterton:** The person who is currently registered with an NHS dentist will remain attached to that dentist on a dental list. That is not the same as registration because people currently fall off the register. We want to stop that because it has caused difficulties in the past. However, the person who is currently registered will remain attached to his dentist. I hope that the changes that we are introducing will free capacity and that the person next door who is not registered with a dentist can get registered. We are aiming for that. That is why it is so important that primary care trusts have the power to commission locally, examine the needs of their population and commission accordingly.

Since 1999, we have set up 53 dental access centres in areas where there was a clear shortage of NHS dentists. Those centres mostly provide urgent treatment but some provide routine treatment. Compared with 2003, we are now investing an extra £250 million every year in NHS dentistry, with a further £65 million to follow next year. We have recruited the equivalent of more than 1,400 whole-time dentists to work in areas with the greatest access challenges.

I am sorry that the hon. Member for South Cambridgeshire (Mr. Lansley) chose to denigrate the contribution of Polish dentists. In many areas of the country, they do an excellent job. In areas of particular shortage, we have been able to assist the position through careful international recruitment and carefully passing people on to those areas. I am sure that many Conservative Members are grateful for their contribution.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con) *rose—*

**Ms Winterton:** In the circumstances, I feel that I must give way to the hon. Gentleman.

**Daniel Kawczynski:** I am pleased that the Minister has acknowledged in the Chamber the tremendous work that Polish dentists do in the United Kingdom. Almost all the new dentists in Shrewsbury have come from Poland. I speak to many Polish NHS dentists in their mother tongue and they tell me that they will return to Poland after a couple of years. That is a tremendous problem.

**Mr. Deputy Speaker:** Order. I hope that the hon. Member will not spoil the moment by making a speech. Perhaps he could ask a final question.

**Daniel Kawczynski:** Will the Minister look into the difficulty caused by those Polish dentists being here on only a short-term basis?

**Ms Winterton:** I hope that I shall be able to reassure the hon. Gentleman later in my speech that there are dentists coming from all different quarters. NHS dentists are now offering to do more NHS work, and others are coming in through the international qualifying examination. Some of them may well wish to stay for only a short time, and that can be helpful in that they take different skills back to other parts of the European Union. I do not have a problem with that; it

*[Ms Winterton]*

does not mean that we are going to experience a shortage. Indeed, in some ways, quite the opposite is the case.

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): When I was out on a Saturday morning recently knocking on doors, as we do at the weekends, I met a Swedish dentist who thanked us for helping with his planning permission. May I thank the Minister for the £28.4 million investment that has been made in Plymouth, and ask her how soon she expects the new dentists to come on stream following that extra investment in dental training?

**Ms Winterton:** Obviously it takes some time to train a dentist. We have recruited extra dentists over the past year, as well as announcing 170 more dental training places from September last year. In January, I announced the creation of a new dental training school in the south-west of England, and I suspect that that is what my hon. Friend was referring to. I was pleased that a good bid was put in by her area, and that we were able to make that announcement.

**Mr. Eric Martlew** (Carlisle) (Lab): Does the Minister agree that the reason why we can recruit dentists from all over Europe is that even those dentists who work for the NHS are among the highest paid in Europe?

**Ms Winterton:** My hon. Friend is absolutely right. I believe that 12 new dentists have been recruited to his area recently. A dentist with a fairly high commitment to the NHS can expect to earn about £80,000 a year, with practice expenses on top of that. That is not a bad deal.

**Mr. Andrew Turner** (Isle of Wight) (Con): I am grateful to the Minister for working to bring 14 new dentists to my constituency. However, even with those new dentists, registrations have gone down since she came to the Isle of Wight. In two years' time, when the 24,000 people who have asked to register with those new dentists have done so, about 50,000 people in my constituency will still not be registered with an NHS dentist. Is that satisfactory?

**Ms Winterton:** As the hon. Gentleman said, I have visited his constituency. I know that there were considerable problems there, and I am glad that we have been able to assist him. His was one of the first areas that our support team went into to help with recruitment. I do not think that there were any NHS dentists there before that, but we managed to recruit eight into the area. I shall explain later how, under the present system, there will be room for extra capacity as the changes bed in, as well as the ability to have funding at local level to commission NHS dentistry if there are needs in the local area.

I want to explain how we are introducing a radical shake-up in regard to how NHS dentistry will be delivered in the long term. To go back to the basics of the plan, from April this year, primary care trusts will for the first time be able to commission and develop primary dental care services in ways that reflect the needs of their local populations. For the first time, they will have the financial power to commission new services when a dentist leaves the area or reduces their NHS commitment. That was one of the problems in the hon. Gentleman's constituency. For the first time, we will have a system of dental charges that is simple and transparent for patients, and a remuneration system that no longer encourages the drill and fill treadmill.

The new contract that we are offering to dentists will mean that a committed NHS dentist can expect to earn about £80,000 a year, with practice expenses on top of that. That £80,000 will be guaranteed for three years, for 5 per cent. less work. In return, dentists will be expected to carry out an agreed number of courses of treatment over the year—again, at least 5 per cent. below the levels in the old contract.

**John Penrose** (Weston-super-Mare) (Con): I am sure that dentists will be pleased to hear those figures. However, will the Minister explain how the technical application of the new contract has led to the situation in my constituency about which I wrote to the Secretary of State on 19 January? The single major NHS dentist in the area, whose practice covers 22,000 people, expects to lose 30 per cent. of those patients—that is, 6,500 people—as of 5 April, as a result of incorrect base-lining and problems with the calculations. I wrote to the Secretary of State about this on 19 January, and the clock is ticking. That dentist needs an answer.

**Ms Winterton:** The way in which the contracts were calculated involved a reference period that ran from October 2004 to September 2005. During that time, the activity of the dentists was measured, along with the amount that they were paid during the period. The calculation should reflect those two figures, and produce the amount that the dentist would be offered, which would be guaranteed for three years. If a dentist has a problem with the calculation, they should pursue the dispute resolution procedure. However, the primary care trust might be able to identify the reason for the problem—the dentist might have taken on an associate during the year, for example. It is difficult for me to comment on individual cases, but there is a dispute resolution procedure to deal with problems with the amount in the contract.

**Mr. James Gray** (North Wiltshire) (Con): Is there not a problem for practices such as the Caledonia practice in my constituency, which is expanding fast and has taken on two dentists since the end of the base-line period last September, but is now having to lay off those dentists because it cannot afford to pay them, given the amount that it is being offered? Will the Minister also confirm that a PCT is required by law to use any funds made available through the closure of a dental practice for dentistry and for no other purpose?

**Ms Winterton:** Yes, I will. The way in which the budgets have been given out is quite complicated, but I will try to explain it. During the reference period that I mentioned, an overall measurement was taken of the activity in a particular area. It is possible that, during that time, certain dentists might have worked for only half the year, because they had started up half-way through the reference period. Others might have closed during the period. The calculation took into account the

balance between those that had opened and those that had closed, so that a dental practice that had opened half-way through the year would be able to use the money that had become available from one that had closed. So that would have added up. If, however, it did not add up in that way, extra money would be allocated, but it would not be able to meet every local circumstance. The instance that the hon. Gentleman has cited involves a dental practice expanding after the reference period. We had to have a cut-off point—[HON. MEMBERS: "Why?"] Otherwise, it would not have been fair in terms of allocating the funds. The PCTs wanted to know the size of their budgets. We had that reference period so that we could make that calculation. On top of that I should say that £65 million has gone out to PCTs to ensure that there can be expansion. That is the difficulty that the hon. Gentleman might be facing. However, I should also say in relation to 31 March that the PCT will retain all its money locally. If there are dentists who decide that they do not want to stay with the NHS, the PCT will have the absolute right to go back to dentists such as those the hon. Gentleman has mentioned to say, "This is how we can replace the NHS dentistry that may have been lost." I am sorry if that is a rather long and complicated explanation, but that is basically how things work.

**Several hon. Members** *rose—*

**Ms Winterton:** May I move on? I am conscious that we are getting towards the time when Back-Bench Members will want to contribute.

Today's debate has shown that concerns have been voiced by some dentists about the changes, but that is not altogether surprising, because they are quite radical. New ways of working have proved popular in the personal dental services pilots, which cover some 30 per cent. of dentists.

To return to a point made by the hon. Member for South Cambridgeshire about a system of payment per head for those registered, we considered that suggestion during the piloting and found a lot of problems, not least because in some areas the number of treatments carried out fell by about 50 per cent., but without an equivalent increase in the number of people seen. Such a system also has a bias towards people with good oral health who would be taken on under it.

I quite understand why the hon. Gentleman is making that suggestion and I am more than happy to send him the data—*[Interruption.]* If he wants to intervene, I am perfectly happy to give way.

**Mr. Lansley:** The National Audit Office report was very clear. Yes, there was a reduction in the number of treatments, because the drill-and-fill system had an incentive to overtreat. Of course the number of treatments reduced. We have to measure outcomes—that is what we should be doing—and the NAO was clear about the fact that the 10 per cent. reduction in treatments, on average, was none the less associated with no deterioration in the oral health of people on those patient lists.

**Ms Winterton:** But that is not the point about the system that the hon. Gentleman is suggesting. He is suggesting that each dentist be paid per patient. The difficulty with that, as I have said, is that we tried it in the pilot schemes and it effectively contained a bias towards taking on people with good oral health as opposed to those with a variety of types of oral health. I am perfectly happy to send him the data from those pilots so that he can look at them. All I am saying is that I can assure him that we considered and piloted that suggestion, but the evidence that came back suggested that it is not the right system.

**Several hon. Members** *rose—*

**Ms Winterton:** I give way to the right hon. Member for Wokingham (Mr. Redwood).

**Mr. John Redwood** (Wokingham) (Con): Can the Minister explain why we do not have enough NHS dentists? Is it something to do with the extremely elaborate remuneration method, which seems to be freezing the system in aspic when we need a dynamic system that allows growth for new dentists?

**Ms Winterton:** That is quite astonishing, coming from the right hon. Gentleman. We have a lot of these problems—this is very well recognised—because of the contract changes and fee cuts made in the 1990s, as well as the closure of two dental schools. We are turning round the system that we inherited and introducing some changes.

**Several hon. Members** *rose—*

**Ms Winterton:** I shall move on, because I want to make some remarks that I hope will help the House.

As I have said, I know that, for some dentists, the changes are a fundamental shift from the traditional way of working. Understandably, they are quite nervous about that, so I have decided to set up an implementation group with representation from the profession, patients and the NHS to review the impact of the reforms and ensure that they are delivering their intended benefits, for patients and for dentists. I have invited representatives from the British Dental Association to join the group, and I hope that that is a way to reassure dentists that we are looking closely at the implementation of the reforms and ensuring that if any adjustments need to be made, they can be.

**Mr. David Drew** (Stroud) (Lab/Co-op): Will my hon. Friend include orthodontists in the group? As has been mentioned, there seem to be specific problems with how the lists will be compiled for orthodontists. It is only fair that those valuable servants be included.

**Ms Winterton:** I will certainly consider the point my hon. Friend raises, particularly perhaps with reference to the British Orthodontic Society, which we have been in discussions with recently. He is right to say that there have been problems with orthodontics, because obviously such services are offered over a number of years. If new practices have been set up, which we have been able to do because of the increased investment that we have put in, they might have had a short contract value during the reference period. Recently, we have again issued guidance to PCTs including principles such

*[Ms Winterton]*

as current treatment having to be completed. They need to look at orthodontic requirements locally and ensure that there is proper commissioning. I acknowledge that this has been a problem, but we have tried to clarify it.

**Several hon. Members** *rose—*

**Ms Winterton:** If I may, I shall move on, because it is important to say that we will not know until the end of this month precisely how many dentists are taking up the new contracts. However, the current view from PCTs is that the vast majority of contracts will be signed by 31 March.

I should stress that, in the minority of cases where dentists choose not to take up the new contracts, the NHS will use the same funding to commission replacement services from other dentists. I am extremely confident that the NHS will generally be able to bring in new capacity very quickly. In the small number of cases where people say that they no longer want to remain with the NHS, we are finding that other dentists are coming forward to say that they want to expand their NHS provision.

**Mr. Lansley:** Would the Minister like to tell us whether this alternative commissioning will be like the dental access centres? The average cost per patient episode, according to the Government's own figures, is £141 compared with £41 for high street dentists.

**Ms Winterton:** I am not sure that the hon. Gentleman has quite understood exactly how the new commissioning will take place. If a dentist chooses to leave the NHS, that money can be used by the PCT to provide what it feels is appropriate in the local area. If it feels it is appropriate to have a dental access centre, it can have one. However, it is more likely to want to commission dentistry from the existing dentists in the area.

**Several hon. Members** *rose—*

**Ms Winterton:** I shall give way to the hon. Member for Congleton (Ann Winterton), then I shall finish my remarks.

**Ann Winterton:** I rather suspect that the name has something to do with the Minister's giving way. Will she estimate the number of new dentists who will be appointed? How many of those will be directly employed by the NHS and not work for traditional NHS practices? As my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) said a moment ago, the cost of providing treatment in that way is about twice the normal cost at present.

**Ms Winterton:** May I explain? Most dentists are independent contractors anyway. They are paid by the NHS. Some have greater commitments to the NHS than others, but there are no private NHS dentists, as it were. At the same time, some dental access centres often provide emergency treatment, which we would necessarily expect to be more expensive, and do not always charge fees as well.

We would expect there to be a range of providers who might want to come in. It would be for the PCT to decide which kind of provider it wanted to use, whether a direct one, one through the salaried service, or an independent contractor in the normal way. As I have said, large numbers of NHS dentists are keen to expand their commitment. We know that, because that is what local PCT dental representatives have been telling us. Something like 1,000 overseas dentists are currently sitting the international qualifying examination, and a number of dental corporate bodies, which have a track record in areas such as the constituency of my hon. Friend the Member for Carlisle (Mr. Martlew) in Cumbria, have expressed an interest in establishing new practices, and are already taking up new NHS contracts.

**Mr. Roger Gale** (North Thanet) (Con): The East Kent Coastal primary care trust has repeated the Minister's mantra that money "saved" by dentists leaving the national health service will be used to buy other dentists. The fact is that those other dentists do not exist. Existing dentists' lists are already full and have a backlog. Dentists in east Kent are closing or leaving the NHS. There is a gap, and children in particular are waiting for dentists. Where will those dentists come from?

**Ms Winterton:** I think that I just explained what the PCT is entitled to do, and probably will do, if there are not dentists in the area. For example, dental corporate bodies are keen to establish NHS dentistry, making use of some of the 1,000 dentists currently sitting the international qualifying examination. The hon. Gentleman must recognise that the money remains at local level so that the PCT can commission dentistry. There is no reason why it would not be able to do so. It has happened in other parts of the country, and I am confident that it could happen in his area, too.

**Mr. Nick Hurd** (Ruislip-Northwood) (Con) *rose—*

**Ms Winterton:** I have explained how budgets were to be spent. The budgets that will be devolved to PCTs next year are around £315 million more than in 2003–04. As I have said, all existing NHS dentists are guaranteed contract values based on their NHS earnings during the reference period.

I also want to set the record straight with regard to two other misapprehensions about the reforms.

**Paul Rowen** (Rochdale) (LD) *rose—*

**Ms Winterton:** First, I am afraid that the British Dental Association, among others, has persisted in alleging that the reforms do not promote preventive dentistry. That goes against the clear evidence from personal dental services pilots showing that abolishing the fee-per-item system enables dentists to carry out simpler courses of treatment, with far fewer interventions and far more time to focus on preventive care.

Secondly, the new system of patient charges has been based on the recommendations of a working group chaired by Harry Cayton, National Director for Patients and the Public, including representatives from the British Dental Association among other stakeholders. The working group unanimously recommended a system

based on three simple charge bands. At present, there are more than 400 separate charges for different items of treatment. *[Interruption.]*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. If Opposition Front Benchers want to intervene, they ought to do so in the normal way.

**Mr. Lansley:** Will the Minister give way?

**Ms Winterton:** Of course.

**Mr. Lansley:** I am grateful to the Minister. Will she therefore explain why the Cayton review recommended £11 for band 1, and she has £15.50; £27.50 for band 2, and she has £42.40; and £127.50 for band 3, and she has £189?

**Ms Winterton:** It is because the recommendations of the Cayton review on cost per band were meant to reflect the patient charges that would be raised during the time that it was produced—around January 2004, I think. Obviously, when we published it, we had to take into account the increased expenditure on NHS dentistry, and we wanted to raise the same amount in proportion in terms of NHS dentistry. The hon. Gentleman fails to mention over and over again that the maximum that can now be paid for NHS dentistry has been cut from £384 to £189, which particularly affects older and poorer people.

**Steve McCabe:** Surely there is something less than sincere about the position of the hon. Member for South Cambridgeshire (Mr. Lansley). He talks about his concern for NHS charges, but earlier today was happy to support unscrupulous dentists who are exploiting elderly, vulnerable people. Where is the consistency?

**Ms Winterton:** Consistency has not been a hallmark of the contribution from the hon. Member for South Cambridgeshire today. As I have said, the new system makes it much easier for patients to distinguish between what they are paying for under the NHS and what they are paying for privately.

I want to finish by reminding the House of the broader objectives to which the reforms are designed to contribute. We want to support further improvements in oral health and reduce inequalities in oral health. We want to promote high-quality dentistry throughout the NHS. We want to improve access to services for NHS patients. I agree that the full benefits will not arise immediately.

**Mark Pritchard:** Will the Minister confirm that her Department will allow primary care trusts the freedom to procure dental health services from anywhere in England if, for instance, my constituents were waiting an intolerable amount of time?

**Ms Winterton:** I want the hon. Gentleman's primary care trust to ensure that there is appropriate provision locally. We can help support primary care trusts by providing them with extra money, which we have done, and a contract worked out with dentists that reduces bureaucracy and allows better care for patients, which we have done; and through measures such as the international qualifying exam to ensure that NHS dentistry can be provided locally The improvements in access will rely in part on the growing use that primary care trusts make of their new flexibilities under local commissioning. They will also rely on dentists adapting to new ways of working, which free up time, as we have seen from the pilots, and increase capacity to enable a greater number of patients to be seen.

**Mr. Hurd:** A specific concern of dentists in my constituency is that devolved budgets appear to be ring-fenced for only three years. Hillingdon PCT is wrestling with a deficit of £25 million, and dentists are concerned that in time funds will simply be siphoned off from dentistry into other medical priorities. Does the Minister understand those concerns, and what reassurance can she give?

**Ms Winterton:** I am sure that the hon. Gentleman is pleased that there is ring-fencing for three years. Beyond that, I cannot predict or give guarantees. We have, however, ensured the ability to ring-fence, and introduced a duty on PCTs to provide dentistry to meet local needs. I hope that that is some reassurance.

I hope that right hon. and hon. Members will recognise the scale of what we have achieved, both in growing the dental work force and tackling some deep-rooted access problems. I hope that the House will welcome the reforms as providing a hugely more secure basis on which the NHS can build on improvements, working in partnership with patients and members of the dental profession. It would be irresponsible to halt the changes as the Opposition motion suggests. It would cause immense confusion to dentists, patients and the NHS, and take us right back to the bureaucratic drill-and-fill treadmill so disliked by the dental profession. The Opposition have offered no new ideas, only carping at the sidelines. I urge the House to reject their motion and to support the Government amendment.

1.50 pm

**Julia Goldsworthy** (Falmouth and Camborne) (LD): D-day for NHS dental patients is rapidly approaching. The new financial year will bring many changes to dentistry—a new contract, new charges, and a new way of measuring dental activity—but the key question is, are patients really aware of the bombshell that could drop on them in the new financial year? For them, D-day will be deregistration day. On 1 April NHS dentists will be subject to the new contract, but how many dentists will decide that because of it, the NHS is no longer for them? How many patients will find themselves deregistered, with a choice between paying for the same dentist and taking a gamble, and trying to find another NHS dentist with vacancies on his list? Has the Minister or her Department made any estimate of the number of dentists who will refuse to sign a contract that the British Dental Association has called, among other things, "a shambles", given that yesterday was the last day on which NHS dentists could sign and guarantee payment on time?

How many dentists does the Minister estimate will not have signed the new contract by the deadline at the end of this month? How many does she believe will sign the contract, but at the same time formally enter into

*[Julia Goldsworthy]*

dispute proceedings? The Minister talks of "the vast majority", but a more specific figure would be appreciated.

In addition to their initial contract agreement, 75 per cent. of dentists in the constituency of my hon. Friend the Member for Birmingham, Yardley (John Hemming) have signed a letter stating:

"We wish to clarify that the figures referred to in that memorandum are not accepted as being a definitive correct representation of our earnings . . . in relation to the provision of NHS dental care . . . and that they represent only a provisional representation of our earnings and activity. For the avoidance of doubt, we reserve our right to initiate the statutory dispute procedures in respect of either the figures provided, or the basis on which those figures have been calculated."

How many dentists does the Minister estimate will enter into dispute proceedings at the same time as signing the initial agreement?

**Paul Rowen:** Is my hon. Friend aware that in Heywood and Middleton, the constituency next to mine, every dental practice is refusing to sign the contract? That will leave Heywood and Middleton with no NHS dentists, which is already virtually the case in Rochdale.

**Julia Goldsworthy:** The position is similar in many parts of the country.

**Linda Gilroy:** The hon. Lady represents an area with some of the lowest wages in the United Kingdom. Does she not think her constituents will find it a little strange that she appears to support the position of people who consider £80,000 a year to be an income not worth working very hard for?

**Julia Goldsworthy:** I am sure that patients of NHS dentists will be more interested in the fact that the cost of check-ups and band 2 treatments will increase, and the fact that they may not be able to find an NHS dentist at all.

For 9,000 patients in my constituency, D-day—deregistration day—has already arrived. Last week, one of the biggest NHS dental surgeries in the constituency announced that its 9,000 adult NHS patients would either have to go elsewhere for NHS treatment, or have one week in which to decide whether to sign up for a direct debit plan and private treatment.

**Mr. Redwood:** Will the hon. Lady tell us what is the Liberal Democrat plan for recruiting more dentists, and how much it would cost?

**Julia Goldsworthy:** We would of course continue to negotiate the contract, which the British Dental Association has clearly rejected but which the Government seem to be pushing relentlessly, although it appears that many dentists will not sign it. According to the Minister, the vast majority may be signing. That could mean thousands of patients per dentist being denied access to NHS treatment.

The dental surgery that I mentioned has three dentists. They gave their reasons for withdrawing from the NHS, which were very specific. They said that

"a new NHS system is being proposed by the government and we have been unable to negotiate terms that we feel are in the best interests of our adult patients. We will therefore not be able to treat patients in the NHS from 1 April 2006."

My constituents who are affected are understandably shocked, and do not know what to do next. I have been inundated with correspondence from them, asking what they should do. For many, the choices are stark. One wrote:

"Can't afford the monthly fee offered—and this doesn't cover anything I need anyway".

Another wrote:

"We are shocked that we had no previous knowledge and had not been consulted about this closure, and we are being forced into signing up within a week to a costly private scheme or losing all further treatment".

Those people do not feel that there will suddenly be a magic alternative.

**Mr. Martlew:** Will the hon. Lady condemn the dentists who have caused so much suffering to her constituents?

**Julia Goldsworthy:** Many of the dentists to whom I have spoken feel that they cannot offer their patients the level of service that they deserve under the current contract.

All over the country, as other Members have said, thousands of NHS patients are hearing similar bad news. Many of them do not realise that the Government's policy is creating the problem, at a time when NHS dentistry is already in crisis. Another of my constituents wrote:

"We do not know about the new government proposals mentioned in their letter that they are using as an excuse".

They clearly have not had time to read the new leaflet explaining the changes.

Ultimately, however, the patients do not care what is causing the problem. They may not know that dentistry's woes started with the Conservative Government's creation of the drill-and-fill treadmill, and the closure of two dental schools. They may not know that the breakdown in negotiations over the new contract has proved to be the final straw for many dentists. All they know is that they face losing their NHS provision, and it is not clear how they will find an affordable alternative.

**Alison Seabeck** (Plymouth, Devonport) (Lab): Will the hon. Lady at least acknowledge that the new dental school that is coming to Plymouth will provide new dentists not only in Plymouth but in the wider south-west, including Cornwall?

**Julia Goldsworthy:** In five years' time, once it is up and running, the dental school will provide new dentists, but there is no guarantee that they will enter the NHS. Moreover, if the current funding is based on levels of activity, there will be no vacancies for them in Cornwall even if they want to enter the NHS.

**Linda Gilroy:** Will the hon. Lady give way?

**Julia Goldsworthy:** I am afraid I must make some progress.

Yet another horde of dentists look set to abandon the NHS, as they did in the early 1990s. The only difference is that a different political party is in power. The new contract does not mean more dentists for the NHS. Primary care trusts may have access to funds for alternative NHS dental surgery provision when existing dentists leave the NHS, but how does the Minister estimate that PCTs will be able to recruit enough dentists to fill the vacancies? In Cornwall 9,000 patients are being deregistered, while 14,000 are being deregistered in Cheltenham. How will those vacancies be filled? Where is the capacity for all the dentists who are so desperate to sign the new contract? Stockton-on-Tees already has eight vacancies. If more dentists refuse to sign the contract, the number of vacancies will increase.

The new contract does not automatically mean that more people will be treated in the NHS, because it is based on the existing number of dentists and their budgets. No assessment or investment has been made with a view to meeting previously unmet demand, and it is not clear how the Government will fulfil their 1999 pledge to give everyone access to an NHS dentist. That means that even in my constituency, which ought to benefit from a dental school, more cannot be spent on a net increase in the number of dentists or in NHS provision unless the Government are prepared to ensure that extra funds are available, and unless more dentists feel that the NHS offers a contract that is attractive to them.

There are plenty of new circumstances, but there is no improvement in the current dire situation. Millions of people are not registered with a dentist at all, and three quarters of those who are not registered with an NHS dentist say that they wish they were. Demand continues to outstrip supply by a significant amount, and the new contract will not change that fundamentally. The contract will also fail to provide patients who are lucky enough to receive treatment with better standards of treatment, and a stronger focus on preventive work.

The personal dental services pilot was popular because it allowed dentists to spend more time with their patients, and to focus on preventive advice as much as on treatment. It ended the drill-and-fill treadmill. Most of the dentists who are refusing to sign the new contract took part in the pilot, although it has been much vaunted as a reason for the contract. They feel that flexibility has been lost in the new general dental services contract because a new treadmill has been introduced: units of dental activity. It is another target-driven system that does not appear to be well understood on the ground either by dentists or primary care trusts, and it is essentially untested. It was not in the initial pilot.

**Ms Rosie Winterton:** Does the hon. Lady accept that we should be able to monitor and measure dental activity, given the amount that we spend on it locally? How would she monitor dental activity?

**Julia Goldsworthy:** I would like the Department to monitor dentists on a full-time equivalent basis, rather than on a head-count basis. I have used this example before: I have spoken to a dentist who is on the NHS list and who has three NHS patients—his wife and two children.

**Paul Holmes** (Chesterfield) (LD): Does my hon. Friend agree that the Minister's speech was strong on wishful thinking and weak on reality? The reality for my constituents in Chesterfield is that the wonderful new contract has driven dentists to leave the NHS. In recent weeks, a wave of my constituents have come to me to say that they have been given the choice between taking out expensive private medical insurance and looking for another dentist. However, when they look for another dentist, it is almost impossible to find any slack in the system that enables new NHS patients to be taken on.

**Julia Goldsworthy:** That has been the experience in many other places. Of course, it is outcomes that are most important, rather than the treadmill of units of dental activity.

As we have heard, local dental committees report real concerns about the test year. The new UDA targets are based on the test year, but do not account for variances during the year, which could result in contract values that do not represent the NHS work that is undertaken. The system has not been piloted. I am pleased to hear that a review is to be conducted, but what will the Government do to implement the review group's recommendations? When will it be set up? Will it be in time for the introduction of the new contract on 1 April?

Will we know whether more patients are accessing NHS treatment if it is courses of treatment, rather than registrations, that will be measured? What will happen to waiting lists at NHS dentists if people stay on the register permanently? Will we see a massive increase in registrations, with many patients struggling to get a check-up on the NHS within two, three or four years? Will there be any measurement of how long the average time is between check-ups for the average patient?

**Ms Rosie Winterton:** Will the hon. Lady give way?

**Julia Goldsworthy:** I will if the Minister will allow me to make some progress.

If that means that people will go longer between check-ups, how can that be squared with the Government's stated aim to shift their focus to preventive work? Under the new system, people will go to a dentist only if there is a problem.

**Ms Winterton:** Again, I do not think that the hon. Lady quite understands the system. The NICE guidelines have changed. It is up to the dentist to decide when a patient should come back. Some patients will have to come back within six months, but the point about the flexibility in the new way of working is that, if the dentist believes that the patient has good oral health and does not need to be seen for two years, that is when the patient would come back.

**Julia Goldsworthy:** Of course, if there are not enough dentists, how will those patients be able to access the regular check-ups that they need?

That leads me on to the final changes, those to pricing structures—changes that, ultimately, the patients will notice. The price of a check-up will increase, surely deterring people from having regular check-ups, where not just caries but problems such as mouth cancers are detected, and where the preventive work that the Government claim is so important is performed.

*[Julia Goldsworthy]*

The new pricing structure means that the median price will increase, even though the charges for the most expensive treatments will reduce. According to the BDA, three quarters of the 42 per cent. of patients who fall into the middle band will end up paying more than they did previously. That will lead to perverse incentives, where problems will be stored up, so that the treatment is more affordable and represents better value for money for the patient. I have raised that issue with the Minister in previous debates and she has refused to accept it, but I quote one of my constituents to emphasise the point:

"any problem that I have with my teeth I will now have to suffer as there is no way I can afford the charges."

People are coming to me saying, "If I understand the new charging system correctly, it makes better sense for me to wait until I need two or three fillings and I can pay for them under one band, through one course of treatment, rather than having them one at a time, and paying three times for the same treatment."

Primary care trusts are also concerned that the new charges and the new contracts will lead to even greater pressures being placed on emergency treatment centres. Previously, emergency treatment centres would accept only patients who were not registered with an NHS dentist. Now they will have to accept everyone. With emergency treatment cheaper than a band 2 course of treatment, there are concerns that people will wait until their problem is an emergency.

It is also unclear how many and how well people understand what the new charging structures are and how they will be affected by them. I understand that the new information leaflets have been sent to primary care trusts and are sitting in NHS dental surgeries. Have the Government estimated the penetration of those leaflets and what the level of understanding is now about the new charges, given that they will be put in place on 1 April? Has the Minister's Department undertaken an evaluation report and, if so, will she be prepared to publish it? Will patients see the leaflet only when they go for a check-up? Will some patients know nothing about the new charging structure because they went for a check-up before Christmas and were told to come back in a year? They will not know that the price of their check-up will increase significantly the next time they go for a check-up. Does she think that that is fair and proper?

**Ms Rosie Winterton:** I hope that the hon. Lady realises that, under the new system, it is not just an ordinary check-up that is undertaken. It is an examination, plus preventive health advice, plus a scale and polish if necessary, plus any diagnostics, for example, X-rays. That all comes within the £15 range.

**Julia Goldsworthy:** Of course, all the patients will know is that it is more expensive than last time. I would be interested to know how many leaflets have been produced, and how many have been sent to NHS and private dental surgeries, in case patients wish to switch to the NHS if they can. At what cost have they been produced? I understand that an evaluation report has been produced and I hope that the Minister will undertake to place it in the Library of the House.

The theme that sadly emerges is one of a series of unknowns. A series of fundamental changes are being introduced but there has not been adequate testing and piloting to determine the changes' knock-on effects individually, let alone in combination. For those reasons, it is hardly surprising that patients, dentists and primary care trusts are still unclear about what the new contract will represent and what impact it will have. Since the Government did not spend the time in advance of the changes assessing their impact, I am glad to hear that a review group will be set up, but will the Minister undertake to implement its recommendations?

The new contract and charging system has not produced the circumstances or incentives for patients to take a preventive approach to their health care. The cost of a basic check-up will increase, dentists will not have the time that they want to spend on preventive work, and it does not appear that more people will necessarily have access to NHS dentistry as a result of the changes. Ultimately, people will go for regular check-ups only if they can afford them, if they understand how the new system works, and if they can find an NHS dentist. It seems that many of the problems still remain essentially unresolved.

2.8 pm

**Mr. Eric Martlew** (Carlisle) (Lab): Before I get into my speech, I should like to thank all the hard-working dentists in my constituency and throughout the country who work well with the NHS. Sometimes, in my local skirmishes with some of my dentists, I have perhaps forgotten that.

Did not the hon. Member for Falmouth and Camborne (Julia Goldsworthy) think it odd that the dentist whom she mentioned treated only his family on the NHS? Did she not think that that was a bit of sharp practice? Perhaps I am naive. Perhaps she can put his name on the record so we can all know who it is.

I have sat and watched the Opposition—the major Opposition, because there is no one here from Lloyd George's party. One of the Conservative Members who attended the debate was a Minister in the previous Government and a practising dentist. The right hon. Member for Wokingham (Mr. Redwood) has just left, but he was in the Cabinet when the Conservative Government closed two dental schools. It is no good Conservative Members putting up their hands up and saying that that was 10 years ago. They did it and they also cut fees by 7 per cent. So do not imagine that dentists, even though they are angry with us, believe the Conservatives. They remember what being a dentist was like under the Conservatives. The haemorrhage of dentists away from the NHS started during their time in office, whether by accident or design; I leave Members to figure out which it was for themselves.

There was a severe problem in Carlisle when four dental practices decided to resign from the NHS. They resigned before they saw the contract, so that was not their reason for doing so. The hon. Member for South Cambridgeshire (Mr. Lansley) mentioned people queuing to sign up for private treatment, and that did indeed happen at a particular practice in my constituency. The dentist in charge of it sent out a letter saying, "If you don't queue up and sign up, bringing your bank details with you, you won't be able to get a

place." That resulted in hundreds of my constituents queuing from 5.30 in the morning, waiting to sign up. *[Interruption.]* If the hon. Member for South Cambridgeshire will contain himself, I will get to the point. That dentist was even handing out raffle tickets in another part of Cumbria. He said that he was going to cut the list, and that those who did not sign up early would be unable to get on it.

A lady came to my constituency office on Friday and told me that she phoned that dentist four months later. The receptionist was over the moon that someone had actually phoned to ask whether they could sign up. In fact, the dentist had plenty of places left. Some dentists who have gone private will have a problem when—

**Mark Pritchard:** The hon. Gentleman and I share a concern about animal welfare issues, and I want to make the serious point that, unfortunately, because of these changes, it is easier for my constituents' pet dogs to get dental treatment in Shropshire than it is for my constituents to get such treatment.

**Mr. Martlew:** I do not know about the situation in the hon. Gentleman's constituency, but the reality is that in most cases—leaving aside the valuable work done by the Royal Society for the Prevention of Cruelty to Animals—those of us who take our animals to the vet have to pay for such treatment. I presume that pets in the hon. Gentleman's constituency are not treated on the NHS; if they are, there should perhaps be an inquiry.

The dental practice to which I was referring offered the caveat whereby the children of patients who signed up and set up a direct debit would be treated for free. That is an absolute disgrace. Unfortunately, neither the hon. Member for South Cambridgeshire nor the hon. Member for Falmouth and Camborne (Julia Goldsworthy) condemned such practice; hopefully, they can put that right during the wind-ups.

Let us not be too concerned about dentists' earnings. Back Benchers are paid about £60,000 a year and most of us manage to live quite well on that. As the Minister said, an independent dentist with a good commitment to the NHS—and who probably does a little private work as well—earns in excess of £80,000 a year and gets a further £60,000 toward practice costs. A dentist who works for the NHS, but not as an independent contractor, could expect, after two years, to earn more than a Back-Bench MP—some £65,000—but with no practice costs. So dentists in my area, which is a low-wage area, are not badly paid.

**Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): The hon. Gentleman is very lucky that only four dentists in his constituency are refusing to take on NHS work. The NHS Direct website has a list of all the dentists in Bedfordshire and, as of today, 20 of those 41 dentists are refusing to accept any new NHS patients for treatment; of the remaining 21, only 11 will register children. So many of my constituents will be unable to find NHS treatment.

**Mr. Martlew:** The hon. Lady is obviously a very good MP but I am sure that she does not represent all of Bedfordshire. To compare my constituency to Bedfordshire is to compare apples and pears, which is what the Conservatives usually do.

Let us look at why dentists are saying that they want to leave the NHS. They say that they do not understand the new contract and that they are concerned about the loss of independence, but the reality is that they realise that it is a question of supply and demand. They realise that they can make more in the private sector, and that they can probably work less hard for that money. Also—Members have yet to pick up on this point—they are being targeted by the insurance industry. They are being asked, "Don't you realise how much you could make if you use our particular plan?" Let us never forget that the insurance industry is the enemy of the NHS. Those who want to see where the big money in insurance is should go to America. We must treat with caution the private insurance companies working in this field.

The dental reforms are welcome. An extra £360 million or more is being spent on improving dental services, and when a dentist leaves the NHS, the primary care trust in question will retain the relevant funding. At this point, I should congratulate my local PCT—Opposition Members have offered little thanks to PCTs—which has worked hard to ensure that people can access NHS dentistry. In particular, I congratulate the senior manager, Michael Smillie, on the tremendous work that he has done. Last week, we announced the provision of eight new dentists in Carlisle and Penrith. They will take on 20,000 patients and in doing so will probably clear the waiting list. Extra dentists will also be provided in Workington and Whitehaven—I note that my hon. Friend the Member for Copeland (Mr. Reed) is in his place—so we are tackling the problem. It will not be solved in a day, and I am not saying that all dentists are happy with the contract, but the vast majority are working with it and people will see the difference.

The Minister has announced a new dental school—she kindly sent me a copy of the press release—for north Lancashire and Cumbria. That brand new facility, to be located at the Cumberland infirmary, will add to the excellent work already being done by its education centre. In training new dentists, it will thereby make up the shortfall. Be it dentists or doctors, the view is that, where they are trained is where they stay, so in four or five years' time we will have new dentists in our region. That said, I have no problem with dentists coming over from, for example, other parts of Europe. Patients tend not to have big conversations with their dentist.

I congratulate the Minister on the points that she made about the contract and I am glad that she has decided to review it. The Conservatives failed dentists when they were last in power, and they have failed to cost their current proposals. I doubt whether the people of this country, even if they are concerned about dentistry, will turn to the Conservatives.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. I remind the House that there is a 10-minute limit on Back-Bench speeches.

2.19 pm

**Sir Paul Beresford** (Mole Valley) (Con): It is fairly well known that I have a slight interest in this subject. The Conservative Whips certainly know that, and they took the risk that I might not be entirely on message.

I want to congratulate the Minister on two things. First, she has managed—almost, if not entirely, on her own—to upset just about every NHS dentist in general

*[Sir Paul Beresford]*

practice in the country. Secondly, the implementation group that she has set up sounds really positive. It is a mark of recognition, finally, that there are problems with the contract. Those problems may have more to do with perception, but they need to be looked at.

Most general dental practitioners doing NHS dentistry or offering a mixture of NHS and private treatment want to continue to provide that service. Earlier, we got an inkling of the degree of willingness on the part of the Government in that respect, and that is what is needed to make progress. The hon. Member for Carlisle (Mr. Martlew) said that there were some sharp dentists out there, but that is true of every profession. However, they are a minority: most dentists are straightforward people who want to provide a mixed service because they have to face their patients, to whom it is virtually impossible to say no.

I want to dodge most of the complaints usually raised in a debate such as this, and concentrate on a slightly different matter. The hon. Member for Carlisle spoke about what happened 10, 20 or 30 years ago, but there has been a dramatic change in the quality of dentistry on offer in this country. The teaching that dentists receive is vastly better, as is the quality of the materials that are available. Dentists are able to do much more for patients, but even more dramatic are the changes in what patients now demand. The things that people ask for are more the province of private dentistry than the NHS, and that means that dentists must be able to offer choice. That is the burden of my contribution, and it is something that I hope that the Minister will reflect on.

In that connection, I want to touch on two matters—the treadmill, and mixed provision. The Minister said that the treadmill had disappeared these days. Like everyone else, I expect that she will have received a letter from Dr. Adrian Kinnear-King, in Norfolk. In his very bitter letter, Dr. Kinnear-King says that he is a socialist, a long-standing member of the Labour party, and an NHS dentist. Although he seemed to be asking me for my personal help with the Labour party, I thought that I would telephone him anyway.

Dr. Kinnear-King has not signed his contract so far. In fact, he has not received one yet, but he has looked at some of its contents. He may decide not to sign it at all, but he says that there is no real treadmill under the present system. If he wants a break, he can take one, and he can also work a bit harder if that is what he wants to do. However, the introduction of targets that he has to meet means that he will get a phone call from the local PCT if he falls behind. He does not like the new contractual treadmill, or the way in which it has been introduced.

If Dr. Kinnear-King fails to meet his monthly UDA target, the PCT will want an explanation. Technically, it can claw back money from him, or take other action. I hope that most PCTs will wake up to reality and not be so draconian. They need to work with dentists who fail to meet their targets and find out why that has happened, as sometimes the fault lies with the proportions assigned in a mixed service.

I listened with care to the Liberal Democrat spokesperson, the hon. Member for Falmouth and Camborne (Julia Goldsworthy). This may upset her, but I can tell her that what she said is guaranteed to get dentists walking out of the NHS in droves. Dentists have some difficulties with the present system, as negotiating a change in the size of the contract or the mixture of services that it covers can take two or three months. I am sure that we can do better than that.

The Minister panned the Opposition motion, but it contains the vital proposal that

"everyone should have to access to NHS dentistry".

That commitment does not appear in the Government's amendment, even though it is extremely important.

I have something else for the hon. Member for Falmouth and Camborne to think about. A patient who presents to an NHS or mixed dentist suffering from pain in her lower-left third molar, for instance, will be offered a choice of treatments—NHS amalgam, for example, or the latest treatments using bonded composites, or a gold inlay, or an inlay-overlay in porcelain. Those might be her options, but what is important in the end is that the treatment gets done: that is what counts, not whether the treatment is NHS or private.

Under the new contract, the NHS amalgam option means that the dentist will achieve more UDAs. If he does not perform that treatment, he has fewer UDAs. As Dr. Kinnear-King notes in his letter, those UDAs have to be made up with other patients.

Nowadays, patients want choice. The more choice that they get, the more private dentists' fees will come down. If the fees are too high, the dentists will not fill their appointment books. That shows that the market can also work to the advantage of patients.

Dr. Kinnear-King offers a better example of that. He says that a patient who comes in with teeth that are intact but badly stained—perhaps by tetracycline, for example—is likely to give him a big, broad, ugly smile. When I asked him what he would do as treatment, he said that he would get out his screaming diamond burr and apply it at 500,000 revs. He would use it to tear around the tooth enamel and put on 16 sparkling new NHS porcelain veneers—

**Natascha Engel** (North-East Derbyshire) (Lab): Oh!

**Sir Paul Beresford:** I am sorry to upset the hon. Lady. My voice is not pitched high enough to make what I am saying even more emphatic. The process that I am describing would secure lots of UDAs, and the dentist would have to do it all again after a few years, when the gingiva had moved. Once more, he would achieve lots more UDAs, but what that dentist would want ideally is to be able to offer the patient an opportunity to go for private treatment as well. The best treatment would be to spend hours carefully bleaching her teeth. That would leave her with a broad and beautiful smile, intact teeth, and no need to repeat the treatment.

However, Dr. Kinnear-King says that he feels that he cannot undertake the bleaching treatment, because he is looking over his shoulder at the avalanche that is the monthly UDA total. Somehow, the Government have to change the position that dentists find themselves in.

In his letter, Dr. Kinnear-King says that he is a solid socialist, but that he is seriously considering not signing the contract. He intends to go private, but says that he will keep the fees down so that he can offer his patients

the service that they need. As I remember from my own experience as a full-time dentist, the problem is that some people cannot afford even low fees.

The Minister's implementation team will have to look very carefully at how the mixture of NHS and private treatment can be introduced. It must also find a way to ease the treadmill, or dentists will continue to walk away from the NHS. We have enough dentists, and will soon have more than enough, but they must be encouraged to stay with the NHS. The present contract, and the way that it has been implemented, is achieving the exact opposite of that.

2.28 pm

**Natascha Engel** (North-East Derbyshire) (Lab): I am pleased to be able to contribute to this very important debate, although the description of treatment given by the hon. Member for Mole Valley (Sir Paul Beresford) was really quite disgusting. Dentistry affects us all in different ways—

**Ms Rosie Winterton:** It touches a raw nerve.

**Natascha Engel:** That is right, it does touch a very raw nerve.

**Sir Paul Beresford:** I hope that I can help the hon. Lady. Many dentists are moving into the private sector, but I assure her that most patients feel more pain from the white envelope containing their bill than they do from the treatment that they receive.

**Natascha Engel:** I am grateful to the hon. Gentleman for that, although my recent personal experience with a dentist from Bulgaria does not quite fit with what he describes.

I want to thank the Tories for devoting one of their Opposition days to dentistry—

**Ann Winterton:** Her Majesty's official Opposition.

**Natascha Engel:** I thank the hon. Lady for that.

The problems associated with getting dental treatment cause more people to come to my surgeries, write to me and send me e-mails than just about any other issue. Their concern is mainly generated by letters that they have received from their dentists explaining that they are no longer taking on NHS patients or are opting out of the NHS. It is important, therefore, to consider why we are introducing these reforms to dentistry.

Everyone, even the Tories, would agree that there are not enough dentists, that provision is unequal, that access is difficult and that the Government are trying to respond to the concerns of both the public and dentists. Everyone, even the Tories, wants better access to treatment and to promote good oral health. We have heard a lot today about the difficulties that people have experienced, but we have heard almost nothing from the Opposition on proposals for changes that they readily admit are very necessary.

I do not deny that we are in a difficult situation. Almost all the dentists in my constituency have already decided not to sign the NHS contract and I agree that we need to do more to attract dentists to stay in the NHS. However, would not our time be better spent today discussing some constructive proposals and ideas on how to do that?

The Government have always worked on the principle that prevention is better than cure. We want to ensure that dental recall periods are based on clinical need, rather than on automatic six-month check-ups. We want to free up dentists' time to see a range of patients and provide additional NHS services, such as promoting oral health.

I have terrible teeth and have been to many dentists, so I have met far more dentists in a professional capacity than I would want to. All of them, without exception, are committed to providing oral health care and preventive medicine to the highest standard. However, preventive measures are increasingly being hampered by sweets in supermarkets and it is surprising that that has not been mentioned yet today. It was not until recently, when I took my two-year-old shopping, that I noticed a whole bank of sweets, at adult knee-level, lining the channel to the supermarket check-out. Everyone knows that sugar and sweets cause tooth decay, so why is that still happening?

**Julia Goldsworthy:** I understand that there was a private Member's Bill on children's food, which the Government did not support. Would the measures in that Bill have helped to alleviate the problem that the hon. Lady describes?

**Natascha Engel:** I understand that we are adopting similar measures. What I would really like to know is why the Opposition have not made any mention of the link between sweets in supermarkets and reforms in dentistry. It sounds a trivial matter, but it is very important when we are discussing preventive medicine. Our oral health plan at least takes a more holistic approach to prevention by aiming to improve oral health and to reduce health inequalities. We propose to do that by increasing the use of fluoride to help to prevent tooth decay, improving diets and reducing sugar intake. I hope that my hon. Friend the Minister will meet the parents jury of the Chuck Snacks Off the Checkout! Campaign, which I intend to join. We will also encourage preventive dental care; aim to reduce smoking to tackle oral cancer—the ban on smoking in public places will go a long way to achieving that—increase early detection of mouth cancer; and reduce dental injuries such as those caused by contact sports. I have heard no positive or constructive proposals from the Opposition to match those ambitious plans.

I do not claim that everything in dentistry is fine, but I would rather look for ways to improve the situation. I will meet the chief executive of my primary care trust in north-east Derbyshire and dentists in my constituency to find a local solution. These reforms coincide with the reorganisation of primary care trusts. Let us ensure that the outcome of our reforms will enable PCTs to place with an NHS dentist anyone who wants one.

Poor people are more likely to have poor oral health. Poor people are not in a position to pay for private dental care. We do not want to exacerbate inequalities but to ensure that everyone has access to an NHS dentist. Oral health is too important to be used for political point-scoring, so let us hear some good ideas.

2.34 pm

**Mr. Anthony Steen** (Totnes) (Con): I shall make a short speech, because I have one simple point to make. I have some 78,000 people in my constituency and, on the whole, no NHS dentists, so those people have nowhere to go. It is not a question of the NHS being free at the point of delivery: it is failing at the point of delivery. There are no NHS dentists. The Minister knows that we have had busloads of Polish dentists coming to set up in south Devon, and we now have a few of those, but on the whole there are no NHS dentists. That is the first problem that the Minister must address.

The issue is not about having high-powered discussions about drilling people's teeth out. There are no NHS dentists to drill people's teeth out. I must declare an interest, in that my hon. Friend the Member for Mole Valley (Sir Paul Beresford) is my dentist. He is an experienced and very skilled dentist. I hope that the House will excuse the slight lisp with which I speak, which is because of a slight problem we have had. My hon. Friend's concern is the care of patients and the access that they have to treatment. What do I say to a garage forecourt man who, when I spoke to him the other day, had a very swollen cheek? I asked him what was wrong and he said that he had an abscess. He said that he could not afford to go to the dentist, because they are all private in our area. He said that he had gone to the doctor—that service is free at the point of delivery—and got some antibiotics to try to reduce the swelling. I know how painful an abscess is and the necessity of immediate treatment, so it is criminal that the NHS system does not work in our area.

What should small children and elderly people do? I have the ninth oldest constituency in the country—not the Member of Parliament, but the constituents—and they are one of the groups of people that need quick access to dentists. Because I have a large rural constituency—it runs 30 or so miles one way and 40 or so the other—we have no adequate public transport. What do we say to such people? We are supposed to be the fourth or fifth—I think that the Chinese have just overtaken us—richest country in the world.

I do not wish to get into the detail of the contracts, but I wish to ask the Minister whether dentists will end up like opticians, who are now outside the NHS. Everybody applauds the Minister's frankness and her integrity, but is it really the Government's intention to get rid of NHS dentistry that is free at the point of delivery? If not, why do we make it so complicated? What are these units of dental activity? Does it depend on the dentists themselves being very active? It is another example of weasel words—the Government are wonderful at using them. Does it mean that if the dentist rushes around his consulting room, he gets an extra point? Or is it based on something more that he does for the patient?

Can the Minister tell me why one dental practice in Plymouth is being offered £22 per unit of dental activity, when the next-door dental practice—I know them both, although I have not used them both—is offered only £14 per UDA? What is wrong with the £14 UDA dentist? Will people who go to the £22 UDA dentist get better dentistry? The Minister is trying to marry two services that are irreconcilable—a salaried service and an individual, private service. The result is that few people will be offered free services by their dentist.

**Mr. Geoffrey Cox** (Torridge and West Devon) (Con): Is my hon. Friend aware that the problem in his constituency, which is contiguous with mine, is in fact Devon-wide? I have just been sent an e-mail from a Devonshire dentist who tells me that in north Devon

"2 practices have already deregistered for adult patients. 3 practices are now on the brink of refusing to sign the new contract."

In my constituency, no dentist is accepting national health service patients. The situation is the same across the entire county.

**Mr. Steen:** People will clearly be able to tell which constituents come from Devon; they will all have black teeth and swollen cheeks. They will all be suffering from bad teeth because Devon does not have NHS dentists. This is not just about Totnes; my constituency covers parts of five local authorities—the Dartmoor national park, Devon county council, Teignbridge district council, South Hams district council and the Torbay unitary authority. They all have the same problem.

I understand why the Minister is no longer in her place; she can no longer face us. What are we to say to people in Torridge and West Devon and in Totnes? From what the hon. Member for North-East Derbyshire (Natascha Engel) said, if she had visited only NHS dentists she would probably have no teeth left—perhaps she does not. We cannot tell a nation of 60 million people, including children and the elderly, that the NHS is free at the point of delivery and then produce the wicked joke that there are no dentists.

What do I say to my constituents? The Minister knows about my concerns, because I have written to her over and over again about one person after another. I am embarrassed to represent an area in the world's fifth-largest economy and tell my constituents that they cannot have free dental health provision.

**Natascha Engel:** Has the hon. Gentleman discussed the matter with his PCT? What was its response about NHS provision for dentistry?

**Mr. Steen:** I am impressed by my PCTs, which are responsible and highly committed organisations. The snag is that they cannot find dentists. I do not know whether something is wrong with the contract. In any case, I am not concerned about the machinery, but about every person I see in the street who is in pain. I represent them, so I say to the Minister that she must do something about the contract so that people can receive free dental care. She must provide the dentists. I do not mind if she brings in busloads of Bulgarians or Romanians. She can bring them in from any country in Europe. She misunderstood my earlier question—I do not object. The Prime Minister misunderstood me too, but he regularly misunderstands my questions. The point is: what are we going to do about the situation? I cannot represent a constituency when I know that people will continue to be in pain and will have to find money that they do not have to pay for private dentistry.

2.43 pm

**John McDonnell** (Hayes and Harlington) (Lab): I apologise to the House as I shall have to be discourteous and leave soon after speaking. I have a ministerial meeting at 3 o'clock on a pressing constituency matter, but I shall try to return for the wind-ups so that I can hear the ministerial response.

Over the past six months, I have convened meetings of London dentists. We have held two meetings at the House of Commons, as well as meetings with individual groups of dentists elsewhere. One of the meetings in the House was in November and the other in February, and I am grateful to the Minister for the access that she gave to civil servants, who attended one of the meetings, and also for the correspondence she provided that enabled us to share information about the new contract procedures with the dentists.

Like many dentists, I welcome the Government's policies with regard to the additional resources and their commitment to dentistry. I was impressed by the parliamentary Labour party briefing and can understand why on this occasion it was circulated more widely than usual, given the additional resources it described, including the £368 million for improving dental services in July 2004, the 19 per cent. increase since 2003–04 and the nearly 1,500 new dentists. I welcome all that, but I want to raise issues about the method of introduction of the new contract, especially the timing, some of which relate to London and others specifically to my constituency.

My colleague, the hon. Member for Ruislip-Northwood (Mr. Hurd), has pointed out that the contract is being introduced in our area at a time when Hillingdon primary care trust is struggling with a deficit of £25 million. It looks as though the amount may be nearer £30 million—it varies week by week. That has resulted in an inability to manage change generally and impedes the introduction of the new contract. We are on our third chief executive in less than four months—and counting. The PCT's struggles with its deficit have led to problems in the introduction of the contract.

I welcome the Minister's statement about the implementation group and the review mechanism, which is a real breakthrough and was one of my recommendations. However, the Department may need to intervene in some instances—such as Hillingdon and other parts of London—where there has been a failure to manage the introduction of the contract effectively. I have two brief examples of the impact on my constituency.

The first relates to the Hayes dental practice in Station road, Hayes, where Dr. Stern has encountered a problem to which the Minister referred earlier, although it was not addressed locally in the way that she described. Last year, during the reference period, two of Dr. Stern's colleagues left and he was unable to recruit for some time. As a result, the PCT's assessment of his activity and income levels was not an accurate reflection. In December, he thought that he had held a co-operative meeting with the PCT. He contacted it regularly after that but heard nothing about the contract. On Thursday 23 February, he received a package containing two copies of the new 135-page contract, with an accompanying letter that stated:

"You will be aware that you need to have signed the contract and confirmed this to us by no later than midday on Friday 24th."

So he was given only 24 hours. Furthermore, when he read the contract he discovered that it did not take into account the representations that he made about staffing and activity levels during the reference period, so his income will not be as before and he will have to lay off staff, including not only his dentist colleagues but also support staff.

I accept what the Minister said about appeal procedures, but that dentist thought that he had gone through that process during his negotiations with the PCT. The Department may have to intervene in such cases, where the PCT is clearly struggling to manage the introduction of the new contract.

The second example affects colleagues in Hillingdon and Ealing and relates to the orthodontics centre in Northolt opened by Sarinda Kumar over the past 12 months. We all welcomed the centre, to which the dentists involved committed significant personal outlay, raising capital of about £450,000. However, because the centre opened mid-year, the contract value is not sufficient to reflect the new service it provides. As far as I am aware, there has not been much response from local PCTs in terms of recognising those needs.

The orthodontics service at Hillingdon hospital has also suffered due to the PCT cuts, which relates to a general point about the priority accorded to dental services in several PCTs. There seems to be a lack of sufficient specialist advice from local dentists in the PCT and a failure to acknowledge the need to involve them fully in discussions about the roll-out of services generally and in consultations about the implementation of the contract.

Other general matters were raised that were not specific to my constituency or London overall. There is a concern that the units of dental activity do not fully reflect the importance of prevention. There may well be a need in the review process to find out whether a specific, separate UDA is necessary for prevention and dental health promotion.

**Mr. Cox:** Does the hon. Gentleman agree that, if a charge of £183 is levied for a single crown and precisely the same charge is levied for doing six crowns, the incentive for those whose teeth are becoming bad will be to wait until they are sufficiently bad to maximise the value for money that they get from the charge that they pay?

**John McDonnell:** Such issues may well arise during the review process, because the one thing that neither the Government nor any of us want to do is to provide any disincentive to people turning up for health treatments.

Another concern was raised by the London dentists. PCTs obviously set their own targets and the budgets are allocated and then capped. The concern is that, particularly in areas such as mine and in London, PCTs will put pressure on individual practices to increase their income to a certain level from charging. In other words, that is a perverse incentive in the system, thus undermining NHS work as well.

There are concerns about children and exempt patient contracts, which will be determined by PCTs. Given the lack of local engagement with adequate dentistry advice and support, the decision-making process on how such contracts are allocated needs to be closely reviewed by the Department in the first year of operation.

*[John McDonnell]*

A number of dentists have said that they must introduce new computer systems at considerable cost. The information that we received from yesterday's meeting is that those costs range from about £10,000—with one practice, it was £35,000—and that the allocation that they receive goes nowhere near recovering those costs. In fact, less than 10 per cent. is recovered in some instances and a lot less than that in many others. That will impact on the overall delivery of service.

I believe that the Government have exceptionally good intentions. There is real commitment, and it has been backed by resources. I congratulate the Minister on her personal commitment to the development of dentistry policy. We would not have come this far in the allocation and investment of resources and the priority for dentistry without her personal commitment, but those intentions are being frustrated in many constituencies, particularly mine, because of the financial crisis in the PCTs themselves.

I accept that an element of ring-fencing has gone on for three years, but the concern—it was raised by the hon. Member for Ruislip-Northwood—is that beyond those three years, no matter what statutory duties are placed on PCTs, dentistry will be a soft option when prioritising expenditure. The Government will need to monitor the situation closely over the next six to 12 months in particular. In special circumstances, such as mine, direct intervention by the Department may be needed if the system is seen to be failing and we are losing NHS dentists.

I welcome the implementation group review and the structure that has been announced today, but I suggest that, first, the review should report in six months and then in 12 months, and that that information comes before the House. We could then have another debate—not on an Opposition day, which sometimes degenerate into knockabout rather than real debate—on that report to find out what adjustments need to be made to the system. There is a commitment on both sides of the House: we want dentistry to improve in this country, but we want it to do so in a way that brings people with us. I do not think that dentists are convinced about the system. If we introduce the appropriate adjustments as we learn from experience, we will be able to retain people in the NHS and to work together to improve the system overall for all our constituents.

2.53 pm

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I realise that time is marching on, so I will keep my comments as short as possible.

I empathise with the hon. Member for North-East Derbyshire (Natascha Engel). I, too, have lost my two front teeth, although I did so by failing to obey the first rule of cricket: "Always keep your eye on the ball."

I am unsure where in this country the Government are fulfilling their pledge of access for all to an NHS dentist—perhaps in Liverpool or Doncaster, but certainly not in Milton Keynes. Indeed, in an answer to a question posed back in June by my hon. Friend the Member for Isle of Wight (Mr. Turner), who is not in his place, we discovered that just 62 per cent. of children and 39 per cent. of adults—an overall rate of just 45 per cent. of people—are registered with a dentist in Milton Keynes. The figure is down considerably—in fact, 10 per cent. or some 20,000 people—since 1997. That is an extraordinarily low figure. If just 45 per cent. of the population of Milton Keynes is registered with a dentist, about 122,000 people in my city are not.

Perhaps the Minister believes—I am sure that she does not—that my constituents simply do not want to register with a dentist. If so, I point her to a recent survey carried out by Milton Keynes PCT showing that 79 per cent. of people who are not registered with an NHS dentist would like to do so—a fact that is backed up by my overflowing postbag of correspondence from many constituents who have written to me on the issue. For example, my constituent, Mrs. Byrne, who wrote to me only this week, is representative of many young mothers when she says:

> "I have a 9 month old son and I am 7 months pregnant, I have been advised to go to the dentist for a check up but unfortunately cannot find one in Milton Keynes. My son's first teeth are now through and I need a dentist for him too. I am quite disgusted that I have an NHS maternity exemption certificate so that I can go to the dentist but the NHS are not providing the dentists for myself and many other people in my situation to attend."

Perhaps the Minister, who seems to suggest that training dentists is one, if not the main solution to the problem, believes that my constituents are simply not looking hard enough for a dentist. If so, perhaps she would like to meet my constituent, Mrs. Carter, who in an e-mail this week says:

> "I desperately need an NHS dentist who will accept my two children, my husband and myself as new patients and I have phoned every number on the list provided by the PCT and none of them are taking on new NHS patients. I refuse to go private as my husband and I have paid far too much in National Insurance to have to pay for it again."

That raises an interesting question about national insurance contributions to which I will return in a moment, but is it really that hard to get a dentist in Milton Keynes?

Like many people in Milton Keynes, I am not registered with a dentist. Indeed, I am tempted to ask my hon. Friend the Member for Mole Valley (Sir Paul Beresford), who is no longer in his place, whether he will start accepting NHS patients, but I sense that that would probably be unfair. I was able to find just one practice that was happy to accept new patients, but there is a catch: they must be under the age of 18 and they would qualify only if both parents were involved. However, I accept that that has been addressed.

As a Back-Bench Conservative MP who may feel that we have absolutely no influence in the House, I am delighted that my very first question in the House was to the Minister on this subject. I asked her back in June whether, effectively, she had replaced the access-for-all-to-an-NHS-dentist policy with a buy-two-get-one-free policy. So I am delighted—I am sure that the people of Milton Keynes are, too—that I seem to have had some impact on the House.

If I were a cynic, I would ask whether, in reality, the Government are pursuing their policy in the hope that people will perhaps get used to going private and therefore not want an NHS dentist, with possible effects on funding dentistry in the future. So who is to blame? I am sure the Government are keen to blame dentists,

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but I am afraid that I do not blame them. Having talked to my local dentists, it is clear to me that they are doing the very best that they can in extremely difficult circumstances. They do not want to turn away NHS patients, but seem to have little choice.

Dentists have serious concerns, some of which have already been raised by my hon. Friends, so I will focus on just two—first, the time scale for the new contracts. Certainly, in Milton Keynes at least, they were given their contracts just eight days ago, yet they were expected to return the first draft by yesterday. The second concern is the security of the new contracts. Although they will last for three years initially and have been ring-fenced, there appears to be little security beyond that point. For example, if an associate leaves a practice, there is absolutely no guarantee that the PCT must award a contract to the same practice. It is therefore very difficult for dentists to plan the expansion of their practices beyond the three-year period. I should be grateful to the Minister if she considered that issue.

Perhaps we should blame our local primary care trusts, but to be fair to Milton Keynes primary care trust, which is being forced to swim against the tide because of an ever-increasing population, it is at least trying to address the problem, although the early signs are that the results of its efforts are, at best, mixed. It sent out a mixture of practice and individual contracts, but 20 per cent. of dentists have so far refused to accept a contract. As of yesterday, 40 per cent. of dentists had not returned their contracts, and at least a third of the dentists who had returned and accepted their contracts had done so in dispute while waiting for further negotiations with the PCT. Those statistics are hardly encouraging. Given the rapidly growing population of Milton Keynes, Milton Keynes PCT is one of the hardest pressed primary care trusts in the country, although I am confident that it will try to do the right thing when funding dentistry in Milton Keynes.

**Stephen Hammond** (Wimbledon) (Con): My hon. Friend has obviously had extensive conversations with his primary care trust. Has it given him any indication of the possible implications of the 12-monthly block payments that are coming through on its funding and deficit next year?

**Mr. Lancaster:** My hon. Friend makes a valuable point. There is deep concern about that matter in Milton Keynes, as I am sure there is in his constituency. Although I am confident that my primary care trust, which is staffed by excellent people, will try to do the right thing, I am worried that once we get beyond the three-year ring-fenced period, there will be a temptation to divert funds for dentistry elsewhere. I hope that the Minister will ensure that that does not happen.

Finally, may I pass on a question that many of my constituents are keen that I should ask the Minister? Given that they have paid their national insurance contributions yet failed to get an NHS dentist, will she give them their money back?

3.1 pm

**Mr. David Burrowes** (Enfield, Southgate) (Con): It is a pleasure to follow my hon. Friend the Member for North-East Milton Keynes (Mr. Lancaster), who gave us several examples of problems in his constituency that are reflected in mine. The Government's proposals on NHS dentistry are characterised by being target driven, centralised and shambolic, although perhaps we should not be surprised because that is a description of their general approach to the NHS. Several Labour Members focused their comments on the relatively high salaries of dentists, but it should be noted that Conservative Members are worried about access for patients, which should be the focus of the Government.

I want to talk especially about younger dentists because the proposals have been presented as representing a bright future for NHS dentistry. However, is that the case? I suggest that they are yet another nail in the coffin for NHS dentists, especially young dentists. I concede that funding, recruitment and the number of training places have increased, which is welcome, but how will that affect in practice young dentists who want to be part of the supposed bright future? Will my constituents get proper access to a dentist? I suggest that the contract is an obstacle to any of the relatively good progress that has been made and a road block for young dentists.

Let us consider the situation for young women dentists, especially those who are young mothers. One of my constituents, Mrs. Surabaskaran, has told me about her experiences, which are no doubt replicated throughout the country. She is an NHS dentist who graduated in dentistry in 1998 from Kings college school of medicine and dentistry and looked forward to a future in the NHS. She was on maternity leave for five months during the relevant period over which her contract value was calculated, and has been in negotiation with the PCT to get an appropriate contract value. However, her maternity leave has been wholly discounted, so she has effectively been left with a contract that would be worth half her salary. Although she has 2,000 patients on her list, there is a risk that she will be forced out of the NHS because the PCT has stonewalled by saying that it has insufficient funds to address the situation.

The Minister might well point out that the framework proposals said:

"Allowances will be made where the practice has carried a vacancy"—

for example, due to maternity leave. It was suggested that allowances could be made for dentists who were

"increasing or reducing, or planning to increase or reduce the amount of NHS care they provide"

during the relevant period. However, despite all the good intentions in "Framework proposals for primary dental services in England in 2005", the reality is that a young dentist such as Mrs. Surabaskaran is being left short when negotiating her contract because the local PCT refuses to award a contract with the value that she should properly have.

As the PCT has said no to Mrs. Surabaskaran, she must use the dispute resolution procedure for the contract and go to the Secretary of State. However, where will that leave her? Will she be guaranteed a better value than that which she has been offered? Given that the contract should have been signed yesterday, she faces the precarious predicament of endangering not only her future career in the NHS, but the 2,000 patients who are on her list. Is the process for dispute resolution

*[Mr. David Burrowes]*

appropriate? Should the Secretary of State be the binding determinant of a contract? Such a procedure might be appropriate in different parts of the NHS, but should the Secretary of State make decisions about a party who is a sub-contractor risking private capital? Again, the controlling hand—the dead hand—of the Government is at the heart of the proposals. We have heard that D-day has passed, so many NHS dentists, especially young dentists, face chaos.

**Steve McCabe:** The hon. Member for North-East Milton Keynes (Mr. Lancaster) said a moment ago that a three-year contract was not sufficient, although these days most people would be happy with a three-year contract. However, the hon. Member for Enfield, Southgate (Mr. Burrowes) seems to be saying that the contract should have no obligations and that there should be no mechanism to resolve disputes. Is he seriously saying that we should simply pay the money and give no further attention to what happens? Does he think that that would be credible?

**Mr. Burrowes:** The debate is about the proposals that the Government have put in place. I hope that the hon. Gentleman agrees that there has been discrimination against a young dentist who has been on maternity leave. She has been left with a bureaucratic and centralised resolution process. She effectively must choose between not continuing to provide NHS care, or meeting the needs of her 2,000 NHS patients.

I want the Minister to hear the words of Mrs. Surabaskaran loud and clear. She says:

"If the dispute is not resolved speedily with due consideration for my maternity leave I will be forced to seek a job in the private sector."

However, she does not wish to do that.

**Ms Rosie Winterton:** In the circumstances that the hon. Gentleman describes, I believe that his constituent could sign the contract with a note to say that there is a dispute about some aspects of it.

**Mr. Burrowes:** I am grateful to the Minister for that point, but my constituent has no guarantee that she will receive her due reward. She runs the risk of being given a contract with a value that is half what it should be. Neither she, nor any other NHS dentist, has an individual contract guarantee.

We must also consider the situation facing graduates. We have to welcome the fact that 100 extra dental school places were announced on 26 January, but is that the only way to secure the future of NHS dentistry? The Dental Practitioners Association says:

"The current NHS access problem"—

the concern is not so much about salaries or training places, but NHS access—

"is caused by the large gap between the terms and conditions offered by the NHS and those in the private sector. This has led to an outflow of dentists from the NHS which has been exacerbated by the prospect of an inflexible and inefficient new NHS contract in April 2006 which is generally expected to make working in the NHS less desirable to most dentists."

That is the case, particularly for vocational dental practitioners. How do they fare with this contract? If one looks at the detail of the contract, one sees that all revenue associated with vocational training will be put on hold during the relevant period and will be removed from the contract value. The employment of vocational dental practitioners will essentially be at the behest of the primary care trust. We have heard already of deficits among PCTs, and the situation is the same in my constituency. It is fair to suggest that the first to feel the squeeze in the PCTs' capacity to deliver NHS dentistry will be vocational dental practitioners, who will be unable to find a place to pursue their training. Many a dental practice is not receiving, in its units of dental activity, any recognition of vocational dental practice. The PCTs do not have to provide that recognition. They have been asked by the Government to do so, but there is no specific requirement to take any account of the vocational route that we would wish many people to follow.

Finally, I turn to the care given to patients. It is at the heart of the motion, which refers to support for preventive work and the achievement of good oral health. The Minister says that it is all about preventive care, but what is the reality? As dentists in my constituency tell me, no real value is given to preventive treatment in the UDA system. Root canal treatment is worth three points, as is extraction. Root canal treatment usually takes three 45-minute visits, while extraction takes half an hour, so there will be an incentive to take out a tooth rather than give root canal treatment, despite their having the same UDA value of three points. Dental repairs too, will come straight out of the dentist's salary, so there will be an incentive to fit fewer crowns and more fillings. The contract looks more to points than to patients.

I should conclude because I have gone way over the time—eight minutes—that dental practitioners will be allowed by the contract for an examination, X-ray, and scale and polish. The question is not so much whether there will be time for NHS dentists to give quality care but whether there will be any access at all to NHS dentists.

3.12 pm

**Paul Rowen** (Rochdale) (LD): I am grateful to Her Majesty's official Opposition for initiating this debate, the second on this subject. The first was last October and was initiated by the Liberal Democrats. We were told then by the Minister that we should wait until the new contracts had come out to see what would happen. I have to tell her that in my constituency it is no longer a case of saying that NHS dentistry is in crisis; NHS dentistry simply does not exist. In 1997, 58 per cent. of the population was registered with an NHS dentist. Last year, that figure had dropped to 35 per cent. The Minister herself admitted, when I questioned her, that that is not progress. I have asked on numerous occasions, both verbally and in writing, what she will do to improve the situation.

Since Christmas, the situation in Rochdale has got worse. Last December, residents received letters from the last remaining full-time NHS practice informing them that from 1 April this year it was pulling out of NHS dentistry completely. I asked the practitioner why, and he replied that he simply did not believe that the new contract, with its emphasis on dental units, would do anything to improve what was already a hard-pressed and desperate situation. From 1 April, there will be no full-time NHS dentist working in my constituency.

I listened very carefully to the Minister to see what the new contract could offer us. She talked about what it will mean to existing dentists, particularly with regard to the reference year. How does that create new money to enable Rochdale PCT to employ more dentists? It does nothing in that regard. The dentists have to be in the system already, receiving NHS money; no NHS money will be transferred to non-existent "ghost" dentists.

**Stephen Hammond:** We have heard a lot about access, which is the key point. The hon. Gentleman has described what is happening in his constituency, and that has been the tale throughout the House. One question that the Minister has to answer today is how many dentists who had previously resigned from the NHS will come back to the NHS under this contract. Surely the answer is zero, and that is a failure of access.

**Paul Rowen:** I agree entirely. The situation in the borough of Rochdale will get worse because dentists in the Heywood and Middleton constituency—I think that there are eight—have said that they, too, have no intention of signing the new contract. A borough that already has a very poor record of dental health will be left with virtually no NHS dentists. Yes, we have a walk-in centre, and it is fully committed, but it is doing nothing in the way of preventive work. It simply cannot cope with that on top of the emergencies that it deals with.

In the past 12 months, we have seen new dental practices open in neighbouring areas, such as Radcliffe and Bury. People in my constituency have queued from 5 o'clock in the morning to get themselves on the list at those practices. A dentist from Zimbabwe recently opened a practice in the neighbouring constituency of Oldham, East and Saddleworth, and within four days his list was full. Rochdale needs 10 dentists to treat those people who cannot afford to go to a private dentist.

When the Balderstone surgery announced that it was pulling out of the NHS, a constituent came to see me. He said that he had been told bluntly that if he wanted to stay with the practice he had to be prepared to pay £15 a month. There is no way that that gentleman could afford that sort of money. I wrote to the PCT, pointing out the situation with the last remaining NHS practice and asking what it was going to do and what advice it could give me to pass on to my constituent. The advice was laughable; it was to look at the website. When one looks at the website—not everyone has access to the web—one asks, "Where are the dentists for Rochdale?" They simply do not exist. I really am sick of hearing talk about this new contract and what it is supposed to deliver, when the few dentists left in the NHS are being driven out as a result of the obsession with targets.

We need to hear concrete proposals from the Government to address real shortages. I have been asking since May, when I was elected, what the Minister will do to deal with the crisis in my constituency. Everything that she has done so far has made the situation worse. In the next few years, we will see a dramatic rise in dental ill-health; we will see more expensive treatment having to be carried out; and we will see people's general dental health deteriorating greatly. That is not why the NHS was created. It is not what the Prime Minister promised us back in 1999, when he said that everyone who wanted an NHS dentist would have one within two years. The reality is that fewer and fewer people in my constituency have access to a dentist.

I have asked for a meeting with the Minister. I invite her to come to Rochdale and explain to people why we cannot get NHS dentists in the constituency. They deserve answers and we ought to have them now.

3.19 pm

**Mark Pritchard** (The Wrekin) (Con): I applaud the Minister's courage in coming to the Chamber for the debate, given that there is opposition on all Benches, including the Labour Benches, and opposition outside the House to the Government's proposals.

I praise the work of dentists throughout Shropshire, especially in my constituency. I praise also the professionals who work in orthodontics and dentistry at the Princess Royal hospital in my constituency. They all provide a valuable and vital health service for my constituents.

I note that the Government have tried to shift the blame from them to primary care trusts and to dentists. However, it is the Government who will be funding PCTs. Those trusts, with scarce resources, will have to apportion dental contracts accordingly. Given that Shropshire County PCT and Telford and Wrekin PCT are already struggling financially, that does not hold out much hope for my constituents with dental problems for the months ahead. That is clearly of concern to them and to me.

I remind the Minister of the Prime Minister's comments at Question Time today—that we should trust professionals. We have heard that mantra over many months. We were told in the context of the Terrorism Bill that we must trust the professionals. We were told, "The police are asking for X and we should give them X." Why is it that on this issue the Government are not prepared to listen to the professionals? Let us listen to the words of the British Dental Association. It says:

> "The Government's aims of securing patient access, improving oral health and raising the quality of patient care will not be achieved by the imposition of this target-driven NHS contract."

If the Government are serious about listening to professionals, let us see them listen to dental professionals on this point.

**Mr. Martlew:** Will the hon. Gentleman give way?

**Mark Pritchard:** If the hon. Gentleman's intervention is brief, I shall certainly give way.

**Mr. Martlew:** I shall be extremely brief. The hon. Gentleman says that we should listen to professionals, and I accept that. Did he vote against part of the Terrorism Bill?

**Mark Pritchard:** I am tempted to go down that route. I know that Labour Members do not want us to address serious issues on dental care. That being so, I shall stick to the substantive points that other Members have raised. I shall be happy to discuss the point that the hon. Gentleman has raised outside the Chamber at a later stage, at his cost, over a cup of tea.

*[Mark Pritchard]*

It has been said that it is the poor who will suffer, and that is absolutely right; and that the elderly will suffer as a result of the proposed changes, and that is absolutely right. In addition, everyday families and single people—in fact, everybody—are likely to suffer in the light of the proposed changes.

The Minister has reminded us of the number of dentists entering or opting in to NHS contracts. The overall net figure, including those who have opted out of NHS contracts over the past few months, or who are likely to do so, shows that there will be a drain away from the NHS. There will be fewer dentists providing NHS treatment. I accept that some centres have opened, and I know that in the neighbouring constituency to mine—Telford—there will be a new centre, but that will not meet the needs of all the constituents in Shropshire. The demand will not be met. Unfortunately, there is a net loss overall.

**Martin Horwood** (Cheltenham) (LD): I wish to reinforce the point that the hon. Gentleman has just made. When I spoke to my primary care trust last year, it was putting various measures in place—no doubt applauded by the Minister—and hoped to achieve 21,000 new NHS registrations. When I met the members of the trust only a week ago, they told me that they were expecting 14,000 fewer registrations because of the likely impact of the new contract. This is NHS dentistry in crisis.

**Mark Pritchard:** Absolutely; crisis is an appropriate word. We have a crisis in health care generally, and it is not the fault of the professionals who are working in our hospitals, our dental practices and our primary care sector. On so many of these issues, the fault lies with the Government. We have seen today Ministers smiling and taking these issues lightly, no doubt with extremely healthy teeth. They should take these issues far more seriously and look after my constituents who are unable to access NHS dentists.

The Minister might be aware—I have discussed this previously with her—that the nearest dentist for some of my constituents in, for example, the wonderful market town of Shifnal, is as far away as Lichfield. It is totally unacceptable that young mothers, often having to use public transport, have to change two or three times to access the NHS. As my hon. Friend the Member for North-East Milton Keynes (Mr. Lancaster) rightly said, given that people have paid their taxes, the very least that they might expect is the standard of NHS dental care that they enjoyed over many years. There has been criticism of past Conservative Governments, but at least people could register under the previous Conservative Government with an NHS dentist. People will not be able to do so given the present proposals.

**Mr. Kevin Barron** (Rother Valley) (Lab): Will the hon. Gentleman give way?

**Mark Pritchard:** I recognise that my colleague is a distinguished Member on health matters. Unfortunately, one other Member wishes to speak in the debate. That being so, I shall give way on another occasion, perhaps.

Many orthodontists in my constituency have concerns. We are likely to lose an orthodontist place at the Princess Royal hospital, which will result in people waiting even longer to receive orthodontic treatment. Orthodontics should not be an aside to general dental services. There are 550 patients who access orthodontic care at the Princess Royal hospital. They will be unable to access future care if we do not replace the orthodontic practitioner that we have lost over recent weeks. That will lead to a decrease in oral health. As I said earlier in an intervention, I think that in the long term we shall see an increase in gingivitis. Sadly, we may even see an increase in cancers of the mouth that are not picked up by dentists and orthodontists.

In conclusion—I am rushing through to try to be helpful to other Members—the Minister said that the Government would review dental and orthodontic contracts once they had been in place for some months. I ask the Minister for that review prior to the introduction of the contracts. If she is to consult the professionals then, why does not she listen to their advice now? Surely that is a logical position to take.

My constituents are being disfranchised as a result of the Government's policy. They are likely to be more disfranchised from access to NHS dentists as a result of the policies in the new dental contracts. This flies in the face of the Prime Minister's saying in September that all people will have access to an NHS dentist within two years. Clearly, we and my constituents have yet again been misled by the Prime Minister on a key health issue.

3.28 pm

**Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): I shall be brief. We have had an interesting debate, and many hon. Members have made my points for me.

I shall draw on the Welsh experience, not just because it is St. David's day, but because many of the things that we have experienced in Wales are now being experienced in England. What has happened in my constituency offers a glimpse of what Members representing English constituencies will face. Pembrokeshire has the lowest rate of adult access to NHS dentistry in England and Wales. Just 15 per cent. of adults are registered with an NHS dentist, and 85 per cent. do not have access to NHS dentistry, which has all but collapsed in west Wales. One by one, dentists have exited the NHS, so their patients have had to sign up to private schemes.

In the past two years, the Pembrokeshire local health board, which is responsible for commissioning, has made great efforts to tackle the problem, to the extent that it has employed dentists directly, but it has fought against the tide. I do not wish to be partisan, but it should be placed on the record that all of this has happened on Labour's watch. What would have happened if the people of Pembrokeshire had been told in 1997 that within eight years they would witness the almost wholesale destruction of NHS dental services?

**Martin Horwood:** It is a little disingenuous of the hon. Gentleman to say that all of this has happened on Labour's watch, because the peak in NHS dentistry registration occurred in 1992. It started to fall because of the new contract introduced by the last Conservative Government.

**Mr. Crabb:** My memory may fail me, but I do not recall people queuing from 5 o'clock in the morning to sign up with a dentist under a Conservative Government. The truth is that NHS dentistry has all but collapsed in parts of the country under the present Government. Labour Members ought to be extremely concerned about the trends in my constituency developing in constituencies that they represent. My constituency had a Labour majority of 9,000 at the end of the 1990s, but as NHS dentistry unravelled so did that majority.

Few issues galvanise so many people from so many different backgrounds as the NHS. The Labour party should understand that better than anyone, as it claims to be the party of the NHS. The NHS serves everyone, and people are attached to it, so they are rightly angry when they wake up one day and find that their NHS dental service, for which they helped to pay, no longer exists and they are required to sign up for a private sector service.

In conclusion, the new contract represents a massive missed opportunity to reinvigorate NHS dentistry. Not one dentist to whom I have spoken in Wales or England believes that the clock can be turned back, and they are very pessimistic indeed about the future of NHS dentistry in this country. The truth is that the NHS dental service is dying under the Labour Government.

3.31 pm

**Dr. Andrew Murrison** (Westbury) (Con): We have had an instructive debate this afternoon, with a total of 11 Back-Bench speeches, all of high quality. I have received reams of correspondence from dentists about the new contract—none of it is complimentary. Ministers will be particularly interested in messages I have received from Leicester, Doncaster, Liverpool and Birmingham. Most of them use parliamentary language, but some do not. I should like to begin by sharing one that I have just received from Doncaster, as I know that the hon. Member for Doncaster, Central (Ms Winterton) will be interested in it:

"As of 1020 hours Doncaster time, we have not received a contract . . . I can state with a fair degree of confidence 100 per cent. of dentists in Doncaster have not agreed to the new contract."

The Minister made great play of apparent demands from patients for a simplified, more transparent charging mechanism, but I can honestly say that I have not met a single constituent who is exercised about the complexities of the charging system. However, like my hon. Friends the Members for Totnes (Mr. Steen), for North-East Milton Keynes (Mr. Lancaster) and for The Wrekin (Mark Pritchard), as well as the hon. Member for Rochdale (Paul Rowen), I have received shedloads of letters about deteriorating access to NHS dentistry. That is not surprising, because in the strategic health authority area serving my constituents only 25 per cent. of people are registered with an NHS dentist. I am horrified to hear that in the constituency of my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) the figure is even lower at 15 per cent.

As constituency MPs, we know—and Citizens Advice recently confirmed it—that access to NHS dentistry is of overwhelming concern to dental patients, despite the Prime Minister's famous pledge in 1991, which, I note, is not reiterated in the Government amendment to our motion. The contract is set to make matters much worse. Community Dental Centres is a group of nine major dental practices in the west country that cares for 100,000 patients. It announced yesterday that unless there are changes to the contract it is likely to pull out of NHS dentistry. It points out, as did the London local dental committees that I met last night with the hon. Member for Hayes and Harlington (John McDonnell) and my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), that payments will be based on dental activity, which is not the same as dental care. Activity implies the treadmill, which is precisely what we thought Ministers were keen to remove. Dentists want to offer care to patients, not activity, and the Minister ought to know the difference between the two.

The consumer organisation, Which?, and the National Audit Office appear united in their belief that primary care trusts are simply not up to managing the new contract. Which? has asked for a clear audit framework to measure the impact of the changes. That would at least allow us to draw breath and reconsider after a few months or a year. I am pleased to hear that the Minister is going to put in place a review group and implementation team. I hope that it meets in six months' time and in 12 months' time and that at each of those points, as the hon. Member for Hayes and Harlington suggested, there is a report that is debated in this place.

What is the Minister doing about contractual arrangements for practices that have grown in the test year? Yesterday, I met a full-time NHS dentist from south-west London who is preparing to sack three members of staff on 1 April because his practice growth has outstripped his allocation of units of dental activity. That problem, which was well described by my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes), is particularly severe for young orthodontic practices, because they are paid eighteen months in arrears. An orthodontist from Bristol wrote to the Minister, with a helpful copy to me, to say:

"The financial disaster we are facing is due to the methodology adopted by the Department of Health for deriving contract values for orthodontic practices."

On the same theme, a Birmingham dentist writes:

"One Dentist in South Birmingham extended his practice to 6 Dentists last year from 3 to accommodate the extra patients seeking NHS treatment, he has been told his budget is such that the 6 dentists must work part time or 3 must leave, as his funding is based on the period when he had 3 dentists. This will leave about 4000 patients without a Dentist."

Clearly, at this late stage there is considerable confusion about how the anomalies that the test year will introduce are to be resolved. This is the eleventh hour.

I am assuming that moneys released from the many dentists who opt out will be reallocated to the few who are expanding their services or to the Government's massively expensive dental access centres. However, practices willing to expand have not been told that that is the case. Can the Minister offer us a time scale? Why are we getting reports that the few high street dentists still willing to take NHS patients are being turned down if there is a dental access centre nearby, despite the big cost disparity? I suspect that it is because dental access centres are a Government pet project that must be supported at all costs.

*[Dr. Andrew Murrison]*

More concerns emerge from Birmingham on the subject of out-of-hours cover. It appears that the contract, taken with PCT deficits, will mean that post-1 April cover will be basic, to say the least. Birmingham dentists have been told that haemorrhage and swelling that compromises the airway are the only items to be regarded as dental emergencies, which means that dental pain is not. Dental pain is the most common form of dental emergency, and for those of us who have suffered it in the middle of the night it truly is an emergency. Are we really to have a contract that will allow people in this country, in the 21st century, to struggle through the night with acute dental pain?

I have had a raft of messages from dentists over the past six weeks or so. I will read just a few of them. They would fill two box files and, sadly, time does not permit me to read them all. A dentist from Coventry writes to me with more than a hint of desperation:

"Three of my best friends with over 80 years of NHS experience between them have sent out their conversion letters."

That is, conversion to private practice. He continues:

"These are dentists who have stuck with the system until now. There are many hanging on there by their finger tips hoping this disaster will be stopped on Wednesday. They are torn because of feeling for their patients."

He signs off,

"Best of luck on Wednesday."

A dentist from Yorkshire says, typically more briefly:

"if these reforms come in I doubt there will be an NHS dental service worthy of the name in 3 years."

A general dental practitioner from Colchester writes:

"We will reduce our NHS commitment. Accordingly, letters will go out to my NHS kids/exempts shortly, and my associate will keep what little NHS funding remains, prior to a move to private practice within 12 months. It's the only solution that I can come up with that allows me to keep people in a job. The alternative is to make everybody redundant!"

That raises an important point because, in Committee, the Minister said that primary care trusts could provide children-only contracts. However, since children and exempt adults do not pay the 80 per cent. contribution, how will PCTs that operate with massive deficits manage to provide such targeted contracts? The contracts that they let will depend heavily on the 80 per cent. co-payment.

The contract is clearly too rigid. The British Dental Association rightly believes that dentists will overdo their UDAs for safety, yet there is no way to claim for them. If they undershoot, they will face penalties. Despite the assurances in Committee, the contracts that have emerged appear to allow for the tailing off of services towards the end of a year and for some jockeying to approximate as closely as possible the target number of UDAs. There is a parallel in the way in which PCTs finesse hospital treatment when funds run out at the end of the financial year. That is no way to manage patients.

Ministers claim that the new contract will encourage a more preventive, health-promotion focus. How will that happen when the cost of the band 1 episode on which Ministers rely for health promotion will be at least twice the current cost? Nothing in the contract rewards the use of dental hygienists, whose services may become the preserve of private patients. I am sure that that was not the Minister's intention last year when she opened the school for complementary professions to dentistry in Portsmouth, which I had the pleasure of visiting last week.

Several dentists have written about the perversities that the Government's interpretation of the Cayton report introduced. Earlier, we heard the Minister's explanation of the difference between the Cayton report and what we are now offered, and the extraordinary 40 per cent. uplift. Perhaps the Under-Secretary will expand on precisely what the Minister meant in her justification of the difference.

We know that the cost of a basic filling will increase substantially and that a mouthful of fillings will cost the same as one. Clearly, the articulate and well-briefed patient will be able to obtain several items at once from band 2 while those who are less adept at using the system may lose out. There will be a tendency for dentists to offer simpler and quicker treatments in band 2 and only the guileful patient will be capable of pushing for more. Inevitably, that will widen oral health inequalities.

Doubtless the Government will continue to blame previous Governments, local health care managers and practically anyone else they can think of for the chaos over which they preside. An insightful dentist wrote to me earlier this year. He said:

"I believe you are after information about how the government are making a complete shambles of this new NHS dental contract.'!

That is quite right. The writer continues:

"What tickles me is, after 7 years, they are still trying to blame the previous Tory government. That's a bit like blaming potholes in the roads on the Romans."

The hon. Member for Carlisle (Mr. Martlew) might like to note that point.

**Mr. Martlew:** Will the hon. Gentleman give way?

**Dr. Murrison:** Oh good gracious me. Yes, I will.

**Mr. Martlew:** I hope that the hon. Gentleman will not get too excited. Will he admit that closing two dental schools was a mistake by the previous Conservative Government?

**Dr. Murrison:** I am delighted that the hon. Gentleman rose to that cue. Does he seriously suggest that a decision that the university grants committee made 19 years ago is germane to the argument today? I do not think so—let us knock that one on the head. The debate is not only about the number of dentists—the hon. Gentleman knows that full well—but about how they are employed. The contract will make the position substantially worse and that is the reason for the debate.

The catalogue of disillusion and dissatisfaction continues. A husband and wife dental team in the midlands wrote:

"We are now . . . having to accept a contract that has not been fully piloted in its present form contrary to what the DOH keeps indicating. I could go into details but suffice to say I have never met so many colleagues that are disenchanted with the proposed contract and are considering cutting back or leaving the NHS in all the years since qualifying."

There is more foreboding—I could go on and on, but time is short and I hope that the Under-Secretary will have something useful to say in a few moments.

The accounts that we are receiving suggest that many dentists will sign up at the last minute as a stop-gap to allow them time to make plans, which will probably involve leaving the service. Concern about the systematic miscalculation of UDAs is a recurring theme of the correspondence that I received. The perception that the proposals will establish a new treadmill is one of the principal causes of dissatisfaction among NHS dentists. Sadly, that could have been ironed out if the new arrangements had been adequately piloted.

In my five years as a Member of Parliament, I have never received so much correspondence or attended so many meetings about a single issue. One has to be pretty dedicated to the service to be an NHS dentist, given the attractions of more lucrative private work, yet the Government appear to have alienated them all. That is quite an achievement.

3.44 pm

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** This has been a rich debate, and if a single theme has emerged from it, it is that there is a need for reform. So this debate, on the eve of the most significant reforms to dental services in the history of the NHS, is indeed timely.

Important progress has been made in the provision of NHS dentistry since 1997. For example, there has been a 22 per cent. increase in the number of dentists in the system since then, from just over 16,000 in 1997 to about 20,000 in 2005. That is good news, but it is obviously not enough because many of them will not be working full-time in the NHS. Many of them will extend their private sector commitments rather than their NHS commitments, so we must take registrations into account as well. The number of registrations has gone up by 305,000 since 1998; it has increased in four of the six years for which we have records. The number of dental interventions has also gone up.

**Martin Horwood:** Will the Minister give way?

**Mr. Byrne:** I need to respond to many valuable points, so I will not give way at the moment. If I have time nearer 4 o'clock, I will of course give way then.

None of the increases that I mentioned has happened by accident. They have occurred because investment in NHS dentistry has risen substantially over the past few years. Indeed, it has gone up by 20 per cent., or £250 million, in the past couple of years. The Government have also recognised, however, that there are parts of the country in which an enormous amount more needs to be done. We therefore commissioned a report into the viability of the future work force, which in turn prompted our announcement of unprecedented investment.

We have heard today that there is still an enormous amount to do, and the Minister of State set out a programme of reform that rests on three foundations. The first involves a new role for local health professionals working in primary care trusts to take a lead in commissioning services, and new arrangements to ensure that, when dentists leave the NHS, the money is recycled back into the NHS. From April this year, those health professionals will have the freedom to run budgets of about £1.7 billion. The second involves the big increase in the number of dentists being trained and recruited. The third is that we are seeking to change the relationship between the NHS and dentists with a new contract that will end the treadmill and encourage prevention. It will also encourage more dentists up and down the country to serve the NHS.

The hon. Member for Mole Valley (Sir Paul Beresford) spoke with great insight and intelligence, as he always does on these matters, and I welcome his congratulations on some of the proposals that my hon. Friend set out. He said that the present system was not a treadmill. That was the opinion of one of his friends, but I think that the hon. Gentleman secretly believes that it is a treadmill. We must ask ourselves whether it is unreasonable for the NHS to agree to a certain amount of activity in return for writing cheques for £80,000 a year. Looking at the national picture, we shall be writing cheques for £2.3 billion worth of dental services, and it is not unreasonable to ask for a few specifics in return.

The hon. Gentleman asked a number of important questions about whether there would be monthly targets and whether the PCT would be breathing down his friend's neck. There will not be monthly targets, and it is important to remember that the contract has been set in such a way as to ensure that dentists undertake 5 per cent. less work. It therefore represents a decisive move against the treadmill. We would, however, like to know the name of the hon. Gentleman's socialist dentist friend. Given what is happening, it will be important to ensure that his party membership is being paid by direct debit.

The hon. Gentleman underlined the importance of the monitoring group that my hon. Friend the Minister of State announced, and I welcome his congratulations on that move. More broadly, NHS dentists, no matter who is in their chair, have to offer what is clinically necessary.

The hon. Member for Totnes (Mr. Steen), who is not in his place, is an excellent advert for the hon. Member for Mole Valley. The hon. Member for Totnes did not say whether the treatment he received from his colleague was on the NHS, but in a thoroughly reasonable speech he highlighted concerns that underline the need for the reforms we are making—more investment, more recruitment and putting more people in training.

The hon. Gentleman called for free care, but NHS care has not been completely free for some years, not even in Devon. The important point for him to pick up in *Hansard* is that the budget for NHS services next year will be ring-fenced. I think his PCT is Torbay, where there is a ring-fenced budget of £6.3 million for commissioning dental services next year.

The hon. Member for North-East Milton Keynes (Mr. Lancaster) underlined the need for more dentists, which is an argument on which we would agree, but he should do more to challenge dentists locally who are refusing to register children. He questioned the number who might sign up to their contract by the end of the month. We shall see, as my hon. Friend the Minister of State said.

We expect the vast majority of dentists to sign the new contract, and the point I would make to the hon. Gentleman about contract length is that contracts are a

*[Mr. Byrne]*

two-way deal. Many dentists do not want a contract of more than three years. Of course, the new general dental services contracts are an open-ended commitment, but the work that local health professionals will be doing in his area will be made substantially easier by the £8.2 million they will have to commission dental services next year.

My hon. Friend the Minister of State was able helpfully to highlight a number of aspects of the contract, in particular the issue of the abnormal reference year, which was referred to by the hon. Member for Enfield, Southgate (Mr. Burrowes). He mentioned the example of a dentist who had taken maternity leave. She must take up the dispute resolution procedure with her PCT; it is important that she do so.

I hope the hon. Gentleman accepts that it is not possible for my hon. Friend, formidable though she is, to negotiate every single contract personally. That is why she has to set a framework and rely to some extent on local professionals to operate within it. I should also say, if it is helpful to the hon. Gentleman, that my hon. Friend can sign and earmark the disputed clauses for later resolution.

The hon. Member for The Wrekin (Mark Pritchard) made a number of points about listening to professionals. That is an important aspect that was highlighted in a document published yesterday, to which I shall refer in a moment, but, far from dentists not being listened to, the new system is virtually identical to that developed with the BDA two years ago. Far from blaming PCTs, we are putting more power in the hands of local professionals to negotiate local arrangements. What is more, they are doing a good job.

In the hon. Gentleman's area, my hon. Friend tells me, there are new dentists arriving. He mentioned the centre that is opening just across the constituency border, where about 40,000 registrations will be available. That is part, I am glad to say, of a national pattern, and about 1,100 new dentists were recruited between April 2004 and April 2005.

The hon. Gentleman made an interesting point. If I might be permitted a detour through the registration statistics under the last Conservative Government, he said that he is proud of that record, but I remind him that in the last four years under that Government registrations fell by 2.1 million.

The hon. Member for Rochdale (Paul Rowen) highlighted the shortage of local dentists in his constituency—an issue that I think has been acknowledged. He made a number of points about the contract, the number of dentists in training and PCT responsibilities, all of which are incredibly important in taking things forward in his constituency. Rochdale's PCT has not one, but 20 NHS contracts and £4.3 million to commission services next year. He also criticised targets, but when we are writing cheques to a dentist for £80,000 it is not unreasonable to ask for a few things in return.

My hon. Friend the Member for Carlisle (Mr. Martlew) spoke with great experience of health services. Usefully, he reminded us about our inheritance. He also reminded us helpfully of the struggles of living on £80,000. I extend my congratulations to his PCT, which is doing a good job locally. The fact that he has eight new dentists and 20,000 new registrations locally shows that progress is beginning to be seen in many parts of the country.

My hon. Friend the Member for North-East Derbyshire (Natascha Engel) echoed the point about the need for reform and the lack of constructive criticism this afternoon. She was right to highlight the problems of shopping with toddlers, especially as one gets closer to the checkout. I have three children under the age of five, and I find that the only secure way of getting through a checkout is to put them in the trolley, where their little hands cannot reach through the bars. She made the important point that the reforms that we have introduced dovetail with a broader public health strategy.

My hon. Friend the Member for Hayes and Harlington (John McDonnell), who, I am glad to see, has returned to his place, raised a number of important issues in an intelligent and thought-provoking speech. Where PCTs are wrestling with important issues, it will be of some comfort to know that money is ring-fenced for dentistry. He also raised the issue of the abnormal reference year. His PCT has the flexibility to discuss that in review with local dentists. As my hon. Friend the Minister of State said in reply to some interventions, dentists can sign contracts but mark disputed terms, which can be resolved later in dispute resolution. He was right to underline the importance of the implementation group—

**John McDonnell:** It would be exceptionally helpful to the London dentists who have been meeting regularly if the Minister would consider a meeting with them to raise some of those general concerns.

**Mr. Byrne:** I will pass that request on to my hon. Friend the Minister of State, and I am sure that she would be delighted to meet London dentists.

The hon. Member for Falmouth and Camborne (Julia Goldsworthy) made a number of useful criticisms, although we did not hear much in the way of substance or constructive alternatives. I know that the ballot for the leadership of her party is taking place shortly, and I put on record my best wishes to all those candidates who remain in the field. I hope that whoever triumphs—if that is the word I am looking for—moves rapidly to fill in the blank sheet that he has been bequeathed.

I suppose that I was looking for a slightly more forensic analysis from the hon. Lady. I know from the Electoral Commission's quarterly returns that the largest single donor to the Liberal Democrats in one quarter of last year was a company called Alpha Healthcare, so no doubt any future leader will be able to draw on a body of valuable expertise. She mentioned Birmingham, which I must mention as it is my home town. I got in touch with the *Birmingham Mail* yesterday, and in my experience it is right about most things. In the survey that it conducted of 175 dentists, between three and five dentists had definitively rejected the new contract—about 3.5 per cent. according to my maths. I look forward to progress over the rest of the month.

The hon. Lady also spoke about dentists being insufficiently remunerated. Again, I do not think that £80,000 is bad.

**Martin Horwood:** Will the Minister give way?

**Mr. Byrne:** I will plough on, because I must finish my response.

I was slightly concerned that many of the concerns of the hon. Member for Falmouth and Camborne were riddled with misapprehension, not just about NICE guidance but about charging bands.

That lack of substance was not echoed by the Conservative party, however, which has been producing many interesting press releases, speeches and pamphlets. I have one here, which has on it an excellent picture of the hon. Member for South Cambridgeshire (Mr. Lansley) looking thoughtful. It is called "Built to Last", which is a phrase that might acquire some interest. It was published yesterday, and set out some important principles. Principle four was that public services for everyone must be guaranteed by the state—hear, hear. Principle one, however, was that the proceeds of growth will be shared between public services and low taxes. It will be interesting to see how the tension between those two points is played out.

I will not dwell on the fact that it was the Conservative party that cut fees by 7 per cent., or on the fact that registrations under it fell by 2.1 million. We have already heard about the closure of two dental schools, but I think it important to note the analysis behind that decision. At the time, the then Secretary of State for Health said that there would be a possible serious oversupply of dentists in the future unless the present rate of students admitted was reduced. Given that analytical foresight, I am not sure that "built to last" is the right phrase.

While we are cutting the work load, the Conservatives would cut wages. While we are opening dental schools, they would close the doors. I commend the amendment to the House.

*Question put*, That the original words stand part of the Question:—

*The House divided:* Ayes 222, Noes 287.

**Division No. 182]** **[4 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shephard, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah

Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Mr. Andrew Robathan and Mr. Henry Bellingham**

**NOES**

Abbott, Ms Diane
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Robertson, John
Robinson, Mr. Geoffrey
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Sneigrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith

Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Frank Roy and Claire Ward**

*Question accordingly negatived.*

*Question*, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

*Resolved,*

That this House welcomes the Government's Oral Health Plan for England, which builds on major oral health improvements in the last 30 years, and the additional £368 million for improving dental services in England announced in July 2004; recognises the Government's substantial achievements in improving the short and longer term supply of dentists for the NHS including recruiting the equivalent of an extra 1,459 whole-time dentists between April 2004 and October 2005, compared to the 1,000 extra dentists promised, and funding an additional 170 training places; further recognises that the Government is investing £80 million in improving dental school facilities, and has approved the establishment of a new dental school in the South West Peninsula; notes that the total number of primary care dentists in the NHS had increased to more than 21,000 by the end of October 2005, compared with 16,700 in 1997; further welcomes the reduction in the maximum patient charge from £384 to £189 from 1st April; further welcomes the new ways of working tested through Personal Dental Services pilots; supports the framework for new dental contracts which will free up significantly more time to provide preventative care, remove the requirement for NHS dentists to treat patients on a fee for service basis and ensure that a committed NHS dentist can expect to earn on average around £80,000 a year; and further welcomes the fact that, where dentists do not take up new contracts, primary care trusts will commission replacement services from other dentists.

## Cancer Services

**Mr. Deputy Speaker (Sir Alan Haselhurst):** We now come to the second debate on an Opposition motion. I must inform the House that I have selected the amendment in the name of the Prime Minister, and once again placed a 10-minute limit on speeches by Back-Bench Members.

4.15 pm

**Mr. John Baron** (Billericay) (Con): I beg to move,

That this House recognises that there have been improvements in the provision of cancer care due to the extra investment in the NHS and the hard work and dedication of NHS staff; but notes that a different approach is now needed to raise standards of treatment throughout the entire patient pathway to the best levels achieved in other European countries; believes that more should be done to end the postcode lottery in drugs and treatments; wishes to see more done to raise awareness of the risk factors and symptoms of cancer; further believes that cancer is increasingly a long-term condition and that there should now be a greater recognition of the importance of quality of life issues; and calls on the Government to give the National Institute of Health and Clinical Excellence a much stronger role in establishing holistic standards and entitlements to care covering the entire patient pathway.

No one can doubt the significance of cancer to many millions of people in this country. The disease remains one of the biggest killers in the UK, accounting for approximately a quarter of all deaths and claiming more than 150,000 lives a year. More than one person in three will be diagnosed with cancer at some point in their lives, and there is likely to be a significant increase in the number of new cases over the next few years, partly due to our ageing population structure.

Given its importance, I hope that this debate about the future of cancer services can be constructive. I, for one, recognise that improvements have taken place under this Government, but I shall also highlight the fact that there are still failings in the system, in the hope that they will be recognised and put right.

The Government's amendment runs the risk of appearing somewhat complacent. It is full of self-congratulation, and mainly looks back at the past. Putting that to one side, however, I accept that it would be churlish not to accept that the Government have made extra funding available and that improvements have been made. It is not often that a shadow Minister quotes good figures on the Government's behalf, but one example of those improvements is that, whereas only 42 per cent. of patients diagnosed with colon cancer in the first half of the 1990s survived for five years, that figure had risen to 50 per cent. by the start of the present decade.

Naturally, Opposition Members congratulate staff in the NHS and the voluntary sector on their hard work and dedication to patient care, which have helped to bring about the improvements in outcomes. Those improvements are welcome, but they are not exceptional when compared with the long-term trends that date back to the 1980s.

**Dr. Howard Stoate** (Dartford) (Lab): Will the hon. Gentleman give way?

**Mr. Baron:** I intend to make some progress, but I assure the hon. Gentleman that I will give way in a little while.

*[Mr. Baron]*

According to figures produced by Cancer Research UK, mortality rates fell by 11 per cent. between 1988 and 1997, and by 6.5 per cent. in the first six years after Labour came to power. I hope that the Secretary of State will not copy the Prime Minister's trick of using the mortality figures since 1997 as proof of the effectiveness of the Government's cancer strategies. There has been no marked improvement in the overall trend going back to the 1980s, despite the extra funding.

The Government use more selective figures in their amendment, but even they cannot disprove our case. Although there has been a 14 per cent. fall in mortality figures since 1996, the total death rate for people under 75 years of age also fell by 14 per cent. in the final nine years of the previous Conservative Administration.

The Opposition recognise that there have been improvements in outcomes, but they have not outstripped comparable improvements in continental survival rates. According to last year's report from the Karolinska institute, the UK still lags behind other European countries when it comes to survival rates over periods of one year and five years. In fact, Britain has one of the worst survival rates in all of western Europe: whereas 81 per cent. of cancer patients in France survive for one year, the equivalent UK figure is only 67 per cent. Even Albania and Lithuania have better one-year and five-year survival rates than we do. Estimates suggest that more than 20,000 lives a year could be saved each year if the NHS met the best European standards of care.

Meanwhile, the outcomes gap between rich and poor people in the UK is also unacceptable and getting wider. A recent report from the Public Accounts Committee highlighted persistent and unacceptable variations in outcomes, depending on where patients lived. Breast cancer death rates are 20 per cent. higher in some northern regions than they are in other areas, mainly in the south of the country.

Those are unfortunate facts, but whether cancer services are equipped to meet the fresh challenges that we face is also open to question. For example, more cancer patients are now living longer, which means that, increasingly, the disease must be regarded as a long-term condition. The emphasis of policy in the future must shift from getting patients into the early stages of treatment as quickly as possible, important though that is, to ensuring that later stages of care, information and emotional support are widely available. To achieve that, several failings need to be addressed.

**Dr. Stoate:** I am grateful to the hon. Gentleman for acknowledging that services are improving. Does he agree that the most difficult time for any patient with a possible cancer diagnosis is the early stages of waiting for a diagnosis? Will he therefore join me in congratulating the NHS on reaching the target of ensuring that almost every patient whom a GP suspects may have cancer is seen within two weeks by an NHS specialist? The initial tests can be done quickly to reduce the awful burden of anxiety faced by someone in that position.

**Mr. Baron:** I take the hon. Gentleman's point, but he refers to early referrals. The problem is that far too many women are diagnosed with cancer after being referred on a routine, non-urgent basis. It could be argued that the two-week target has distorted clinical priorities. Breakthrough Breast Cancer has made that case many times.

**Mrs. Iris Robinson** (Strangford) (DUP): My mother was diagnosed with breast cancer and had a mastectomy, and I had quite a scare last September. Does the hon. Gentleman agree that the Government must take steps to ensure the correct analysis of mammograms? Radiographers have got that wrong in the past, but patients need to be assured that they receive the correct results. Does he also agree that herceptin should be given to the women who need it, and that we should not have a postcode lottery?

**Mr. Baron:** I completely agree with the hon. Lady and I will come to those points later in my speech.

**Mr. Sadiq Khan** (Tooting) (Lab): The hon. Gentleman compared the UK with European countries with better success rates, but does he agree that we have seen improvements over the past eight years? In 1997, Labour was the first major political party to mention the word "cancer" in a manifesto. In 1997, we had a Green Paper that set a target on death rates for 13 years' time and, in 1999, for the first time, a directorate was set up to deal with cancer. Again for the first time, in 2000, we had a 10-year plan to fight cancer. Is it not the decades of neglect that have led to the problems that the hon. Gentleman mentions?

**Mr. Baron:** I suggest to the hon. Gentleman that there is no point just talking about cancer—we want action, and we are trying to look forward in this debate. As I said earlier, there have been no marked improvements in mortality rates, despite all the money that has gone into the NHS. The Government can produce as many papers as they like, but what we need are improvements on the ground.

**Bob Spink** (Castle Point) (Con): My hon. Friend is right to talk about the need for action. Does he agree that long-term survival rates could be greatly improved if everybody had proper access to the most appropriate and up-to-date medicines, without postcode prescribing? For instance, for high grade malignant brain tumours, we need to ensure that sufferers have access to temozolomide and gliadel implants.

**Mr. Baron:** I agree with my hon. Friend and I shall address the issue of the postcode lottery shortly.

One reason why the Government's additional funding for cancer services has not produced a marked improvement in the longer term mortality trend is that the two-week and one-month targets, to which the hon. Member for Dartford (Dr. Stoate) referred, have focused attention and resources on the front end of the patient pathway, to the detriment of the other end. The later stages of cancer care have been neglected as a result. The Government's targets may have been successful in getting more people into the system more quickly, but staff shortages have created bottlenecks further down the line. Radiotherapy offers an example.

The importance of radiotherapy is that more than half of all cancer patients will undergo it at some stage of their treatment, yet in January a report in the *British Medical Journal* observed that pressures on cancer units across the UK have led to longer waits for radiotherapy patients and may be reducing chances of survival.

High staff vacancy rates are causing real concern. In evidence to the pay review body, the Society of Radiographers noted that vacancy rates for therapeutic radiographers in England stood at 17 per cent. There is a particular shortfall of experienced, specialist radiographers. The Government may have increased student numbers, but new graduates do not possess the skills needed to fill that type of vacancy. According to the society, the current high number of vacancies and Government targets have made managers reluctant to release existing staff for further training opportunities, so it does not look as though the situation is getting better. As a result, waiting times for radiotherapy have lengthened since 1997. According to figures collected by the Royal College of Radiologists, radiotherapy waiting times in 2005 were worse than those documented in 1998; for example, whereas in 1998, 32 per cent. of patients in need of radical radiotherapy waited longer than the recommended maximum of four weeks, by 2005 the figure had grown to 53 per cent. More than half of all patients receiving curative radiotherapy now wait longer than the recommended maximum of four weeks.

For their part, despite a recent assurance at Health questions that hidden waits would be measured, the Government have insisted that no official monitoring of radiotherapy waiting times will take place. That is a great shame. I put it to the Secretary of State: how can the Government hope to resolve the serious problems in radiotherapy if they have no official idea of the extent of the problems because they are unwilling to collect the statistics? Although I wrote to the Secretary of State about the issue after our exchange at Health questions in January, I am still waiting for a response.

Radiotherapy is not alone, however. There are similar problems for other treatments. According to the Dr. Foster organisation, there has actually been an upward trend in waiting times for surgery for the 10 most prevalent cancers since 2001. Meanwhile, according to research cited in a report by the cancer capacity coalition, a number of clinical directors expected rising demand for chemotherapy to lead to longer waiting times over the next five years.

Things must change. The Opposition believe that one solution to the problems would be to move away from targets, which distort clinical priorities by focusing resources on the front end of the patient pathway, and to instruct NICE to draw up standards and entitlements for patients covering the entire pathway—a point to which my hon. Friend the Member for Castle Point (Bob Spink) referred. In other words, we should shift entirely the emphasis for cancer care from politicians dictating targets for patients to patients having entitlements to standards of care decided by medical professionals; the entire journey should be covered, including the later stages of treatment such as radiotherapy. Such an approach directly recognises the fact that there is no use in getting more people on to the patient pathway sooner if we do not ensure their access to all stages of life-saving treatment.

**Mr. Andrew Turner** (Isle of Wight) (Con): Does my hon. Friend accept that an important component of radiotherapy is being able to access the service? It is recognised by authorities that stress and concern about travel arrangements affects people's ability to benefit from radiotherapy. Will he congratulate the Isle of Wight council on announcing that it is making £50,000 available from its budget this year to fill the shortfall caused by the NHS withdrawing funding for radiotherapy patients to cross the Solent for treatment in Southampton?

**Mr. Baron:** I do not know the details but it sounds as though the local authority has done a good job and I duly congratulate it.

**David Tredinnick** (Bosworth) (Con): My hon. Friend mentioned that survival rates are low. Is not one of the weaknesses of the Government's strategy that not enough has been done to support cancer sufferers? Not enough attention has been paid to the work of the Bristol Cancer Help Centre or the cancer lifeline kits that are available, which offer a range of supporting therapies and address things such as diet, detoxification, relationships at home and even spiritual issues. The Government have missed those soft targets.

**Mr. Baron:** My hon. Friend will remember that I attended one of his meetings on this issue, and I agree that we need to consider providing much wider support—

**Mr. Deputy Speaker:** Order. I am sorry to interrupt the hon. Gentleman, but when he turns away to address his hon. Friend, he should bear in mind that he should be addressing the Chair and that it is also important that he should address the microphones, otherwise, it creates a problem for *Hansard.*

**Mr. Baron:** I appreciate that guidance, Mr. Deputy Speaker.

The short answer is that I agree, but I shall make some progress.

Let me turn to access to drugs—another area where cancer services should be doing much better. We have the best cancer research record in Europe but among the poorest uptake of new drugs, as recently confirmed by the Karolinska report, which identified that the UK was consistently below average in adopting new drugs for the treatment of breast cancer, colorectal cancer and lung cancer. The reasons for that are varied. First, the NICE process has been too slow. Delays have meant that English patients have been forced to wait for approval, even though patients in Scotland and the rest of Europe have sometimes received their drugs more quickly.

Last year, CancerBACUP identified 23 cancer drugs that were subject to delays after NICE's budget was cut and the number of appraisal committees was reduced from three to two. Since then, some reform has taken place, and we support it. However, the success of the

*[Mr. Baron]*

new single technology appraisal should not be won at the cost of other drugs going through the standard procedure more slowly. Ultimately, if NICE is to meet the growing demand for new drugs, it should be provided with the resources that it needs to support three appraisal committees.

Another problem is that, although NICE was set up to tackle the postcode lottery in drugs throughout the country, its guidelines are subject to postcode lotteries—a fact recognised by the cancer tsar, Mike Richards, in his report two years ago. More recently, the Public Accounts Committee report confirmed that, one year after NICE approval, the use of herceptin for breast cancer ranged across cancer networks from 90 per cent. to under 10 per cent. of eligible women.

For one bowel cancer medicine—eloxatin—independent research found that more than one in four consultant oncologists were not able to implement new NICE guidance in the 90-day implementation period. Those clinicians cited the lack of funding as the main reason, despite the Government's extra investment in the NHS. Such regional variations must end.

The Opposition believe that we have a system that is essentially unfair. There is an inherent inequity in the system in gaining access to drugs. The postcode lottery for the availability of drugs can only be eradicated if NICE is asked to carry out full resource implementation assessments alongside its appraisals for cost and clinical effectiveness. That will help to ensure that aspirations contained in the guidance become a practical reality. The guidance will be realistic because the decisions have been costed.

Nowhere has the controversy over access to drugs been fiercer than over the funding of herceptin for early-stage breast cancers. The intervention by the Secretary of State for Health last October, when she suggested that PCTs should not withhold the drug for reasons of cost alone, has added to confusion about patient entitlement to unlicensed drugs. Inadvertently, the right hon. Lady raised the hopes and expectations of women with HER2 positive breast cancer that they would have access to that drug, but those hopes were crushed by the High Court ruling last month. If her original remarks at the Breakthrough Breast Cancer fly-in did not sufficiently create the impression that eligible women should expect primary care trusts to fund herceptin where a clinician was prepared to prescribe it, her subsequent decision to challenge North Stoke PCT certainly did. Now, there is still a postcode lottery in the prescribing of herceptin for early-stage breast cancer, as PCTs come to different decisions about the drug. That was the danger in the Secretary of State pre-empting NICE.

**Mr. Ian Liddell-Grainger** (Bridgwater) (Con): My hon. Friend is well aware that the condition of the lady who fought for the drug—Barbara Clark, who is one of my constituents—has now got worse, because its use has been okayed for late-stage cancer but no one can decide when a patient's stage changes from early to late. The postcode lottery is all right if someone is late-stage, but there is still a battle. Wales has just announced that it will stop the lottery, so has Scotland. Only England has the problem. Does my hon. Friend agree that that is a farcical position for us to find ourselves in?

**Mr. Baron:** I completely agree. It is simply farcical that we have got ourselves into this position and it is does not look as though the situation will get better. Unless we make the recommendations to NICE that we have suggested, there will continue to be a postcode lottery and many patients will suffer as a result.

**Dr. Stoate:** It is impossible for NICE to make a decision on early-stage breast cancer because, as the hon. Gentleman knows, Roche only applied for a licence for herceptin in the past few days. Is he as dismayed as I am that Roche has been so slow in pushing for a licence for a drug that American studies have shown to be so useful?

**Mr. Baron:** The key question is: on what basis should herceptin be available now? The Secretary of State has caused confusion by intervening and overruling NICE. Primary care trusts are in a very difficult position. Some, like Swindon, will have the option of not funding herceptin if they can demonstrate doubts about its safety or clinical effectiveness. However, the PCTs that have decided to fund herceptin for early-stage breast cancer on the back of the right hon. Lady's intervention find themselves in a difficult situation. Although many trusts are struggling with deficits, the Secretary of State has not made special funding available. Local health managers face the unwelcome task of diverting funding away from other services, including those for other cancer patients, to action a political instruction from Government half way through the financial year.

It is no surprise that Pamela Goldberg, the chief executive of Breast Cancer Campaign, has said—I hope the House will forgive me for citing her comments, but they provide a powerful illustration of the situation—that the intervention

> "has caused more anxiety and confusion than clarifying the situation. Unless financial resources follow this sort of intervention we will see a situation where patients will be forced to challenge decisions on an individual basis. Primary Care Trusts have been put in a very difficult situation with their budgets already stretched to capacity."

If the point of the Secretary of State's intervention was to end the postcode lottery for herceptin, where is the evidence that that has been achieved? If it was not designed to do that, will she explain to the House what the point of her intervention was?

**Steve Webb** (Northavon) (LD): The hon. Gentleman is making a measured contribution, but is he saying that, if he were the Secretary of State for Health, he would ask NICE to appraise unlicensed drugs, or that he would require PCTs to pay for herceptin and would provide central funding for that?

**Mr. Baron:** There are a number of issues, one of which is transitional funding. As soon as drugs become licensed, they should be appraised. The fast-track process should apply in this case. If we continue with the current system, the postcode lottery will inevitably follow. We must sort the situation out and the only way

in which we can do that is by making sure that there is an appraisal process as soon as a drug is licensed and that full resource implementation takes place in tandem.

**Mr. Michael Wills** (North Swindon) (Lab): I want to clarify one point about the hon. Gentleman's attitude to the postcode lottery. He has been eloquent about how much he disapproves of it, but how does that square with his leader's much-vaunted commitment to localism?

**Mr. Baron:** The hon. Gentleman is getting confused. At the end of the day, there is no doubt that if we aim to end the postcode lottery and have fairness in access to drugs throughout the NHS, there must be national standards and national appraisals. The bottom line is that there is a fundamental difference between standards and targets. Obviously, he has not taken that up. I am going to try to make some progress.

**Mr. James Gray** (North Wiltshire) (Con): Before he does, may I ask my hon. Friend whether he is not simply astonished that the hon. Member for North Swindon (Mr. Wills), in making his intervention, did not mention his constituent, Anne Marie Rogers, the lady whose request for herceptin was turned down by Swindon PCT? Is not that odd? Is the hon. Gentleman saying that he likes local decision making that goes against his own constituent?

**Mr. Baron:** My hon. Friend makes a valid point.

**Mr. Wills** *rose—*

**Mr. Baron:** The hon. Gentleman should sit down. He had his go and he blew it; he did not make a worthwhile contribution. I shall try to make some progress.

I want to focus on the importance of detecting cancers early, which is vital in giving patients the best possible start to treatment. The Government's record in this area, too, is mixed. The Public Accounts Committee report highlighted the fact that a public awareness campaign on the signs and symptoms of cancer due in 2001 has still not been fully implemented. As a consequence, the report claims:

"Patients are diagnosed with cancer at a later stage in the UK than in other European countries and this particularly affects people from deprived areas in England."

A more active policy is clearly needed.

With regard to cancers in general, as part of its new role in public health, NICE should be involved in drawing up a full, evidence-based communications campaign on the signs and symptoms of cancer to encourage patients to present earlier. But if patients are going to present earlier, and in larger numbers, GPs, many of whom see only a handful of cancers each year, clearly need improved guidance on referral. According to the National Audit Office, only about half of GPs surveyed had seen departmental guidelines on spotting cancers and found them useful. That needs to be put right.

Screening, too, has an invaluable role to play in catching cancers early, but again much more needs to be done. The success of the NHS breast screening programme, introduced in 1988, clearly demonstrates how catching cancers early can save lives, and I look forward to the day when other cancers can be detected in this way. On bowel cancer screening, for example, we welcome the Government's commitment to roll out a national programme from April, but why are Ministers now obfuscating about funding?

In October 2004, the then Secretary of State made a commitment to fund the programme to the tune of £37.5 million over two years, but now the programme is said to be subject to budgetary considerations. Perhaps this Secretary of State will explain to the House what has happened to that allocation. Is bowel cancer screening now to become the latest victim of NHS deficits?

Perhaps the right hon. Lady will also explain why her Department has been so coy when asked about the future of the programme. The charities Bowel Cancer UK and Beating Bowel Cancer hand-delivered a letter to the Department on 13 December last year, inquiring about plans for national screening. However, only last week, in reply to my parliamentary questions, did Ministers acknowledge the existence of the letter and promise to reply. That really is not good enough. Bowel cancer appears to be one of the poor relations among cancers, and that needs to be put right, if only because it kills about 17,000 people a year.

**Mr. James Clappison** (Hertsmere) (Con): As my hon. Friend will know, this country is lagging way behind western Europe and north America in bowel screening. Has he noticed that in the Government's amendment to the motion there is no mention at all of bowel screening? Does he agree that the House would look forward to a full explanation from the Secretary of State of what the Government plan to do on that?

**Mr. Baron:** I do agree. As I said, bowel cancer is the poor relation among cancers, and that has been demonstrated by the lack of response from the Department on some of the issues that various charities have raised about the screening programme. I hope that the Government will shortly put that right.

On prostate cancer, various studies have cast doubt on the effectiveness of the prostate-specific antigen test, which is why we have called on the Government to give leadership to international efforts to find a reliable test for this disease, which kills almost as many men in the UK each year as breast cancer kills women. In the meantime, the prostate cancer risk management programme supports GPs in offering men an informed choice about PSA testing. However, many GPs are not even aware that support tools exist. That, too, needs to be put right.

So far we have discussed improving survival rates, but there is also a need to transform the quality of life of cancer patients. There needs to be better recognition by Government that, because more patients are living longer with cancer, cancer needs to be treated as a long-term medical condition. Patients should be given support to manage their own care as much as possible and to make informed choices about treatments where appropriate. Access to information is crucial for people living with cancer and is vital if patients are to be put in the driving seat. Yet communication issues continue to be a common cause of complaint for people with cancer.

According to the recent Public Accounts Committee report, one fifth of patients are not made fully aware of the potential side effects of treatment. About 40 per cent.

*[Mr. Baron]*

of cancer patients were not informed about cancer support or self-help groups. As well as emotional support, patients should also receive, as a matter of right, information about entitlements to benefits.

According to Macmillan Cancer Relief, three quarters of patients do not receive such advice. The last thing that patients undergoing treatment require is to have to worry about not paying bills because of low uptake of benefits to which they are entitled. Another failing of the system is that it does not adequately address what I call the black hole between health and social care, into which too many patients fall without the care and treatment that they need. The gap needs to be bridged. That is why individual needs should be assessed on a holistic basis with professionals and health and social care staff working together through multidisciplinary teams.

Specialist clinical advice and support is also extremely important. Currently, Britain has too few specialist cancer nurses. We believe that NICE should be instrumental in drawing up holistic standards and entitlements to care that address the emotional and information needs of patients throughout the entire patient pathway, and so bridge the gap between health and social care. These standards would be for the whole journey, including, perhaps, giving patients the right to die at home if they so wish.

These standards should also be enforceable. One way of achieving that would be for clinical guidelines to be the basis of contracts between NHS commissioners and providers. In short, we should aim to create a culture of entitlements to care. For example, we on the Opposition Benches are increasingly attracted to the idea of an information prescription given by GPs or specialist nurses—I am pleased to say that the Government are picking up on this—as the starting point of patient empowerment. Expertise in meeting these challenges and improving the quality of patient care already exists in the voluntary sector, and should now be harnessed by the NHS in meeting more robust professional guidelines set by NICE.

**Jeremy Wright** (Rugby and Kenilworth) (Con): On the subject of NICE, my hon. Friend will be aware of the arguments that relate to Alzheimer's drugs. I ask him to consider whether those arguments should apply also to cancer drugs. Should not NICE consider the economic impact on social services as much as on health services when considering the economic viability of cancer drugs?

**Mr. Baron:** In short, we very much agree with that. That is one criticism of the decision involving Alzheimer's drugs, in that it concentrated on health costs and benefits. The decision should have focused also on social costs and benefits, so as to bridge the gap. Cost savings could then be made with the provision of good standards of care in viewing the whole journey to the end, as it were. That is one of the faults of the system at present. It is focused too much on health and we need also to consider social care.

Reducing inequalities of outcome is not only a matter of improving survival rates. The battle against cancer must increasingly be fought by increasing awareness of risk factors and influencing lifestyle choices. This is the importance of prevention. Smoking is by no means the only risk factor that is associated with cancer. We must now put the focus on factors such as obesity, which causes about a third of all cancer deaths. Mesothelioma affects a new generation that are not aware of the risks of asbestos. They are embarking on potentially dangerous do-it-yourself renovations of old buildings, for example. There is a need for better warning about this deadly disease. These facts can be used powerfully to argue for a much better public health and awareness campaign to tackle health inequalities. We as a party were pledged to put these themes at the heart of our policies if elected last year.

As part of its new public health role and alongside communication campaigns on the symptoms of cancer, we believe that NICE should be involved in drawing up an evidence-based awareness programme of how people can alter their lifestyles to reduce risk.

The present situation is unacceptable. Despite extra investment and some improvements, Britain's cancer survival rates are still among the worst in Europe. The Government's targets focus on the front end of the patient pathway to the detriment of the latest treatments, which have been neglected. Waiting times for radiotherapy, for example, have undoubtedly increased, but the Government refuse to monitor the situation. There is still a postcode lottery in access to drugs, with British patients benefiting from new treatments later than their European counterparts. Guidance from the National Institute for Health and Clinical Excellence on technologies and standards of care has not been universally implemented.

The Secretary of State's intervention over herceptin unfairly raised the hopes of women with early-stage breast cancer. By failing to make specific funding available, she has put primary care trusts in an impossible situation, and she has disappointed patients. Meanwhile, services have not yet fully recognised that cancer is increasingly a long-term term condition, and should be treated as such. The black hole between health and social care needs to be addressed. In future, decisions about cancer services should be taken as much as possible by clinical experts from NICE, rather than by politicians in Whitehall.

The NHS has been a political football for too long. It is time for politicians to step back, and allow the medical professionals to get on with the job. NICE should take on a much more ambitious role in drawing up guidelines on entitlement to care. Those standards should take account of patient needs on a holistic basis, including the need for information and emotional support, and they should join up health and social services effectively. Standards must cover the entire patient journey from prevention and awareness to the later stages of curative and palliative care and, like technology appraisals, they should be enforceable. To end the postcode lottery in access to drugs and treatments, NICE guidance appraisals and recommendations should be made alongside resource implementation assessments so that national guidance is realistic and successful, enabling us to end the unfairness inherent in the system.

In short, it is almost a crime that, despite a massive increase in funding, cancer services still lag behind their European counterparts. We need an ambitious programme for the future of cancer services and a fresh

approach that puts patients in the driving seat by providing them with an entitlement to standards of care, as decided by medical professionals, not the politicians; by raising treatment standards throughout the patient pathway; and by recognising quality-of-life issues, which are important to patients. For those reasons, I urge the House to support the motion.

4.52 pm

**The Secretary of State for Health (Ms Patricia Hewitt):** I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"recognises that the Government has made the improvement of cancer services a key priority through the implementation of the NHS Cancer Plan which sets out to reorganise and rejuvenate cancer services and has provided the NHS with investment to modernise these services; welcomes the achievements set out in the recent Public Accounts Committee report, the NHS Cancer Plan: a progress report, which acknowledged that significant progress has been made across the country; notes that the total death rate for cancer in people under 75 has fallen by 14 per cent. since 1996; acknowledges that under this Government unprecedented investment in equipment is helping to improve both access to, and reliability of, diagnosis and treatment; further notes that specialist teams have been established across the country to help deliver co-ordinated care to patients in hospitals; further welcomes the fact that the National Institute for Health and Clinical Excellence is introducing a new fast track assessment process to enable them to issue binding advice to the NHS on the most important new drugs within weeks of them receiving a licence; further notes that this Government has commissioned research to enable initiatives to raise awareness of the symptoms of cancer to be targeted on people most at risk; further notes that there has been a 43 per cent. increase in cancer consultants since 1997; acknowledges that there has been a 40 per cent. increase in cancers detected through breast screening; and further welcomes the Government's commitment to continuing to deliver the commitments in the NHS Cancer Plan."

I welcome the opportunity to debate the future of cancer services. I welcome, too, the way in which the hon. Member for Billericay (Mr. Baron) opened the debate and the tone of much, if not quite all, of his comments. I particularly welcome his recognition that we have made significant improvements in the care of cancer patients in the past eight or nine years.

The death yesterday of the wonderful Linda Smith from ovarian cancer reminds all of us again of the terrible toll of cancer—over 4,500 deaths each year from ovarian cancer alone. This evening, many hon. Members, particularly Conservative Members, will attend an event to celebrate the life of Gregor MacKay. Gregor worked as press secretary to the right hon. Member for Richmond, Yorks (Mr. Hague) when the right hon. Gentleman was Leader of the Opposition, but he had many friends across the political divide. He died last year aged just 36, only eight weeks after being diagnosed with lymphoma. I wish the lymphoma research fund that will be launched this evening in Gregor's memory every success, and I am sure that Opposition Members will wish to join me in doing so. There is hardly a family in the country that has not been affected by cancer in one way or another. It is one of the highest priorities for the national health service, and we have made it so.

**Mr. Mark Francois** (Rayleigh) (Con): Cancer is an emotive issue, not least in south-east Essex, where a consultation is taking place about reconfiguring networks. The south Essex cancer network was given a special dispensation below the 1 million people threshold because we have a higher than average proportion of elderly people, who are unfortunately more likely to suffer from the disease. The network is popular and successful. Its headquarters are at the cancer centre at Southend hospital, which I am pledged to defend, as are other local MPs from south-east Essex. The network works and the centre is popular—it is not broken and we do not need anybody to fix it. Will the Secretary of State bear that in mind and look sympathetically on it?

**Ms Hewitt:** The hon. Gentleman makes extremely important points which he and his hon. Friends are also making in the local consultation. Those decisions are best made locally, but I am sure that his comments will be fully taken into account.

In 1997, we set a target to reduce the death rate from cancer in people under 75 years old by 20 per cent. by 2010. I pay tribute to the work of the then Minister for Public Health, my right hon. Friend the Member for Dulwich and West Norwood (Tessa Jowell), who was instrumental in making that commitment in the public health Green Paper. The year after that, we set the target that every patient referred by a GP with suspected cancer would be seen by a specialist within just two weeks.

In 1999, we appointed the first national director for cancer, Professor Mike Richards, whom I thank for his outstanding clinical leadership on this issue. I find it extraordinary that the hon. Member for Billericay scorns political decision making, given that we have done so much to ensure that as we set targets and improve services, we do so on the basis of the best clinical advice and outstanding clinical leadership.

In 2000, again with the full support and involvement of leading cancer specialists, patients' groups and academic experts, we launched the first ever national cancer plan. As a result, we began an unprecedented programme of investment in cancer services, with an additional £639 million extra in the past five years. We have used that investment to train and recruit new cancer specialists, so that we now have nearly 1,400 more cancer specialists in the national health service than we had in 1997.

**Mr. Owen Paterson** (North Shropshire) (Con): If we have a national plan, could the Secretary of State explain to my 10-year-old constituent, Katie Morgan from Wixhall, why her mother, Susan Morgan, and another constituent, Mrs. Margaret Bradford, are today at a public meeting in Shrewsbury trying to raise money for a £47,000-per-person herceptin treatment although that treatment is available two miles away in Wales and 10 miles away in Staffordshire? If we have a uniform comprehensive tax system, as the hon. Member for North Swindon (Mr. Wills) said, why do we not have comprehensive provision of this life-saving drug? Mrs. Morgan has been told by the PCT: "Your circumstances are not exceptional." Yet this is a death-dealing disease.

**Ms Hewitt:** I shall come to that issue in due course. I would be grateful if the hon. Gentleman would wait until I do so, because I want to deal with it in some detail.

**Mr. Khan:** My right hon. Friend will have heard hon. Members cherry-picking from the progress report on the Government's NHS cancer plan by the Public Accounts Committee, which is excellently chaired by the hon. Member for Gainsborough (Mr. Leigh). Far be it from me to engage in political point-scoring, but will she comment on that report? It said:

"Across the country significant progress has been made in improving cancer services and managing them more effectively, in particular, speeding access to cancer diagnosis and treatment."

**Ms Hewitt:** My hon. Friend is right to draw attention to that valuable report, particularly its commendation of the significant improvements that have already taken place. Obviously we will respond to it in detail in due course.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I am sure that the Secretary of State will join me in acknowledging the good work of the Neuroblastoma Society, even though she said in a recent written parliamentary answer that she will not offer it any support. If such great improvements have been made, will she explain to my five-year-old constituent, Isobel Sanders, why, on 9 May last year, two of the eight specialist paediatric oncology beds were closed in the Thames Valley strategic health authority because of staff shortages and why not a single bed in England and Wales was available to take her?

**Ms Hewitt:** I am extremely sorry to hear about what must have been a desperately anxious and agonising predicament not only for the hon. Gentleman's young constituent but for the entire family. I do not know the background to the decision, but such decisions are rightly made by hospitals, primary care trusts and strategic health authorities in local areas. I believed that that policy was supported by hon. Members of all parties. However, I greatly hope that the hon. Gentleman's constituent has received the treatment that she needed.

I am sure that all hon. Members want to thank our superb cancer staff in the NHS. Thanks to their dedication—backed by our investment—deaths from cancer have fallen by 2 per cent. a year in people under 75 and decreased especially quickly for men who suffer from lung cancer and for women with breast cancer. We are well on course to achieving the target that we set of reducing the death rate from cancer by 20 per cent. by 2010. Already, 43,000 people's lives have been saved.

The hon. Member for Billericay referred to survival rates. We should all be proud of the improvements in survival rates, although of course they are not yet good enough. In 1970, a woman with breast cancer had a 50 per cent. chance of survival. Today, the figure exceeds 80 per cent. In 1970, a patient with bowel cancer had a 25 per cent. chance of survival. By 2000, the figure was 50 per cent. Genuine improvements have therefore occurred.

I agree with the hon. Member for Billericay that cancer does not have to be a death sentence. It is increasingly a long-term condition. More and more people—some of them relatively young—are living with cancer and after cancer. They will need continued, appropriate support.

**Mr. Nick Hurd** (Ruislip-Northwood) (Con): On that point, convenient access to care becomes increasingly important. I hope that the Secretary of State is aware of the decision to close cancer services at Mount Vernon hospital from 2012. Is the best that the British Government can offer the million or more people in the west London cancer network, for whom that site is the most convenient, a journey time of an hour and a half on public transport for cancer care?

**Ms Hewitt:** The hon. Gentleman knows that a review of services across north-west London is taking place. The proposal is part of that review and an appropriate consultation is under way. I am sure that his points will be taken into account.

The aims of the cancer plan can be summed up very simply: prevent more, diagnose early and treat fast. I want to say something about what we have already done and what we must do on each of the three elements.

We all know that smoking is the largest single cause of cancer deaths in the United Kingdom. The ban on smoking in enclosed public places, on which the House recently decided by an overwhelming majority, will be perceived as one of the landmark Acts in the protection of public health. It builds on our work on tackling tobacco smuggling, banning tobacco advertising, placing tougher warnings on cigarette packets, and our successful NHS smoking cessation services. My hon. Friend the Under-Secretary of State for Public Health recently launched our latest advertising campaign against smoking. I am especially grateful to Trudi Endersby, who was diagnosed with lung cancer at the age of 38, and had the courage to appear in that television campaign describing how she went with her daughter to choose a plot for her own grave, thus bringing home to people the dangers of smoking.

I think that all hon. Members will agree that we need to do far more to alert young people, many of whom are gambling with their future health and happiness as they turn to smoking, binge drinking and risky sexual behaviour. I particularly want to commend the work of Professor Iain Hutchison, one of our leading oral and maxillofacial surgeons and a professor of surgery at St. Bart's hospital, who founded the Saving Faces charity. He has described to me how he and his colleagues have gone into schools to show teenagers in horrifying and graphic detail what it means to have oral cancer, and to explain the impact of smoking and binge drinking on the risk of contracting oral cancer. I agree with the hon. Member for Billericay that we need more of those public awareness campaigns, and we will ensure that there are more of them in future.

So we need to do more on prevention. However, we cannot prevent every cancer, at least not with our present state of scientific and medical knowledge. It is therefore essential that we keep doing even more to detect cancer early. In 1996, 1 million women were screened for breast cancer. This year, nearly 1.5 women will be screened, and we can be proud of the fact that the breast cancer screening programme that we operate is widely regarded as one of the best in the world. The number of breast cancers detected through our screening programme has increased from some 8,500 a year to 12,000 a year, which will lead to further

improvement in survival rates. The latest estimate is that that one screening programme alone is already saving the lives of about 1,400 women a year.

**Mr. Khan:** My right hon. Friend has talked about the importance of detection and early diagnosis. Will she commend the network of pilot clinics that has been set up at St. George's hospital to examine the links between family history and the diagnosis of cancer? The project is already a success in south London. Does she think that it could be extended further around the country?

**Ms Hewitt:** I commend the excellent work that is being done at St. George's. The targeted identification and screening of individuals whose family history suggests that they are at greater risk than the rest of the population will play an increasingly important part in the early diagnostic work that we do.

**Mr. Gray:** Is the Secretary of State saying, therefore, that, rather than screening women for breast cancer automatically when they reach 50, she might move towards automatic state-funded screening at an earlier age—possibly 40 or 45? Is that a possibility for the future?

**Ms Hewitt:** At this point, the evidence does not really support the case for what would be a substantial investment in universal screening for all women in their 40s. However, we are of course looking at the research on that—indeed, we are funding much of it—and we expect further results from it later this year.

**Dr. Stoate:** Every time in the past few years that I have referred someone with a suspected cancer, they have been seen and dealt with within two weeks. Does my right hon. Friend agree that it is a fantastic tribute to the enormous amount of work being done by doctors, nurses and others in the health service to achieve such tremendous results, reassuring patients who do not have cancer and dealing rapidly with those who do? That work greatly reduces the burden of anxiety felt by patients and their families.

**Ms Hewitt** *rose—*

**Mr. Deputy Speaker:** Order. Before the right hon. Lady replies, may I say that ever longer and more frequent interventions are having their own impact on the time available for debate? I am sure that everyone will be conscious that the Chair is trying to fit in a maiden speech today as well.

**Ms Hewitt:** My hon. Friend the Member for Dartford (Dr. Stoate), who speaks with enormous authority on these matters, has saved me some time by making that point. In 1997, only two thirds of patients who were referred by their GP were seen by a cancer specialist within a fortnight. So, thousands of people every year were being told by their GP that they might have cancer, but were being forced to wait in agonising uncertainty for weeks on end before they could see a specialist. The fact that, today, 99 per cent. of patients see a cancer specialist within two weeks or less is hugely important.

I know that the Conservative party does not like targets, and the hon. Member for Billericay has made that point again. The right hon. Member for Witney (Mr. Cameron) told the *Health Service Journal* that he wants to scrap national targets. The hon. Gentleman appeared to be arguing this afternoon that those targets, by concentrating on the early part of the patient journey, are distorting clinical priorities. I have to say that I do not understand how it can be a distortion of clinical priorities to ensure that a patient whose GP fears that they might have cancer is seen by a cancer specialist within two weeks. The people involved cannot begin to worry about the late stages of the patient pathway for somebody with cancer if they have not taken the trouble to diagnose the cancer rapidly in the first place. I believe—

**David Tredinnick:** Will the Secretary of State give way?

**Ms Hewitt:** No, I shall make progress. I believe that we were absolutely right to set that target. I believe it has relieved anxiety for thousands of patients with suspected cancer. In achieving that early diagnosis, it has contributed to saving lives.

Of course, we also have to treat people fast. That is why we set a further target—perhaps another that the Conservative party would abolish if it had the chance—that no patient should wait longer than a month from diagnosis to treatment, or more than two months from urgent referral by a GP to the start of their treatment. That is particularly important because, as the hon. Member for Billericay said, people in England—indeed, people across the UK—are more likely than those in other countries to be in an advanced stage of their cancer by the time they are treated, so getting patients not only diagnosed early, but through to their treatment as quickly as possible, is critical if we are to save people's lives and improve those survival rates.

**Mr. Baron:** I take on board what the Secretary of State is saying, but she seems to forget that those targets relate to first treatment. Radiotherapy, for example, is first treatment in no more than 15 to 20 per cent. of cases. The risk is that these targets ignore the fact that the cancer journey can be long. Pulling resources into the front end means that radiotherapy waiting times look set to continue to lengthen at this rate.

**Ms Hewitt:** We have never claimed that the patient pathway ends with the first treatment, but we have said that we must start by setting as a priority not only early diagnosis, but getting the patient through to that first treatment. The hon. Gentleman is quite right that at this stage we do not currently measure the waiting time for radiotherapy as a second treatment—in other words, after the initial surgery. We might need to do that next, which is one issue we will consider, but at this point we are seeking to ensure that we meet the one-month and the two-month targets. I believe we are absolutely right to do so.

No one in the House should underestimate the challenge posed by meeting those targets to get patients very rapidly indeed to their first treatment for this very simple reason: the NHS has never before proactively had to manage patients—each individual patient—throughout their pathway of care.

**David Tredinnick:** Will the Secretary of State give way?

**Ms Hewitt:** No, I want to make this point. Then I will give way to the hon. Gentleman, who has been very persistent.

We have never, under Governments of either party, measured the delays in diagnostic tests, the time between additional out-patient appointments, the referrals between one specialist and another, or the referrals, often for patients with complex cancers, between one hospital and another—between the secondary and the tertiary centres, for instance. All those can add to delays, uncertainties, anxiety or even mistakes. We are changing all that, and it is a pity that the hon. Member for Billericay does not recognise the scale of our ambition, or indeed our achievement.

**David Tredinnick:** I hope that the Secretary of State will also address the various support services in the complementary sector, which are not commonly mentioned by Ministers, such as traditional Chinese medicine and acupuncture, particularly as the Government have been pressing for a statutory register, which should be coming on-stream soon. I would be grateful for an explanation of that. What is she doing to examine the contribution of advisory services on diet and lifestyle, because, as I mentioned earlier, according to reports from America 80 per cent. of cancers are caused by lifestyle issues?

**Ms Hewitt:** I was not going to mention those points, as there is so much to cover, and I am sure that the hon. Gentleman will contribute to the debate on those matters later.

We are making remarkably good progress towards achieving the targets that we have set for prompt first treatment. Between July and September last year, nearly 95 per cent. of patients had commenced their first treatment within 31 days of being diagnosed, and more than 80 per cent. of patients were treated within 62 days of being referred urgently by their GP. There is still much more to do on that, but we have made remarkable progress already.

I want to deal with the issue of cancer drugs, and particularly herceptin, which has rightly been a focus of much of the debate already. I pay tribute to the superb campaigning of Barbara Clarke—who is taking an interest in this debate—and other women. When we heard the results of the initial clinical trials last year, which suggest that herceptin can make a very significant difference to perhaps one in four women who are HER2 positive and have been diagnosed with breast cancer, we immediately considered the implications for the national health service. In particular, I took steps, with the support of Professor Richards, to ensure that HER2 testing will be available across England to all women diagnosed with early-stage breast cancer, so that they and their clinicians will know whether they might be able to benefit from the drug.

The hon. Member for Billericay is right, however, to point to the difficulties that arise with drugs, not only herceptin, that are neither licensed nor evaluated by NICE for use. We have made it clear as general guidance for many years that no primary care trust should refuse any treatment on the blanket grounds that it has neither been licensed nor evaluated, because it is entirely possible for a clinician to prescribe treatment that is neither licensed nor evaluated—or that might have been licensed but not evaluated—and for a primary care trust to fund that treatment. In the light of the risk that herceptin might be ruled out because it was not licensed, not evaluated, or solely on grounds of funding, I added to the guidance already issued by making it clear that primary care trusts should not refuse herceptin purely on grounds of cost.

**Mr. Liddell-Grainger:** The Secretary of State is right. Herceptin is licensed for late-stage breast cancer, however, and has been for some time. Barbara Clarke's campaign was to get it licensed for early-stage breast cancer. Does the Secretary of State agree that if that could be rolled out across the whole United Kingdom—it is already in Scotland and Wales—we would resolve the problems that my hon. Friend the Member for Billericay (Mr. Baron) was talking about?

**Ms Hewitt:** I was about to explain why we cannot do what the hon. Gentleman suggests at this point. In fact, I am not sure what he was suggesting; I think he was quite confused about it. He asked for national standards. That was our aim in setting up NICE: we wanted to end the lottery of postcode prescribing. NICE, however, cannot evaluate a drug before a licence has been applied for. It simply does not have the information that will enable it to evaluate the drug if the manufacturers who have that information from the clinical trials have not yet submitted it to the licensing authority.

Although, as the hon. Gentleman says, herceptin has been licensed for some time to treat late-stage breast cancer, it has not been licensed for early-stage treatment. When a fast-track licence was requested from the licensing authorities, the clinicians involved in the decision took the view that it would be wrong to put herceptin through a fast-track process for early-stage treatment because of serious concern about side-effects relating to heart disease. That is not a worry if a woman is in the late stages of breast cancer, but it can be of significant concern if the woman is in the early stages.

**Mr. Liddell-Grainger** *rose—*

**Ms Hewitt:** I will not give way to the hon. Gentleman again at this stage. I have been pretty generous.

**Mr. Wills:** I am grateful to my right hon. Friend for giving way, especially as my intervention relates to a constituent. I am sure that she was well aware of the case even before the premature intervention of my neighbour, the hon. Member for North Wiltshire (Mr. Gray). I shall leave the House to judge whether it was inappropriate.

As my right hon. Friend knows, I have written to her several times on behalf of my constituent. I think that everyone who considers that case, and indeed the whole issue, realises just how difficult and delicate such matters are at this stage in the development of drugs. I welcome

my right hon. Friend's rapid and sensitive intervention last year in an attempt to deal effectively with a very difficult issue. May I ask her, however—

**Mr. Deputy Speaker:** Order. The hon. Gentleman has gone on for far too long. I have already appealed for brevity, and indeed for fewer interventions, if we are to have any debate at all involving Back Benchers.

**Ms Hewitt:** I will be guided by you, Mr. Deputy Speaker. However, my hon. Friend has raised an extremely important and difficult case, to which I referred in a written statement earlier today. As an appeal is pending, I do not think it would be appropriate for me to comment on the individual case, which is of course particularly difficult and painful for the individual concerned and her family. I think we all recognise that.

As I have said, NICE cannot begin to evaluate a drug or a new application before a licence has been applied for. What we did—I pay tribute to the Minister of State, Department of Health, my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy), who did much of the work—was enable the NICE evaluation to be speeded up, for herceptin in particular but also for a number of other drugs, especially cancer drugs. We did that by ensuring that, rather than having to wait until the licence is granted, in cases such as this NICE can begin its evaluation as soon as the licence is applied for. I can confirm that it has begun its evaluation of herceptin, following Roche's recent and welcome application for a licence.

The first five drugs to be subjected to the new faster process—the single technology appraisal by NICE—are cancer drugs. We expect the evaluation of herceptin to be completed within a few weeks of the granting of the licence, but until the evaluation has been completed and the licence granted, it would be wholly wrong for me as Secretary of State to overrule or prejudge the decisions of either the licensing authority or NICE. The hon. Member for South Cambridgeshire appeared to be saying that I should not do so. It is a pity that he has not supported me.

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): The question surely is this. The Secretary of State chose to intervene last October. It surely cannot be her proposition that primary care trusts are obliged not to refuse treatment on grounds of cost alone. She intervened in respect of herceptin. When NICE conducts an evaluation, it automatically feeds through into the resources that are made available to PCTs. There is no NICE evaluation. Therefore, no resources to support herceptin are allocated to PCTs in their overall allocation. The Secretary of State gave the impression that PCTs would be funded to provide herceptin if they thought that it was clinically appropriate, but she did nothing of the sort.

**Ms Hewitt:** The hon. Gentleman is wrong. What I said at the time I made my statement was that I recognised full well the difficult financial position that some primary care trusts found themselves in, and that they would have to make difficult decisions on priorities in order to ensure that herceptin was not denied purely on grounds of cost, but I think that he labours under a misapprehension. As we have set out clearly, when NICE evaluates a drug and makes a positive recommendation, the NHS then has three months to ensure that its recommendation is followed. However, the NHS is expected to do that within the funding that it has already been given. There is not a separate pot of money sitting in the Department of Health waiting to be allocated as each NICE evaluation is made.

We have given primary care trusts, the local NHS, more money than ever before and devolved to them some 85 per cent. of the total health budget—a devolution of resources that I would have thought the hon. Gentleman supported—it is simply not possible to say, for each new drug that comes along, when it is positively evaluated by NICE, "Here is more money for that drug." It would not be a sensible way to allocate resources.

The resources are allocated in a single pot. They are not ring-fenced for a particular drug. They are not even ring-fenced for drugs as a whole. It is up to the local NHS, the PCT, to decide its priorities and to get the best value for money to ensure that patients receive the best possible health care and that funding is released for new drugs and therapies as they become available.

**Mr. Paterson:** Can the Secretary of State explain in simple terms to a 10-year-old constituent of mine why their parents, who have paid their taxes, are having to spend a day in Shrewsbury starting to raise £47,000, when their neighbours two miles away in Wales are getting the drug? We do not have national health, or so-called national care, but we do have national comprehensive taxation.

**Ms Hewitt:** The NHS in Wales, for which, of course, I am not responsible—that is a devolved matter—looks to NICE, as indeed much of the rest of the world does, for the evaluation. I make decisions about the NHS in England. I believe, and I thought at least at one point in the speech by the hon. Member for Billericay that he agreed, that it would be wrong for a politician to override, pre-empt or prejudge the decisions that should rightly be made by the independent licensing authority and by NICE.

**Mr. Baron:** I believe that the Secretary of State is somewhat confused herself. Does not she realise that, by intervening as she did, that is precisely what she did? She overruled NICE—she pre-empted NICE, I should say; I apologise. She caused confusion. She has not given extra budgetary finance to those PCTs that want perhaps to bring it in. That has caused more of a postcode lottery than existed previously.

**Ms Hewitt:** I am sorry but the hon. Gentleman is wrong. I was very careful in everything I said on the subject last year not to pre-empt NICE. If he cares to ask Professor Mike Rawlins, the chair of NICE, he will find that Professor Rawlins and I are in complete agreement on that point.

As I said earlier, we have said for some years that PCTs should not deny or withhold treatment on a blanket basis—simply on the grounds that a drug is neither licensed nor evaluated. In addition, I have specified that they should not withhold funding for

*[Ms Hewitt]*

herceptin on a blanket basis purely on the ground of cost; rather, they must consider each individual case. If a PCT decides not to fund such treatment, that decision can of course be reconsidered on appeal by the clinical exceptions committee. The more that such decisions are taken by clinicians, the better.

I shall end my remarks—I am conscious that a number of colleagues wish to speak—by referring to the surveys carried out by the National Audit Office between 2000 and 2004, which have confirmed the significant improvements in cancer treatment to which I have already referred. They show that fewer patients reported a deterioration in their condition while waiting for treatment. Of course, fewer patients now wait weeks or even months for treatment—a wait that was, I am afraid, a feature of cancer treatment in the past. Perhaps most crucially of all, nearly nine out of 10 cancer patients reported that they were treated with dignity and respect at all times.

We are just halfway through implementing the national cancer plan. As I believe Members in all parts of the House will accept, we have already made great progress, but as I would be the first to acknowledge, there is a great deal more that we have to do. But given our continuing investment in cancer services and the record sums going into the national health service; given our confidence that by the end of 2008—after two more years of record increases—we will have achieved the European average in health care funding; given the extra specialists, the new drugs and the continuing drive for an improved patient experience and proper support throughout the cancer journey; given the provision of better advice and more choice and control for patients; and given the provision of more care in or near the home, as reinforced by our recent White Paper, I believe that we are well on the way to making Britain's cancer services among the best in the world.

All the progress that we have already made and will make as we continue on this course in the years to come would be jeopardised by the new fiscal rule announced by the Leader of the Opposition, the right hon. Member for Witney, as confirmed in his most recent statement. That "proceeds of growth" rule would inevitably mean cuts in the NHS budget—thereby reversing the progress that we have made—longer waiting lists, fewer specialists and poorer services for cancer patients.

Much has been done but there is more to do and we have an absolute determination to do it. I commend the amendment to the House.

5.33 pm

**Steve Webb** (Northavon) (LD): I know that the House is keen that Back Benchers have the chance to speak before the winding-up speeches begin, and although this is a very important topic that, to judge by the contributions that we have heard so far, deserves a lot more time than has been allocated to it this afternoon, I will curtail my remarks, not least in the hope that my hon. Friend the Member for Dunfermline and West Fife (Willie Rennie) can catch your eye, Mr. Deputy Speaker, and make his maiden speech.

I want to focus on the crucial issue of cancer drugs and access to them, but first I want to place on the record my support for the 10-year cancer plan, which, as has rightly been said, has made an important contribution. However, I hope that the Government will say whether and when they plan to renew and refresh that plan, because we do not want it more or less to expire, and then to be presented with a new 10-year plan. Cancer treatment provision and cancer prevention is a long-term process, so we need a long lead time into the next stage of the cancer plan. I therefore hope that the Minister can tell us this evening when we will get the shape of the next plan, rather than waiting until the current one ends. We need a longer-term horizon than that.

I turn briefly to the important issue of the "prescription for change" campaign by Breast Cancer Care, which has highlighted an anomaly. People diagnosed with breast cancer or other cancers would once have died shortly thereafter; now, they can expect to live for much longer, but as a result they suffer prescription charges, whereas people with other conditions, such as diabetes, do not. Prescription charges are causing problems for cancer patients. For example, the Minister may not be aware that a Breast Cancer Care survey found that 15 per cent. of cancer patients had not taken up the prescriptions given to them by doctors because of their cumulative cost. There is an arbitrariness in the prescription system, for example between diabetes and cancer. That was not so important in the late 1960s, when the rules were drawn up, but it is a problem now. The present system can be defended only on the grounds that it is the one that we have got and that changing it would open up a can of worms. However, that is not a good enough reason not to look at it.

I shall focus on the question of access to expensive new drugs. We will talk about herceptin today, but there will always be another new drug just around the corner. Herceptin is going through the NICE licensing process for use in early-stage breast cancer, and we hope that it will soon be approved, but our answer to the question of access must work every time, for each expensive new treatment that comes along.

My comments are informed by a meeting that I had yesterday with oncologists from Addenbrooke's hospital. They wrote to me and other hon. Members last July about the inaccessibility of herceptin, and said:

"As a group, we are conservative"—

with a small "c" in that context, I am pleased to say—

"in our response to new treatments. We usually strongly resist pressure to switch our patients to new and expensive drugs for marginal benefits. But the recent trial data demand immediate action since these are certainly the most stunning results that any of us has seen during our entire professional careers."

It is interesting to note that, since the oncologists wrote that letter, their patients can now access the unlicensed drug herceptin for early-stage breast cancer. It was their clinical judgment that that should happen, but other PCTs have concluded that that would not be the right thing to do for clinical reasons. How can such matters be dealt with systematically? That is the important question, as our constituents sense that the present requirements are unacceptable.

The hon. Member for Billericay (Mr. Baron) said the same, but did not propose a solution. I agree that it cannot be right that a woman suffering from breast cancer should have to go to court to get herceptin. The

hon. Member for North Shropshire (Mr. Paterson) has intervened more than once to say that it cannot be right either that a woman who happens to live in Shrewsbury cannot get herceptin, while one who lives in Staffordshire or somewhere else nearby can. Neither circumstance can be right, but we have not heard how such inconsistencies are dealt with in connection with drugs that are neither licensed nor approved by NICE. I shall make my own suggestion about that in a moment.

Some key questions on herceptin remain unanswered. First, what have the Government done to try and get it more cheaply? On average, the NHS pays more for drugs than most other health services—a fact confirmed to me in a written answer from the Department. Have we used the buying power of the NHS to beat down the providers and get a better price? That approach must be both sensible and desirable, although I understand that the producers need their research budgets and an incentive to carry out research. That means that there is a limit on how far prices can be brought down but, if other health services can do it, why cannot ours?

Secondly, the hon. Member for Billericay said that other European countries adopt new drugs much earlier than we do. Why is that? Many other European countries have better survival rates than the UK, and that is very closely linked to our failure to take up new drugs earlier. Why do the Government think that our health service is, on average, slower to adopt new treatments? What assessment has been made of that?

On unlicensed drugs, I stress that I am speaking for myself, and that I do not ascribe my views to the consultants to whom I spoke yesterday. However, they pointed out that unlicensed drugs are used all over the place and said, "Paediatricians do it all the time." Licensing is for the benefit of patients, and is about patient safety. If patients are told that the trials and tests of a drug remain incomplete and that there is a risk attached to its use, they might still conclude that they are not willing to accept the risk of not using the drug. In those circumstances, why should the patients be told that they cannot take an unlicensed drug, simply because it is unlicensed? That cannot be right.

The fact that a drug is unlicensed should not be a barrier, but we do not have a system for the systematic appraisal of unlicensed drugs by clinicians who want to give them to their patients. Such a system would mean that the use of new drugs would not vary by postcode, or require people who want them to go to court. That is the sort of system that we need, and I shall make a suggestion to that effect in a moment.

I share the concern that has been expressed about the Secretary of State's intervention last October. She made a statement on 5 October that reiterated the undertaking that herceptin would be fast-tracked when it was brought forward for licensing. Obviously, we welcomed that. However, that statement, subsequent clarification by the Department of Health on the same day and the Secretary of State's speech to Breakthrough Breast Cancer have, according to a PCT guidance note on access to herceptin:

"raised considerable expectation that NHS patients will, from now, be prescribed"

early-stage herceptin

"even though the announcement relates only to provision of testing".

Whether the Secretary of State likes it or not, she clearly raised expectations. She must accept that, because there is plenty of evidence that people heard that on the news and concluded that she was telling trusts not to refuse to prescribe it. I know that she said that they were not to refuse to prescribe it on cost grounds, but does she seriously think that if herceptin cost £1 a dose any PCT in Britain would refuse its use to clinicians who asked for it? That is patently not so. If clinicians had judged that herceptin, although unlicensed, was in the best interests of their patients—and the patients knew the risks and were willing to take them—no PCT would say no in those circumstances.

**Mr. Lansley:** Strictly speaking, some clinicians would say no in those circumstances. For example, in the Thames Valley strategic health authority, advice has been derived from a joint professional group that clinicians should say no to herceptin, on the grounds of the risk associated with an increase in coronary heart disease.

**Steve Webb:** I was talking about primary care trusts saying no when clinicians said yes. If clinicians have a patient whom they believe would be ideally suited to the treatment, they have explained the risks and the patient is prepared to take those risks because the alternative would be worse, the money would be found for herceptin if it were not so expensive. That is cost rationing, and it is no good pretending that this is not about cost. The Secretary of State told trusts not to say no on grounds of cost alone, but that clearly raised expectations that cannot be met. That is the danger of the Secretary of State intervening as she did.

We have all heard about the North Stoke case. How can it be right that one person gets the treatment because they have got on the news, the Secretary of State has thrown her weight around and, the next day, the PCT changes its mind, but another woman, who does not get on the news, does not get the treatment? That is not a rational way to allocate those treatments.

My local PCT in south Gloucestershire does not fund herceptin, on clinical grounds, because there is an academic study that says that four years down the track the chance of surviving is enhanced by only 5 per cent. However, that study was based on a broad category of women. I put that point to the consultants at Addenbrooke's yesterday and they said that out of the big sample one could pick sub-groups who have a far better chance of survival. The drug is ideally suited to some women, for whom the statistics would be much better. My local PCT has picked one study and interpreted it in a particular way and will not prescribe herceptin, but if my constituent who needs the treatment were living in Cambridge, she would get it. That cannot be acceptable.

It is all very well identifying the problem, but what should we do? We need a mechanism for allocating unlicensed and unapproved drugs. We cannot continue with the random and arbitrary approach that we take now. That has to be done nationally. The hon. Member for North Swindon (Mr. Wills) was right to identify a conflict between a belief in localism, local discretion and responsiveness to local circumstances, and consistency and avoiding postcode lotteries. On many things, my colleagues and I are on the side of the localists. We want

*[Steve Webb]*

local discretion over patterns of service and provision. However, I do not think that any of our constituents believe that it is right that whether a patient gets a drug should depend on where they live. That does not come into the category of decisions that our constituents believe should be made case by case, on a local basis. Therefore, we need a central evaluation process for such treatment, pre-NICE. The alternative is arbitrariness—randomness, going to court, postcode lottery—on treatments that could save lives. It must be one or the other. We cannot have both.

That arbitrariness so offends our constituents' sense of natural justice that we cannot go on. Yes, the problems with herceptin will be sorted in six months—we hope—but the next set of problems will not be. Clinicians tell me that avastin will be the next cancer wonder drug and that it will make herceptin look cheap, so we have to tackle the issue. Such drugs will first be unlicensed and then licensed but not approved. The faster the NICE approval process, the shorter the pre-NICE process I suggested, but it will have to exist, otherwise there will be only the arbitrariness and unfairness that we all feel offends against our sense of natural justice.

It is no good pretending that there will not always be rationing, but it must be systematic and consistent—

**Julia Goldsworthy** (Falmouth and Camborne) (LD): And rational.

**Steve Webb:** Indeed. If there is a national process for a limited period for a limited number of treatments, it will be better than the present arbitrariness. I hope that the Government will give the proposal serious thought.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. Before I call the next speaker, I point out that the 10-minute limit on Back-Bench speeches applies from now on, but as many Members are seeking to catch my eye it would obviously be more than helpful to all of us if people could take a little less than their allocated time.

5.46 pm

**Mr. Andrew Smith** (Oxford, East) (Lab): I am pleased that the Opposition have chosen to debate the future of cancer services today, because this morning, in my constituency, the groundbreaking ceremony was held for the inauguration of the new Oxford cancer centre at the Churchill hospital site. It would be difficult to find a better pointer to the progress we are making in cancer care and treatment and to further improvement in the future.

The new £109 million centre, due to open in 2008, brings together cancer services that are currently scattered across three sites—the Radcliffe infirmary, the John Radcliffe hospital and outdated buildings on the Churchill site. It will combine all the clinical teams—surgeons, oncologists and support staff—in one place, providing prompt diagnosis and even more effective treatment, thereby contributing to fulfilment of the national cancer plan and improving outcomes by enabling more patients to come to Oxford for specialist cancer treatments that can most effectively be provided only in more specialist centres.

Patients will benefit from still closer collaboration with Oxford university, ensuring that their care is informed by the most advanced research into new cancer treatments. The new centre will include a women's health service, with a dedicated ward where patients with gynaecological or breast cancers will be cared for. Like most of the other patients, they will be able to have all diagnostic tests and treatment, whether surgery, chemotherapy or radiotherapy, on the same site.

The building, which will include a geothermal heating system pumping up heat from 120 m below ground level, was designed with advice from cancer patients themselves, who particularly wanted it to be as light as possible and to include many natural materials. Involving cancer patients in the design of such an important new facility is an extremely positive development.

Such a level of investment in cancer services just would not be happening if the Opposition had had their way when they voted against increased funding of the health service and, as my right hon. Friend the Secretary of State said, it would be at risk in the future if they had the chance to bring in their proceeds of growth rule, which would hold public spending to a lower rate of growth than the economy as a whole, regardless of the need for investment in public services. What is more, in Oxford, as elsewhere, cancer patients and services are benefiting from the fulfilment of the ambitious targets that the Opposition want to remove.

In January, every patient referred to the John Radcliffe under the two-week maximum wait rule was seen within the target time, and the number of cancer patients seen within two weeks is three times more than it was as recently as 2000—we cannot go back as far as 1997. That achievement is a result of the extra resources for staff, the better organisation of services and the streamlining and improving of patient access to cancer services across the trust.

In the past three years in Oxfordshire, the NHS has invested an extra £4 million in cancer services. New consultant oncologist, surgical and nurses specialist posts are examples of the investment in the clinical work force who are providing cancer care. The introduction of one-stop clinics, faster access to diagnostics and other improvements have particularly benefited gynaecology and urology services.

Most importantly, though, staff at all levels have gone the extra mile to ensure patients get a better, faster service—for example, by working extra hours to clear any backlog of patients who are awaiting radiotherapy. Since November, they have succeeded in maintaining no waiting time at all for new patients referred for radiotherapy. No praise is high enough for the staff who are achieving that performance through their dedication.

Getting to the current performance has been a challenge, and sustaining it will be a challenge, too. The trust will need to recruit more medical, nursing and other support staff to sustain the highest delivery performance, particularly for some clinical services, such as paediatric oncology and radiotherapy.

BEST COPY AVAILBLE

In high cost areas such as Oxford, there is a certain vulnerability to staff shortages in specialisms that are experiencing a national shortage, such as therapy radiologists and physicists. That makes the national drive to train and recruit more people in those specialisms especially crucial. It also means that the battle to provide more homes in central Oxfordshire is not just a housing policy, but a health service priority as well.

Another challenge is to get right the tariff for payment by results, which is particularly crucial for specialist centres as they move towards foundation status. It would be helpful if the Minister said more about the prospects for the announcement of the tariff following its recent withdrawal after it had been sent out. Clearly, it would be better if hospitals avoided such uncertainty just weeks away from the new financial year.

On the funding of new cancer drugs, hospitals and PCTs will clearly face continuing difficult pressures. The NICE procedures are the right way to resolve fairly and objectively which drugs are cost-effective and should therefore be available, but the difficult question remains of where cost-effective might not necessarily mean affordable.

A judgment that is fair to all must take account of what other treatments and which other patients are displaced by the resource consequences of such difficult decisions. That is why the Opposition Front-Bench team's proposition of handing everything over to NICE simply will not work. Surely, commissioners must be ultimately responsible for those decisions, but we all know that the minute that one PCT comes to a different conclusion from another, there will be cries of "postcode lottery".

Unlike the Opposition Front-Bench team, I do not think that there is an easy answer. Clearly, a consensus is needed on how to deal with those difficult choices. Although, as ever, I followed with interest the comments of the hon. Member for Northavon (Steve Webb), I am not sure whether he has necessarily got the answer. Further close attention and public debate must be given to this vital issue.

I could not speak in a health service debate without raising the continuing problem of the current year's financial deficit and its impact in Oxfordshire. I do not for a moment think that the remaining deficit can be eliminated in the weeks that remain of this financial year, and as Ministers come to accept that, the question will shift to one of on whose books the deficit most properly belongs—an issue of more than accountancy significance, because of its impact on finances next year. As things stand at the moment, all the deficit would be left with the Oxford Radcliffe hospitals trust, but that would not be right, given that the financial problems in Oxfordshire are not all of the Radcliffe's making.

A fairer and more rational allocation of the deficit needs to be found. That would be better for patient care, as well as for the finances at the Oxford Radcliffe hospitals trust, which has made enormous progress in recent years in turning round its financial position and costs, as well as in delivering the first-rate cancer care about which I have been speaking, and I am confident that, with the investment that Labour is making, that will go from strength to strength in the future.

5.54 pm

**Mr. James Gray** (North Wiltshire) (Con): I am glad to follow the right hon. Member for Oxford, East (Mr. Smith) and I agreed with much of what he had to say, particularly when he was talking about the great advances in cancer care in England in the past 10 or 20 years. However, quite frankly, it would have been rather surprising if those advances had not taken place. It would have been a scandal if we had been saying in today's debate that cancer services were precisely where they were in 1997, 1987, or 1967.

Although things have got a great deal better, I disagreed with the right hon. Gentleman when he became party political and seemed to indicate that that change was because of the Labour party. That was rather reminiscent of comments made by the right hon. Member for Airdrie and Shotts (John Reid), who, at the Labour party conference in 2004, said:

> "in the first 6 years of this government, the death rate from cancer is down by over 10 per cent . . . Isn't that just the sort of thing Labour came into government to do? . . . Thousands of real people walking the street who would not have survived under the last Tory Government."

That sort of remark—and one or two of the comments made by the right hon. Member for Oxford, East—is quite wrong. The achievements have been made thanks to scientists, clinicians and doctors.

I speak from personal experience. About this time last year, during the general election campaign, my wife was diagnosed with breast cancer. We were somewhat discombobulated by the surgeon, who told us that the operation would be on 5 May. We had to tell him that we would be otherwise engaged then and would have to delay the operation by a week or so. I am glad to say that the subsequent care that my wife received was excellent in every possible way and that she has been given a clean bill of health. I pay tribute to the care workers at the Royal United hospital in Bath, and at Chippenham, Swindon and elsewhere, who achieved that. However, I have to say—I hope that this will not disappoint the Minister—that I do not thank the Labour party for achieving my wife's good health; I pay tribute to the scientists and health workers. It is probably wrong to reduce the matter to a party political issue.

That is why I welcome the positive tone of the motion. We are saying how well things have gone: a lot of money has been spent and a great deal has been achieved. However, the truth of the matter is that there is an enormous amount more to achieve. We do not know the cause of breast cancer. For example, why does it almost not exist in the far east? Is that something to do with health and diet? It probably is. Why is there a high incidence of breast cancer among left-handed women? We do not know, but it would be useful to find out. We need to spend more money on research. My wife happens to be left-handed, which is why I know that statistic.

On care, of course it is good that we have a target of people being seen by a specialist 14 days after they are first diagnosed by a GP, but the average waiting time in 1997 was only 11 days, so the much-vaunted 14-day target is not particularly useful. What it does result in, as I discovered when I accompanied my wife on that fateful day, is a waiting room packed full of people. I said to the surgeon, "Why are the waiting times so long? Why do

*[Mr. James Gray]*

we have to sit here from 8.30 am to 2 pm before being seen by you?" He said, "That is to achieve the two-week target. We cannot lay down when people are diagnosed. They have to be seen within two weeks and the clinic has to be jammed full to achieve that target. If we were allowed a certain flexibility in terms of days, it might be easier to organise timetables better." The targets may sometimes have the wrong results and are not all that they are cracked up to be.

We have to see some improvements in waiting times for treatments. My wife heard today that she will receive her radiotherapy within four weeks, but many women are still waiting for six weeks or longer. Surgery and chemotherapy tend to be done in good time, but there is a long delay on radiotherapy, even though it is an important part of the treatment.

There has been a terrific muddle with the prescribing of drugs. We have heard a great deal about herceptin, but the same situation will apply over the years to come to a variety of other groundbreaking new cancer drugs. We need to find a way in which NICE can license and approve them speedily. We cannot have another situation like the one last October when the Secretary of State encouraged women at the Breakthrough Breast Cancer event—I was there—to think that herceptin would become available, only for them to discover that it will become available only if there is plenty of money to pay for it, which there is not.

The experience of Anne Marie Rogers, in my neighbouring constituency of North Swindon, is a vehement comment on the awful effects on women who are discovering that they may face a shortened life as a result not of anything to do with clinicians, but of a shortage of money and of Government decisions. An awful lot needs to be done in that respect and in relation to radiotherapy. In particular, an awful lot needs to be done on research.

I pay tribute to the very high standard of care that my family have benefited from in the last 12 months, and I think that we see that across the book. I do not accept that that is anything whatever to do with the Labour Government. It seems to me that science is developing quickly and that wonderful support and services are provided by doctors, nurses and researchers in our hospitals, and I pay tribute to them. I very much hope that, 10 years from now, we will have seen the statistics improve even further, and that when a Conservative Secretary of State is standing at that Dispatch Box he does not fall into the easy trap of claiming that as a Conservative victory.

6 pm

**Dr. Ian Gibson** (Norwich, North) (Lab): This has been a very British debate. We should really be celebrating the excellent and magnificent work that has been carried out in cancer services since 1990, but particularly since 1997. I speak as someone who has chaired the all-party cancer group since 1998 and who worked in the field for many years, with patients and doing research.

You may remember, Mr. Deputy Speaker, that you and I once put some bricks into a wall around an accelerator at Ipswich hospital, some time after a Labour Government came to power. There are many such stories to be told.

Why did I set up the all-party group? People were in the habit of setting up an all-party group for every part of the body that got cancer. Somebody once asked me if they could have an all-party group on right-knee cancer, and at that point I said, "No way. You can work within the bigger all-party cancer group. There is no reason why things cannot be considered under that umbrella."

I remember, too, a Select Committee report on cancer in the 1990s, after the Labour Government came to power, which came up with the idea of joining two major cancer charities, the Imperial Cancer Research Fund—hon. Members will remember that name—and the Cancer Research Campaign. At a meeting we were told by a man who became a Nobel prize-winner in this country, a scientist backed by British money and British technicians and workers in various universities and institutes in this country, that those two charities could never merge. One reason was that they were like Omo and Daz. That did not fool me because those two products are made of the same chemical substance and can be mixed.

The scientist also said that the charities would not get as much money if they came together. They fund most of the research in this country, and that came about through support not only from the Select Committee but from the Government. The charities get twice as much money now as the total that they got acting singly, which means that more research is being done, more projects are being funded and more young people are being given the opportunity to discover things. Although it is true that science has moved on and discovered much in cancer, it has been supported to a huge extent by the Labour Government.

I sometimes feel like going back and doing research because I have had many grants turned down, and I would have a much better chance now. I see that the Minister agrees that I should go back, before a few more votes are taken. I do not think that cancer research has ever been in a better state. In 1992, to give the Opposition credit, they implemented the Calman-Hine report so that the process started, but the acceleration really happened in 1997 and 1998.

I think too that there is a new understanding, and that is the essential feature. We used to teach students that genetics had nothing to do with cancer; it was all environment. Genetics has everything to do with cancer. We understand the causes of a genetic change that brings about a rogue cell that develops into a cancer. *[Interruption.]* I see that the Opposition are coming in to listen.

Understanding those genetic changes allows people to target drug development. Herceptin is one such drug, glivec is another, and there will be many more. We are also going to understand the genetic basis of who will benefit from treatment with a drug and who will not. That has been pioneered in Dundee using a certain drug. Now, in this field, genetics is all, and making that discovery has given us Nobel prizes—prizes that, incidentally, were won working not on cancer cells but on yeast cells. That shows that basic blue-skies research can often turn up things that have a medical advantage, and we should remember that.

We have had two British Nobel prize-winners at a time when we thought we were losing out. There are more to follow. I predict that, in the not-too-distant future, work being done at Dundee university will win a Nobel prize. Scotland deserves another one.

There is a new subject called bioinformatics, which is all about fancy computers, that allows us to look at amazing pieces of information. There was a shortage of people when bioinformatics were first discovered. We are now making up for that shortage by training people in colleges and elsewhere. We are punching our weight in this area. We shall make many more discoveries and we are supporting young people who are trying to develop career structures. We are enticing them. We are trying to change science in medicine that is taught in schools. Why should pupils in schools not be taught about cancer, for example? That is a good example of the things that we have done, the things that we can do and, if we get down to it and get more support from Government, the things that will happen in future. We maintain our position very well throughout the world.

I give credit to my right hon. Friend the Member for Oxford, East (Mr. Smith), who mentioned the work at Oxford. He did not mention—I was proud of this—a young 16-year-old who was leading a demonstration at Oxford that was supporting limited animal experiments. We are not saying that all work should be done with animals, and perhaps some of it should be done with computers and tissue cells, for example. The right to be able to do that is so important. Before a licence, there is a need for the toxic test. We do not stick drugs into patients and hope that they do not die. Certain tests have to be carried out in the hope that results will be obtained before the licence.

The changes that are coming about in scientific discovery will make a real difference. Quite often in science and medicine, discoveries happen long before politicians, particularly those who are lawyers, can pick up on what they might mean in terms of new laws and regulations, for example. We have genetic modification and stem cells. Many of us knew about stem cells before the many debates in this place that led to us ensuring that we could continue with research. We are hopeful that that research might pay off.

Much has been said about the cancer plan that came through for 10 years. We are halfway through that. Many new people have been appointed. Consultants are pouring out of oncology departments in our hospitals, and there are more to come. This is real encouragement. For the health service in general, such developments have stimulated mental health people and those who work in cardiology, heart disease and so on. How did these people do it? I will tell the House: politicians, scientists and medics worked together. There is huge team work. There are 20 cancer research charities and voluntary groups that meet once a week in this place to discuss various issues from a professional, knowledgeable position. That is what we have created since 1997, and that is important. Let us do away with competition and get people working together who have the best experiences.

I heard a woman from the Christie in Manchester talking about best practice there. She was telling 19 other people how it was done. That is excellent, and that atmosphere should be encouraged. We have talked about NICE and quality of life. People with cancer, in their last few years or days, experience tremendous fatigue. We can do things about that. There is the stimulation of blood, for example, which will stop these people being tired. NICE should be asked to examine that.

Of course, NICE will evolve. It will learn by some of the mistakes that have been made. That is what it has all been about. Thank goodness that NICE has been in place to give us some evidence-based knowledge of what we do and of what we do not know. That knowledge will increase.

The vision that we have in the all-party group—please join it—is how we are going to take things on. We realise that cancer is a complete journey from the early diagnosis, through treatment and then on to care in hospices, including palliative care. The passport needs to be examined. There should be no piecemeal approach when it comes to putting in money. The patient should be considered throughout.

I am excited about what is happening, but I think that there is more to do. What we have managed to do in providing better cancer services will stimulate us to do even better, as we learn more. That knowledge will come from science, medicine and practice. We have an enthusiastic work force who want to try to do things. In the light of experiments and clinical trials—more and more of that is going on with the necessary resources—we shall learn best practice.

6.9 pm

**Willie Rennie** (Dunfermline and West Fife) (LD): I am grateful, Mr. Deputy Speaker, for the opportunity to give my maiden speech and to contribute to our debate on cancer services.

It is a pleasure to follow the hon. Member for Norwich, North (Dr. Gibson), who has a distinguished record on cancer and in science, which is close to my heart. It is an interesting and bewildering experience to enter Parliament outside the usual intake, and I thank colleagues on both sides of the House who have helped and supported me in the past couple of weeks. When my predecessor, Rachel Squire, was elected in 1992, she brought to the House a background in social work and union representation. She brought, too, a passionate belief in the importance of equality of opportunity for women. Most importantly, she brought a warm personality and a strength of character that was appreciated on both sides of the House. Her death this year from a brain tumour was a tragedy for all who knew her. What struck me most was her dedication to her constituents, for whom she fought with tenacity. I hope to do just the same.

Dunfermline is the historic capital of Scotland. Indeed, the body of Robert the Bruce, who gave the town its charter in 1322, is buried in Dunfermline abbey. I share my constituents' pride in the city's architecture, which includes our very own Carnegie hall, donated by Andrew Carnegie, the most celebrated of Dunfermline's sons. Many visitors enjoy a stroll down the glen, which is maintained by bonds donated by Andrew Carnegie. Dunfermline, like many cities, has had its ups and downs. Daniel Defoe commented in the 18th century that it showed the "full perfection of decay". The city is not in such a plight today, but many parts are run-down, with the old Co-op site blighting our city centre. That is

*[Willie Rennie]*

a cause that I intend to take up on behalf of my constituents. Dunfermline was once a magnet for Scotland, and I believe that, in time, it can become so again.

One advantage of fighting a by-election is that it draws in political representatives of all the major parties form all parts of the country. Never has Dunfermline seen so many MPs, including my party's three excellent leadership contenders. It seems that visitors were struck, as I have always been, by the landscape, the history of the city and the friendliness of the people. I am sure that that is the only explanation for the fact that so many Labour Members missed the vote on the Racial and Religious Hatred Bill. I certainly hope that the right hon. Member for Witney (Mr. Cameron) enjoyed his visit to Dunfermline high street. My Liberal Democrat colleagues look forward to welcoming him to their constituencies, following the dramatic effect of his visit to my constituency on the Conservative vote.

The constituency reaches as far west as Kincardine, which will soon have a second crossing across the Forth thanks to investment by my colleagues in the Scottish Executive. In fact, the decision to invest in the second crossing was announced by my good friend and leader of the Scottish Liberal Democrats, Nicol Stephen. I thank Nicol for his tremendous support during the by-election. He is an excellent leader with all the drive, enthusiasm and intellect that one could hope for. However, Nicol is not the only leader who has connections with Kincardine. I am sure that the hon. Member for Banff and Buchan (Mr. Salmond) will recall our meeting in the village café on polling day. Unlike now, he looked surprisingly optimistic.

The iconic Forth bridge connects my consistency with that of another Liberal Democrat, my hon. Friend the Member for Edinburgh, West (John Barrett). Hon. Members will know that the 1.5 mile-long bridge is the world's first major steel bridge. It has a balanced cantilever design, and its gigantic girder, with a span of more than 500 m, ranks as one of the great feats of civilization. From the top of the bridge—and I know—the views of the constituency are stunning. We are fortunate to have a rich diversity of attractions and entertainment. Fordell Firs is the national scout activity centre, and it is widely used by schools and youth groups as well. Just up the road is the Scottish base of the Mines Rescue Service, with an international reputation that we must support and protect. In Dunfermline itself, a new venture called Ceramic Experience brings out the creative potential of children from a very young age. In the north, Knockhill attracts bike and racing car enthusiasts from all over the country. Run by dedicated volunteers, the Scottish vintage bus museum is now acknowledged as a focal point for historic bus restoration.

My constituency has a rich athletic heritage, with three excellent clubs. Pitreavie, which is celebrating its 50th anniversary, is rightly proud of international athletes such as Linsey McDonald and Ian Mackie. Dunfermline and West Fife coach Jimmy Bryce has a long record of nurturing young talent, but perhaps his latest find, Gemma Nicol, could be the most promising. Finally, my own club, Carnegie Harriers, has some first-class road and hill runners, including young John Hargreaves from my own village of Kelty.

Dunfermline is proud to be a home for many important businesses. The Dunfermline building society retains its strong links with the city, which houses its headquarters. Although it has experienced significant decline, Rosyth dockyard is still a major employer, and I am determined to ensure that that remains the case for many years to come.

On the subject of employment, I am very disappointed with yesterday's decision to axe 142 jobs from D. M. Crombie, and I am seeking to meet the Minister of State, Ministry of Defence, the right hon. Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram), to discuss the decision. Following the loss of hundreds of jobs at Lexmark and Simclar, I am determined to help those employees and to work toward bringing new high-value jobs to the constituency.

I can honestly say that Dunfermline and West Fife is a great constituency and one that I am honoured to represent. I can today pledge that I will serve all of my constituents—no matter on which side of the House they sit.

Many of my constituents will be interested to hear our debate on cancer services. It is particularly fitting that I make my maiden speech in this debate, as Rachel Squire had a long and brave battle against a brain tumour. I am sure that everyone in this House will have been affected by cancer in some way or another—a friend, family or even themselves. More than 130,000 people die from cancer in the UK every year. It is an illness that takes life in such a brutal manner.

This week, I was pleased to be able to sign early-day motion 1696 on action mesothelioma day. Members will know that mesothelioma is an incurable asbestos-related cancer. It can develop 30 or 40 years after a person has come into contact with asbestos, which was widely used in the shipbuilding industry until the late 1970s. Many people predict that the epidemic will peak in around 2020. Its dockyard and ship-breaking heritage makes my constituency a national hotspot for mesothelioma. As reported in last week's *Dunfermline Press*, Dr. Colin Selby, a chest specialist at the local hospital, has warned that between 200 and 300 men could die in West Fife from the condition each year. At the moment, many men have not even heard of it. I am therefore grateful to the *Dunfermline Press* and to the British Lung Foundation for helping to raise awareness of this crippling disease.

During my election I campaigned on four key issues. First, I led the effort against the proposed increases in tolls on the Forth road bridge. We need to provide public transport alternatives to the various parts of Lothian for our commuters who are currently forced to use their cars. I look forward to working with others on developing a sustainable transport strategy for this major artery.

Secondly, I said that I would work with local health campaigners on the future of our local hospital, the Queen Margaret. We need to explore how much major elective surgery can take place there. I would like a waiting times unit to be developed at the hospital to

conduct hip replacements and the like. I am pleased to say that I have already met people from the hospital and the local health board to advance that agenda.

Thirdly, many local people feel frustrated about the state of our city centre. I have pledged to press all those responsible for a revitalised city centre of which we can all be proud.

Finally, despite the best efforts of teachers, standards in our primary schools are below the national average. Our secondary schools are too large. We need a new secondary school for the West Fife villages, and I want to help to reduce the size of our secondary schools overall.

My constituents have sent me to Westminster to represent their concerns and to fight for their interests. They have placed their trust in me and I will not let them down.

6.19 pm

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): I congratulate the hon. Member for Dunfermline and West Fife (Willie Rennie) on his excellent maiden speech. As a new Member—I was elected only last year—I know how scary it can be to stand here and make a speech for the first time. He did it with some flair and I am sure that he will never forget the occasion. Having all his pals around him is no bad thing. It is also rather nice that they seem to be staying to listen to my speech. I thank them for that.

**Mr. Jim Devine** (Livingston) (Lab): I, too, welcome the hon. Member for Dunfermline and West Fife (Willie Rennie). It is a pleasure to have him here, although it is obviously a pity that the Labour party candidate did not win. However, for me, as the last by-election victor, it will be a pleasure not to be known as, "Jim Devine, the new Labour MP for Livingston".

**Mrs. Hodgson:** I must continue with the happy tone by congratulating the Government on their fantastic record of investment in cancer services, especially the first cancer plan, which we have discussed. It was published in 2000—*[Interruption.]* I see that some of the Liberal Democrats are leaving now. The plan has meant that more funding than ever has been pumped into cancer services—an extra £280 million in 2001–02, increasing to £570 million in 2003–04. I do not have the most recent figure but I am sure that it is even higher.

I must also draw attention to our fantastic record on waiting times, which have been reduced to two weeks to be seen by a specialist, a month for diagnosis and two months for treatment. That cannot go without recognition in the debate.

I am sure that the hon. Member for Dunfermline and West Fife, as a new Member, will be asked in what he will specialise. I gave many answers to that question as the weeks went on. I had no idea in what I would specialise, although I had many interests and many important matters came my way. However, the decision was taken out of my hands when my best friend, Joanne Smith, was diagnosed with breast cancer at the age of 34. At the time, she had a two-year-old and a seven-year-old, who are now a little older—one has had a birthday since then—but she was a young woman with a young family. The diagnosis was a tragedy, which has totally coloured my first year as a Member of Parliament.

Joanne was seen within 48 hours by a cancer specialist at my local hospital, the Queen Elizabeth hospital. Her consultant, Dr. Clark, has been incredible and her treatment has been fantastic. She had a double mastectomy and a terrible course of chemotherapy, which debilitated her. Nobody goes through chemotherapy lightly, but because she was so young she had to have such a high dose that it was shocking to see her suffer through it.

I immediately began campaigning for herceptin and joined the all-party group that my hon. Friend the Member for Norwich, North (Dr. Gibson) mentioned earlier. I was keen to get my local cancer network—the northern cancer network—to reverse its decision not to prescribe herceptin. It made the decision because the drug did not have National Institute for Health and Clinical Excellence guidance. However, after campaigns by me and other hon. Members throughout the country and the region, the decision was reversed. When I asked why the network had reversed it, it cited the comments by my right hon. Friend the Secretary of State that lack of NICE guidance should not be an excuse for not prescribing the drug and that it was up to individual PCTs.

The PCTs in my area recognise that they have the freedom to make such decisions, but they do not do that in practice because they defer to the northern cancer network. When one questions the northern cancer network, one finds that it defers to NICE guidance. So, although individual PCTs can make these decisions, in practice they do not.

**Mr. Philip Dunne** (Ludlow) (Con): Is the hon. Lady aware that the "Herceptin for Shropshire" campaign was launched in the Shropshire County primary care trust area today, as my hon. Friend the Member for North Shropshire (Mr. Paterson) mentioned earlier? The campaign is being led by a number of ladies in similar circumstances to those of the hon. Lady's friend, who have a particular reason to secure that support. It is important that they should continue to press the PCT to secure the funding, because, as the Secretary of State has said, she is prepared to allow it to take place.

**Mrs. Hodgson:** I have some ideas on funding, and I want to open up a debate on that whole issue. I shall come to that in a moment. We just have to keep pressing the individual PCTs and reminding them that they have the ability to take these decisions, regardless of the budgetary pressures that they are under. We are pumping in lots of money for cancer services, and they must spend it wisely. However, I am told that they often choose to spend money that they had allocated for cancer services on other equally pressing things. It is up to everyone involved in this debate to insist that that money is spent on cancer treatment.

**Susan Kramer** (Richmond Park) (LD): The hon. Lady has touched on the issue of funding. Is she aware that many people who suspect that they might have cancer are having to go privately to get diagnostic scans, because their GPs are so hesitant to spend their money on scans? The GPs are telling them that they have to go down other routes, such as consulting nutritionists or osteopaths, rather than sending them directly for a scan

*[Susan Kramer]*

diagnosis. I am told that, in my area, only 40 per cent. of such patients are referred for a scan by their GP, because of funding issues.

**Mrs. Hodgson:** The hon. Lady makes a good point, but time is short, so I must press on.

My campaign with my friend got a lot of press interest, and the northern cancer network reversed its decision, on which I congratulate it. My friend started her herceptin treatment two weeks ago. She is one of the first people in the region to receive it.

I want to talk briefly about brain tumours, which relates to the hon. Member for Dunfermline and West Fife, whose predecessor, Rachel Squire, sadly died after suffering from a brain tumour. Some other famous people who have suffered from brain tumours are Bob Marley, Elizabeth Taylor, Mo Mowlam and Sir Stamford Raffles. Such tumours account for one death in every 100. Someone who is not as famous as those people is a constituent of mine who is quite dear to my heart. His name is Fred Fergus, and I have been campaigning on his behalf for access to the drug temozolomide, which is awaiting NICE's approval. We were told that that would be decided by the end of the year, but I recently received some information on an appraisal consultation document—an ACD—put out by NICE. Apparently, NICE is recommending that the therapy should not be provided on a subsidised basis on the NHS in England and Wales for patients with newly diagnosed, high-grade malignant brain tumours. Perhaps the Minister will tell the House why.

**Vera Baird** (Redcar) (Lab): My hon. Friend has been involved in two campaigns. I was involved in one in Redcar relating to a drug called alimta, which has been licensed but not NICE-ed, as it were. It is used to treat mesothelioma, which is a terminal illness. NICE was not even going to evaluate it until October 2007, but that was useless for the men suffering from the disease who had only months to live. However, NICE is now introducing a fast-track procedure. When the Minister responds to the debate, will she tell the House whether it is intended that all cancer drugs should go through that procedure?

**Mrs. Hodgson:** I thank my hon. and learned Friend for that intervention.

Mr. Fergus is receiving his radiotherapy on the NHS and paying privately for a prescription of temozolomide. He says that it has given him his life back. There has been such a change in him in terms of memory since he has had access to the drug. Obviously, brain tumours affect the brain and memory, but with this drug he can function so much better, which is why I am so concerned about NICE perhaps not approving it.

I want to move on to another very sad case involving a bowel cancer sufferer. Bowel cancer is responsible for 50 deaths a day in the UK, and it claimed the life of my constituent, Jack Wilson, at the age of 66. He was a retired miner who was hoping to get the drug cetuximab on the NHS. Again, he was told that the drug was not approved. I have already mentioned the northern cancer network and the process we go through there.

I am short of time, so I should say that I want an urgent review of the funding of cancer treatments. As the hon. Member for Northavon (Steve Webb) said, there will be another drug, then another and another. More and more are on the horizon and we will have to try to fund them. Taxpayers are entitled to receive the best possible treatment and value for money from the NHS, so we need to examine how such treatments can be financed while retaining the tax base of the NHS and the principle that health care should be free at the point of need.

There is a specific problem with funding drug treatments—the hon. Gentleman also mentioned this—while they are licensed but before they are NICE approved. There is a strong case for a dedicated cancer charity that would fund specific cancer drugs during that interim period. Also, there should perhaps be a dedicated lottery card. I shall leave those thoughts with the Minister.

6.32 pm

**James Duddridge** (Rochford and Southend, East) (Con): First, I congratulate the new hon. Member for Dunfermline and West Fife (Willie Rennie), who said that this is a bewildering place initially. I must admit, as one who continues to consider himself a new Member, that it is bewildering still. I spoke to my Whip only a few minutes ago, and he bewildered me further. However, I understand that I have a few minutes to make some comments on the important matter of cancer, having already written off my career.

My predecessor, Sir Teddy Taylor, introduced an Adjournment debate in February 2002 on the subject of cancer care in south Essex, supported by my good friend and colleague my hon. Friend the Member for Southend, West (Mr. Amess) and by my hon. Friends the Members for Castle Point (Bob Spink) and for Rayleigh (Mr. Francois), who spoke earlier on the issue that I want to raise: the size of the cancer networks.

Some three or four years ago, when my predecessor raised the issue, he was very concerned that cancer networks had to involve a population of more than 1 million. In south Essex, the population is only about 700,000 and we were to be merged with neighbouring areas. The cancer tsar, Mike Richards, came down, had a look and said that although we have a small population, the number of operations is large—indeed, as large, if not larger, than that of some cancer networks with more than 1 million people.

In addition, south Essex is quite densely populated, but does not have good traffic infrastructure. It would be particularly difficult for patients to get out of the existing south Essex area for care. Like many Members, I have close family who have experienced cancer: my grandmother in her later years had breast cancer and received excellent care from Macmillan Cancer Relief.

**Mr. Greg Hands** (Hammersmith and Fulham) (Con): On the subject of Macmillan Cancer Relief, does my hon. Friend share my concern that nursing specialists in the Hammersmith hospitals NHS trust have been threatened with a move to general ward work from

specialist oncology and palliative care, and that one of the two Macmillan counsellors is under threat of redundancy? All of that is due to a large NHS deficit.

**James Duddridge:** I thank my hon. Friend for raising that point. I am horrified that that is the case—my grandmother received excellent care—and I believe that Macmillan Cancer Relief's head office is in his constituency.

It is important that south Essex keeps its cancer network. It is like "Groundhog Day" in that the *Southend Echo*, my local newspaper, ran a "hands off our cancer centre" campaign at the time when Sir Teddy Taylor raised the issue, and is now running a "save our cancer centre" campaign. The cancer network believes that it is the right size and does not believe that the cancer centre should be merged, although admittedly it has a number of other reasons. The consultation on the south Essex cancer care centre ends on 13 March, and I and several of my parliamentary neighbours will present quite a large petition signed by a number of constituents.

To my mind, it is bizarre that we are told locally that this is just a small, structural, management change, and that only a small number of people will be affected this time round—as few as 20 or 30. We are deeply concerned, however, that once we are merged into a larger area including Anglia, more intermediate care cancer services, as well as specialist care, will be moved further and further away. Increasingly, with bad transport infrastructure, that journey will be two hours plus. While that might be acceptable for a one-off appointment, it is not acceptable in cases of cancer with many repeat appointments.

South Essex also faces a problem with the number of consultations. The strategic health authority has assured me that it will consult again if some other cancer services are moved elsewhere within an expanded network. Consultations always seem to be short, however. My hon. Friend the Member for Rayleigh is co-ordinating a consultation on the police that has been rushed through. On health services alone, six consultation processes, which kicked off in December, will end in the next few weeks. There is a degree of consultation overload.

If the local cancer network wants to remain as it is, and if local people who have been either writing to the *Southend Echo* or signing our petitions at pharmacists and doctors' surgeries say overwhelmingly that they do not want a merger, with the long distances involved, will the Minister assure us that we will be able to say to the local strategic health authority that, having gone through the consultation, people overwhelmingly want the network to remain as it is? My grandmother was in Bristol, not Southend. Her quality of life was appalling in her final years, despite the services provided by Macmillan Cancer Relief, and I fear what her quality of life would have been if she had had to travel for two hours every day.

Despite problems with the local bus and train service, people in Southend can still get to Southend hospital relatively easily, and they would be grateful for an assurance that if all the parties in the consultation call for no change, there will be no change. Let us not go through all of this again in three years—when I hope that I will still be the MP—if the issue arises once more. My predecessor seemed to have dealt with it. Sadly, that is not the case. I seek the Minister's reassurance.

6.39 pm

**Mr. Stephen O'Brien** (Eddisbury) (Con): First, let me associate myself and my right hon. and hon. Friends with the Secretary of State's generous remarks about Gregor MacKay, whose memorial event is taking place today. We all pay great tribute to the work that he did for us as a colleague, and indeed to his many friendships across the political divide. We pay equal tribute to Linda Smith. We have been debating a terrible disease that afflicts so many—that, indeed, afflicts almost everyone in the country, at least indirectly, in our minds. That applies particularly to someone who was so public, so much loved, and such a wonderful comedienne.

I congratulate the hon. Member for Dunfermline and West Fife (Willie Rennie) on an extremely good maiden speech. As the last Conservative by-election winner—some years ago—I am glad to be able to congratulate the most recent Liberal Democrat by-election winner. I met many of my future colleagues on the streets of my constituency: 200 Labour Members. As it happens, the debate in which I made my maiden speech was very well attended, although I hasten to say that that was nothing to do with me. At least 400 Members present who had worked their socks off to try to ensure that I did not arrive here had to listen to my speech. I therefore had considerable sympathy with the hon. Gentleman when he described his experience. I also thought that he spoke very movingly about the experience of stepping into the shoes of a much-respected Member, Rachel Squire, who sadly succumbed to the brain tumour that she had borne so bravely. That is particularly sad in the context of today's debate. In many respects it is a highly appropriate debate—and it is for another day for us to make any points about a Scottish Member seeking to involve himself in a debate that relates only to England.

**Mr. Tom Harris** (Glasgow, South) (Lab): Quit while you are ahead.

**Mr. O'Brien:** Given that the hon. Gentleman, who is the Secretary of State's Parliamentary Private Secretary, is the only other Scottish Member who has been present for most of the debate, it is a shame that he has made his presence felt from a sedentary position.

The hon. Member for Dunfermline and West Fife gave us a wonderful and engaging tour of his constituency. I am sure that his constituents look forward to his serving them with all his energy and enthusiasm. I fear that he will have to rely on the *Official Report* to ensure that his most notable and, I predict, his most challenging constituent, the Chancellor of the Exchequer—who, for some reason, was not present for his speech—recognises what a marvellous new Member of Parliament he has.

I am glad that the Secretary of State congratulated the Opposition on making this vital subject a priority for their precious time. The debate has been characterised by the concern, care and expertise brought to it by all who have had an opportunity to speak on behalf of their constituents. I am aware that tributes in the House often sound ritual, but I know that I am joined by my right

*[Mr. O'Brien]*

hon. and hon. Friends, and indeed by Members throughout the House, in thanking the countless people in the NHS and beyond it who work tirelessly for and with those affected by cancer.

My hon. Friend the Member for Billericay (Mr. Baron) made an excellent and constructive opening speech. I could not help being rather amused by the Secretary of State's slight discomfort over having to take the politics out of the NHS, but we were serious about wanting to debate the future of cancer services as a high priority. We heard from many Members on both sides of the House. The hon. Member for Northavon (Steve Webb) talked about the possibility of securing much lower provider costs for the NHS. That is, of course, an important subject, but I was particularly interested in what he had to say about the herceptin issue. For the sake of brevity, I will give the source for everything that he said about it. It can be found in column 1062 of the 8 December edition of the *Official Report*, set out wonderfully by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley). He is obviously grateful that it has been read into the record again.

In a celebration of a local investment to which he wished to draw attention, the right hon. Member for Oxford, East (Mr. Smith) mentioned tariffs that have recently been imposed in a most incompetent manner. I think he found it difficult to refrain from mentioning that. However, he rightly highlighted the uncertainty that that is causing and the quick resolution that is required to clarify the matter. He asked whether the serious deficit in the Oxford Radcliffe Hospitals NHS Trust should be spread among others. He seemed to be shifting the debate as well as shifting the deficit, rather than dealing with the fundamental issue, which is vital to so many of the issues that we face in the NHS.

The hon. Member for Norwich, North (Dr. Gibson), the chairman of the all-party group on cancer, as ever gave us an enthusiastic tour d'horizon of leading-edge scientific progress in this country. He advanced a wonderful argument for the success of our competitiveness internationally, intellectually and scientifically and then suggested that we get rid of competition. That was an interesting circular argument, which all of us will enjoy pondering once the *Official Report* is out.

We heard movingly from my hon. Friend the Member for North Wiltshire (Mr. Gray), who gave his personal testimony, particularly in the light of the difficult and dreadful experience that his wife has been through. I was very pleased, as I am sure all hon. Members were on both sides of the House, to hear that she has been given a clean bill of health and continues to receive the follow-on treatment. He made the important point, which we have sought to emphasise, that it is to the benefit of patients and to the subject as a whole that we take great care not to make it deliberately a party political issue when we look at the opportunities to improve outcomes for cancer survival and treatment.

We also heard from my hon. Friend the Member for Rochford and Southend, East (James Duddridge). Apart from the slightly interesting start, when he called his Whip bewildering, which struck me as instant career death, he spoke powerfully and made a cogent case on behalf of himself and my hon. Friends the Members for Southend, West (Mr. Amess), for Castle Point (Bob Spink) and for Rayleigh (Mr. Francois) about the cancer network, and what the appropriate size is for the South Essex cancer care centre, considering local conditions. I hope that people at both national and local decision-making levels have taken due account of that strong and well-made case.

We also heard from the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson)—that is certainly one of the most confusing constituency titles, with half of each city in it. She said that she spent some time deciding what to specialise in. I felt that she spoke sensitively about her experience as a result of the breast cancer of her friend. The House was helped by hearing of that experience.

Looking at the future, we have to be clear where things stand today. As my hon. Friend the Member for Billericay said in relation to cancer care services, the present situation is unacceptable. There has been investment and continuing improvements, the Organisation for Economic Co-operation and Development has confirmed that the trend was already well established before this Government took over nine years ago, but—here is the big but—after nine years, survival rates are still among the worst in Europe, and significant inequalities of outcome persist in the UK. According to the Public Accounts Committee report, those inequalities are widening, not narrowing.

As we have heard today, difficulties have arisen following the Government's efforts to focus targets on reducing waiting times—the front end of the patient pathway. That has led to neglect of later treatment. We face a serious issue: once a patient is on the pathway, the pipeline of time is extending. There is a serious issue in respect of how to deal with the problem involving radiographers.

It was interesting to note that the future of cancer services is threatened because of the NHS's ballooning deficits. Will the Minister answer the excellent question from the hon. and learned Member for Redcar (Vera Baird) and confirm that there is no diminution or delay regarding the announcement from the Minister of State, Department of Health, the hon. Member for Doncaster, Central (Ms Winterton), as recently as August last year of a £37.5 million bowel cancer screening programme, which was confirmed just 30 days ago? Will she confirm that it will be up and running in April with five centres, not just one, as is being hinted as part of the financial cuts?

In addition to issues such as waiting times, the size of the work force, the new requirements for benchmarking and the exchange of information—so that clinicians, who are best placed to make such judgments, can draw on the very best of existing practice—there is another big issue that we need to concentrate on. The Secretary of State has had some time in which to deal with the herceptin issue. On the question of the announcement that she made in October, even if she is arguing that she did not say that she would end the postcode lottery for early-stage breast cancer and that there was no change, therefore, in her Department's policy, one is still left with the following question. Why on earth did she make the statement that she made in October, unless it was made on the ground of cost?

We were determined to raise today on the Floor of the House the future of cancer care services, because it is a priority. Such services need not merely to be maintained: the trends need to be enhanced, given the debilitating effect that cancer has on so many people in this country. At the moment, the opportunities to enhance the services available are being missed.

6.50 pm

**The Minister of State, Department of Health (Jane Kennedy):** This has been a very interesting and useful debate, which the hon. Member for Billericay (Mr. Baron) opened very disarmingly. It is much easier to respond to a straightforward political discussion across the Dispatch Box, but this has been a very thoughtful debate and, in the short time available, I shall try to respond in a way that reflects that fact, and to answer as many questions as I can.

The cancer plan is a 10-year national strategy of investment and reform, the purpose of which is to reorganise, standardise and rejuvenate cancer services. We are just past the halfway point in implementing it, and looking back—it is appropriate that we do so—I challenge anyone not to acknowledge the clear and impressive story of real improvement. The hon. Member for Northavon (Steve Webb) asked when the next cancer plan will come along. There have been three reviews of the current plan and we may or may not have a further one. I take his point about wanting early warning of when another cancer plan will be considered, but that is some way down the track.

My right hon. Friend the Secretary of State spoke of the importance of prevention, detection, treatment and care. I do not want to repeat what she said, other than to say that unprecedented investment in new and replacement equipment is helping to improve reliability and access to diagnosis and treatment. We are expanding the cancer work force—I will not repeat the figures, which are in the amendment—and there are more cancer specialists. New training programmes for specialties such as radiography and endoscopy are increasing capacity. Such investment is going hand in hand with reform. Specialist teams have been established across the country that bring together surgeons, radiologists, pathologists, nurse specialists and many others to deliver co-ordinated care to patients in hospitals.

That brings me to the Opposition's motion, and I have to say that I agree with a lot—indeed, almost all—of it. It is very much in keeping with the opening speech of the hon. Member for Billericay, but I disagree profoundly with the suggestion that we now need a different approach if we are to make further improvements in cancer services. It is appropriate that I deal with this issue specifically. We are close to being the world leader in developing the multidisciplinary approach that I have just described. All these advances are due largely to the cancer plan and to the work of Professor Mike Richards, as my right hon. Friend the Secretary of State said.

The hon. Member for Billericay discussed at length how the guidance and appraisals of the National Institute for Health and Clinical Excellence should be enforceable, and a number of Members referred to Herceptin and the role of NICE. When I first came into post last summer, the question arose of the length of time that NICE is taking on this issue. We issued a written statement today outlining the exact process for herceptin, but we must remember that the licensing process—which is very important for this treatment and its application—and the NICE appraisal process are absolutely critical in allowing the health service to take proper decisions on how it uses its resources locally to provide the proper available medicines and treatments. We trust NICE, as an independent organisation, to make those appraisals and to assess the new treatments. It does so in a way that is very efficient and highly regarded throughout the world.

**Mark Pritchard** (The Wrekin) (Con): Will the Minister give way?

**Mr. Liddell-Grainger:** Will the Minister give way?

**Jane Kennedy:** I hesitate to give way, as I am very pressed for time, and there is a lot that I must respond to. I must tell the House that I resist the call to give NICE more powers and to change how it works, especially before it has had the opportunity to go through the appraisal process.

I very much welcomed NICE's willingness to embrace a new, single-technology appraisal process, especially given the strong defence made for its solid work in the past. My hon. and learned Friend the Member for Redcar (Vera Baird) asked whether that meant that all new cancer drugs will be subjected to the new, single-technology appraisal process. My quick answer is no: some new drugs will be taken alongside other treatments and medicines, and their numbers mean that they will have to go through the slightly longer process.

However, the process is critical for a drug such as Herceptin, which has serious side-effects. Quite rightly, the NHS needs the best possible advice that it can get in respect of such medicines.

**Mr. Baron:** I do not disagree with much of what the Minister says, but the bottom line is that the postcode lottery will still apply if the system continues to be run as it is at present. Cost assessments running alongside the appraisals would ensure that what was recommended could be afforded. That is what happens north of the border, for example, but the postcode lottery will continue to operate in the absence of such assessments

**Jane Kennedy:** The so-called postcode lottery applies only in the period when we are waiting for a treatment to be licensed. Once NICE approval has been given, the NHS has 90 days—three months—to make arrangements for provision of the medicine. I shall look in detail at the example to which the hon. Gentleman has drawn my attention, and see what can be done.

The hon. Member for Billericay mentioned the length of time that people have to wait for radiotherapy. He made far too many points for me to answer in the time remaining, but I can tell the House that the Royal College of Radiologists published an audit on 23 February that showed that the situation is improving. However, I accept the criticisms that have been made, and much remains to be done in this regard.

*[Jane Kennedy]*

Even so, I am pleased to be able to tell the House that the Department of Health has exceeded its target of recruiting an extra 1,000 radiographers. More than 1,400 additional radiographers and radiography assistants are now working in the NHS, compared with 2003. That is still not enough: a lot of progress has been made, but we recognise that more remains to be done.

The hon. Member for Northavon raised a number of points, and asked about the cost of herceptin. He will be interested to know that the new pharmaceutical price regulation scheme agreement that started in January 2005 will save the NHS more than £1.8 billion on branded prescription medicines over a five-year period. The detail of his question concerned whether the company Roche was offering anything at the moment. Although I cannot comment on that, it is an interesting thought, and I shall be happy to write to him about the matter. Many hon. Members said that the process was arbitrary, but in the long run I do not believe that tinkering with what happens before NICE gets involved will benefit the NHS in any way.

My right hon. Friend the Member for Oxford, East (Mr. Smith) works tirelessly for his constituents. As he said, quite rightly, he holds the health staff in his town in very high esteem, and I want to answer a couple of the specific points that he raised. He asked whether the tariff applied to cancer services. Under the payment by results programme, hospitals are paid according to the number and complexity of the cases treated. Chemotherapy, radiotherapy and, indeed, palliative care will eventually be included, but they are not included at present, and are treated as specialist services for the purpose of commissioning. I would be happy to talk to my right hon. Friend about the deficits that he described in Oxford on another occasion.

The hon. Member for North Wiltshire (Mr. Gray) tempted me to be party political, but I shall just echo the words that have been said about his wife and the fact that she has made a full recovery. I am also pleased to hear that her personal experience of the service provided by the health service was good. My hon. Friend the Member for Norwich, North (Dr. Gibson)—

**Mr. Patrick McLoughlin** (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

*Question,* That the Question be now put, *put and agreed to.*

*Question put accordingly,* That the original words stand part of the Question:—

*The House divided:* Ayes 228, Noes 294.

**Division No. 183]** **[7 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Comack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John

Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Angela Watkinson and Andrew Rosindell**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Russell, Christine

Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Shearman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Sloate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Vernon Coaker and**
**Mr. Ian Cawsey**

*Question accordingly negatived.*

*Question,* That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

*Resolved,*

That this House recognises that the Government has made the improvement of cancer services a key priority through the implementation of the NHS Cancer Plan which sets out to reorganise and rejuvenate cancer services and has provided the NHS with investment to modernise these services; welcomes the achievements set out in the recent Public Accounts Committee report, the NHS Cancer Plan: a progress report, which acknowledged that significant progress has been made across the country; notes that the total death rate for cancer in people under 75 has fallen by 14 per cent. since 1996; acknowledges that under this Government unprecedented investment in equipment is helping to improve both access to, and reliability of, diagnosis and treatment; further notes that specialist teams have been established across the country to help deliver co-ordinated care to patients in hospitals; further welcomes the fact that the National Institute for Health and Clinical Excellence is introducing a new fast track assessment process to enable them to issue binding advice to the NHS on the most important new drugs within weeks of them receiving a licence; further notes that this Government has commissioned research to enable initiatives to raise awareness of the symptoms of cancer to be targeted on people most at risk; further notes that there has been a 43 per cent. increase in cancer consultants since 1997; acknowledges that there has been a 40 per cent. increase in cancers detected through breast screening; and further welcomes the Government's commitment to continuing to deliver the commitments in the NHS Cancer Plan.

**Mr. Deputy Speaker (Sir Michael Lord):** Order. If Members are leaving the Chamber, they should do so quietly and, hopefully, in ones or twos, rather than like a football crowd. That will allow us to get on with the next items of business.

## DELEGATED LEGISLATION

**Mr. Deputy Speaker (Sir Michael Lord):** I propose to put together the Questions on motions 3 to 5.

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### REPRESENTATION OF THE PEOPLE

That the draft Representation of the People (England and Wales) (Amendment) Regulations 2006, which were laid before this House on 24th January, be approved.

### CONSTITUTIONAL LAW

That the draft National Assembly for Wales (Representation of the People) (Amendment) Order 2006, which was laid before this House on 24th January, be approved.

### REPRESENTATION OF THE PEOPLE (SCOTLAND)

That the draft Representation of the People (Scotland) (Amendment) Regulations 2006, which were laid before this House on 6th February, be approved.—*[Mr. Heppell.]*

*Question agreed to.*

## PETITIONS

### Breast-feeding

7.17 pm

**Mr. David Kidney** (Stafford) (Lab): I am pleased to support an organisation called The Way Nature Intended in presenting to Parliament a petition signed by just over 1,000 people and collected by breast-feeding support groups around the country to support a change to legislation to make it illegal to discriminate against mothers because of how they decide to feed their babies. There are several thousand more signatures to the same petition online, but Parliament currently does not accept web-based petitions.

The petition states:

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to take such measures as lie within her power to tackle any discrimination that prevents parents from feeding their babies at appropriate times in public places.

And the Petitioners remain etc.

*To lie upon the Table.*

### Immigration, Asylum and Nationality Bill

7.19 pm

**David Lepper** (Brighton, Pavilion) (Lab/Co-op): The petition is from the Brighton and Hove Chinese Society and has 92 signatures.

The petition

Declares that the Petitioners object to the new 'Immigration, Asylum and Nationality Bill' and the five year strategy for 'asylum and immigration, Controlling our borders: Making migration work for Britain'. The petitioners strongly believe that eliminating the applicant's right to appeal is against our human rights and is a very unfair act.

The Petitioners therefore request that the House of Commons urge the Government to amend three areas of the new Bill, which are:

1. The removal of in country appeal rights and removal of entry clearance appeal rights
2. Employer's duties in relation to their workers
3. The new points system affecting settlement rights

*To lie upon the Table.*

## Planning Application (Canvey Island)

7.20 pm

**Bob Spink** (Castle Point) (Con): The trend in the south-east now seems to be for blocks of flats to be shoehorned into very small places. That has a number of consequences: it maximises developers' profits and it suits the Office of the Deputy Prime Minister, which is trying to cram more houses into the south-east, but it has negative consequences for local communities, particularly as it places great stress on their infrastructure. This petition relates to such a case, and I pay tribute to Mr. and Mrs. Archer and Paul Bailey, who organised it, and to all who signed it.

The petition states:

To the House of Commons

The Petition of the residents of Canvey Island and others,

Declares that the petitioners are deeply concerned about the application to build 12 flats at the corner of Somnes Avenue and Maple Avenue on Canvey Island because the area is already overdeveloped for the infrastructure that exists and these flats would be served with totally insufficient car parking spaces and by Leige Avenue access road that is entirely inadequate and this would cause great disruption and inconvenience to all residents and create a major traffic accident area.

The Petitioners therefore request that the House of Commons call upon the Government to urge Castle Point Borough Councillors to reject this application.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Local Press Ownership

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Heppell.]*

**Mr. Deputy Speaker (Sir Michael Lord):** Before I call the hon. Member for Great Grimsby (Mr. Mitchell), I just say to the Minister and the House that the hon. Gentleman is seriously incapacitated and is being given special dispensation to remain seated while he addresses the House this evening.

7.21 pm

**Mr. Austin Mitchell** (Great Grimsby) (Lab): Thank you, Mr. Deputy Speaker. I am most grateful for that permission to remain seated for entirely non-alcoholic reasons. I hope that it will not inhibit the ability of other Members to stand and applaud, as usual, during a speech on the Adjournment.

I declare an interest, first, in that I am a member of the National Union of Journalists. Secondly, I, too, have been fired by the *Yorkshire Post* for, I assume, economic reasons; it could not have been because of the quality of the articles that I was writing. Thirdly, I am chair of the parliamentary NUJ group. The situation has slightly changed since I requested the debate, which is basically about job cuts in regional and provincial newspapers. The Daily Mail and General Trust's proposal to sell off Northcliffe Press, which has 113 titles, including the *Grimsby Telegraph* and the *Scunthorpe Telegraph,* has now been postponed pro tem.

I wonder whether that is because I wrote to Lord Rothermere personally to advise him against the move. Although I do not like Northcliffe's politics in any way, it is one of the better organised groups and it has always been more concerned with quality, journalistic standards, training and the appointment of good editors—certainly at the *Grimsby Telegraph*—within the group. Grimsby has always had a good quality local evening paper, so I did not want the young Lord Rothermere to be misled by City slickers advising, as they usually do because of the fees that they get, "Sell and acquire," or by the conmen who often cluster round powerful figures advising them to invest in new technology such as the dotcom bubble of a few years back and abandon what they are doing well. I was delighted that although Lord Rothermere's reply did not exactly say, "My God, Mitchell, you are quite right. Why didn't I think of that? Would you like a directorship?", the plans have been slightly postponed, and I hope that that will give us the power to fight another day in this matter.

As an illustration of what is going on in the local press because of the preparations for the sale, Northcliffe's strategy involved a programme of redundancies and job losses. As the term goes, there was a "feeding down" of local newspapers to make them more profitable before selling them. The programme was called "Aim Higher", which journalists, with their usual cynicism, promptly called "Aim Fire". That involved getting rid of substantial numbers of journalists throughout the country to make the group more saleable.

That process has been repeated in every newspaper group throughout the country. These days, provincial newspapers are basically in chains. They are born free, but everywhere they are in chains, and the chains are

*[Mr. Austin Mitchell]*

looking to profitability. Trinity Mirror has 230 titles. Last year, it made a profit of £172 million. It is proposing hundreds of redundancies. Newsquest was £700 million in profit last year. It has 216 titles. It has already fired 25 subs in Colchester and between 60 and 70 in Scotland. Johnston had a profit of £177 million last year. It has 283 titles. It has just closed its press in Scarborough. Archant made a profit of £332 million out of 80 titles and is firing 17 subs in Norfolk. Even *The Guardian* is going through this process. There will be hundreds, if not more than 1,000, job losses in provincial newspapers.

This is being done at a time when the provincial press is profitable. It is said that it is being done because other advertising media—internet websites—will take revenue from other forms of profitable classified advertising, which provides about 50 per cent. of the revenue of local newspapers. If that were the motive, newspapers could always buy up the competition, as they bought up the free sheets. At present, regional newspapers are very profitable and becoming more profitable year on year. Profit margins are between 20 and 35 per cent. Those margins are higher than any margins in the local press in France, Germany, Europe generally and the United States. Advertising spending is increasing in local newspapers by 5.8 per cent. a year, and has increased every year for 13 years.

It is not the fact that these newspapers are unprofitable and are thus subject to job losses. They are local monopolies that do not face competition, which would enforce higher spending, so they are able to reduce the numbers of journalists and to cut spending on staff generally. The other factor to take into account is the growing power of the newspaper chains that want to increase the rate of return that they pay to their shareholders. In fact, that is the main explanation for what is going on.

The consequences of those job losses fall on the quality of the newspapers. Despite what some directors and, particularly, accountants seem to think, journalists do need newspapers, and newspapers need journalists. Newspapers cannot be produced without journalists. Cut the journalism and all else fails. That is a failure from which we all suffer, as does local democracy. There is less coverage of council meetings, less coverage of the courts and less coverage of all local bodies. There is less coverage of the arguments over, for example, academy schools. There is less discussion and less analysis of what is going on locally.

**David Taylor** (North-West Leicestershire) (Lab/Co-op):The *Leicester Mercury* is a Northcliffe newspaper, and an excellent one. One of the subjects that my hon. Friend has described is creeping out of its coverage—local issues at sub-county level are getting much less coverage, not least because such newspapers are in slow-managed circulation decline. Therefore, advertising is providing a higher proportion of income.

**Mr. Mitchell:** That is going on throughout the country. It weakens local democracy and local newspapers. It also weakens local interest. There is less analysis of what we are doing. There is less discussion of politics; less discussion of what the local council is doing; and less discussion of what senior local figures do at local power centres.

If one does not have the journalists on the required scale, fewer journalists cover stories. They do not go out—they stay in the office to cobble together press releases using the glossy spin that companies and institutions produce to say that they are doing well when, in fact, they are not. Those companies are concealing the truth, and the journalists conspire in that concealment. There are fewer specialists, including health specialists and even sports specialists. Spin wins—the truth does not prevail—and, as a result, the electorate is less well-informed.

**Mr. David Drew** (Stroud) (Lab/Co-op): I am sure that in preparation for this debate my hon. Friend has read the *Forest of Dean and Wye Valley Review*, which usefully explains what is happening in my part of the world. *The Citizen* has been moved to *Gloucestershire Echo* territory which, as anyone who knows Gloucestershire will realise, is like revisiting the civil war. The *Western Daily Press* and the *Evening Post* are fine newspapers, but they have been pushed together. Journalists have been threatened with the sack, sub-editors have been removed and so on. Does my hon. Friend agree that that is not acceptable?

**Mr. Mitchell:** I would give my hon. Friend a standing ovation if I were capable of standing to applaud him. It is a weakening of local influence and local information. It is a weakening of democratic debate in the localities at a time when we are desperately trying to strengthen local democracy and transfer power from London to the regions. There is talk of the new localism, communes and new local leadership groups, but local democratic debate will be harmed by the cutting of newspaper staff and reporters.

**John McDonnell** (Hayes and Harlington) (Lab): In view of the success of my hon. Friend's correspondence with Lord Rothermere, may I invite him to write to the *Hillingdon & Uxbridge Times*, which is putting to the knife a number of journalistic and other jobs in my local area? That, too, will lead to the creation of a near-monopoly as one paper folds and another does not. Is not the true problem the fact that profitability is so high that obscene wage awards are given to chief executives? The chief executive of the Trinity Mirror group, Ms Sly Bailey, has slashed jobs in the past few months but earns a salary of £550,000 and gave herself a bonus of £495,000 this year.

**Mr. Mitchell:** I agree that that is obscene, and it produces lethargy in the local press when we want dynamism, drive and competition. There can be no healthy local democracy without a healthy local media, particularly healthy, efficient and effective local papers staffed by good journalists who develop stories and provide information for people to make democratic decisions. The people suffer, and we suffer, because we cannot communicate our views and policies to the electorate. We cannot make the case for the kind of society that we want to achieve. Newspapers can always be sold if they are filled with sex, celebrities, the more interesting bits of Abi Titmuss and extruded pap in place

of news. However, one cannot educate or inform the people on that basis, as one is peddling lies, which are blandished as spin in place of honest information, inquiry and serious analysis. One cannot build a healthy local democracy on that basis.

The Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), has the invidious job of responding to my tirade—his Department is the only one with any regulatory power in this field—and I hope that he accepts the need to look at the issue of profiteering by local monopolies. I hope that he will consider trying to give newspapers a different status in takeovers, and will try to restrict the growing power of the chains, which are attempting to push up profits. I hope that he will investigate with the Department for Culture, Media and Sport how we can encourage and increase diversity in our local newspapers and media, because that is the only healthy way to encourage local democracy.

Localism is becoming extinct and centralisation is growing. High streets are dying, post offices are closing, and the whole world has been taken over by massive supermarkets. We need to bring democracy back to our people, and we can do that only with the help of the local media.

7.35 pm

**The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe):** I congratulate my hon. Friend the Member for Great Grimsby (Mr. Mitchell) on securing this debate on a subject that is very close to his heart following his years in journalism and the media. I am happy that he had special dispensation this evening to remain in a sedentary position because of the recurrence of his old injury from a parachute jump 30 years ago. That shows how adventurous he can be. As he said, he is a member of the National Union of Journalists and chair of the NUJ group here in Parliament, which plays a positive role in trying to ensure that the news gets told as it should, not only in local journalism but in the national media. Unfortunately, that is not always the case.

My hon. Friend focused on the role of provincial newspapers. I speak with some practical experience of that world. In my younger days, I worked for our local newspaper, the *Bradford Telegraph and Argus*, as a display advertising clerk. My role was to go up to the editor and explain how much space he had left for news, because the advertising revenue was important to the paper. Later on, I was a full-time trade union officer in the printing industry with the SOGAT union, so I am aware of the importance of local media to jobs in our communities. My hon. Friend is right to point to the importance of our having a healthy provincial newspaper sector.

When this debate was announced, many hon. Members asked me to mention their newspapers, but there were so many that it would be impossible to do so. I therefore generalise by saying that the *Grimsby Telegraph* and the *Scunthorpe Telegraph* are important, as are the *Hull Daily Mail* and the *Bradford Telegraph and Argus*. I am sure that the others are as well.

My hon. Friend talked about what happens when groups of newspapers come together and how that affects the quality of the journalism. I do not entirely share his sense of doom and gloom about that. Many local newspapers are finding innovative ways of communicating with their local communities. They have the basic product of the newspaper but are using other media to try to get the message across. The advantage that many local newspapers have is that they are a strong brand within their communities and are trusted on issues to do with local education, local government and so on. The brand name of a local newspaper, which has often been in the community for a long time, brings with it the view that it is caring for the community that it serves.

The local press is a competitive world because of the diversification of the media that is taking place. It is important that newspapers try to find new, imaginative ways of reaching the public, whether through free newspapers or other media with which they can get involved. The Government are mindful of the importance of the media, particularly local media.

The laws relating to local press ownership are found in the Broadcasting Act 1996, the Enterprise Act 2002 and the Communications Act 2003. Newspaper ownership, including local newspaper ownership, is regulated by rules under the Enterprise Act, as amended by the Communications Act. Cross-media ownership is regulated by the Broadcasting Act, again amended by the Communications Act. The ownership rules aim to avoid undue concentration of media ownership and to maintain diverse media content from a variety of sources. The Communications Act replaced the special merger regime for newspaper transfers under sections 57 to 62 of the Fair Trading Act 1973 with a simpler and more relaxed system.

The Communications Act sought to deregulate when possible to promote competition and attract new investment. The Act removed the requirement for the Government to be pre-notified of all newspaper mergers. It also removed the requirement for the Secretary of State to make a decision only following a report from the Competition Commission. That was expected to generate cost savings for business and the Department of Trade and Industry. The Department previously charged a fee of £5,000 or £10,000, depending on the circulation, for considering the merger. A reference to the Competition Commission entailed an average cost of £300,000 and imposed extra costs on businesses.

The more streamlined and less burdensome regime meant that the regulatory resources could be better focused on the transfers of newspapers that raise competition or plurality concerns. The new regime was aligned with the new system for general mergers that the Enterprise Act introduced.

The Communications Act added new newspaper public interest considerations to the Enterprise Act, thereby enabling the Secretary of State to intervene in a case and, if necessary, to refer it to the Competition Commission when it raised concerns about the accurate presentation of news, the free expression of opinion or the plurality of views in newspapers in the UK or part of the UK.

The main media ownership provisions of the Communications Act that related to newspapers were, at national level, the retention of existing limits on joint ownership of newspapers and Channel 3. At regional

*[Mr. Gerry Sutcliffe]*

level, a parallel 20 per cent. rule was retained. No one who owns a regional Channel 3 licence may own more than 20 per cent. of the local regional newspaper market.

The rules that apply to joint ownership of national newspapers and Channel 5 were removed. Locally, a limit was retained on the ownership of local radio stations by companies that control more than 50 per cent. of the newspaper market in the area of the radio service in question and companies that own a regional Channel 3 licence, whose coverage is, to a significant extent, the same as that of the radio service. Restrictions on radio ownership by newspaper companies with less than a 50 per cent. share were removed.

I hope that my hon. Friend will recognise that the Government are concerned about those relationships and that we acknowledge the importance of local newspapers in their communities. We are also concerned about the impact on the quality of journalism.

Like all hon. Members, I know from personal experience that many journalists who work on local newspapers do not stay for a long time—there is a high turnover of journalists in the local media. In some cases, that is due to promotions. In Westminster, there are many examples of Lobby journalists who come from local newspapers. The NUJ is especially concerned about the quality of young people who are attracted to the profession and ensuring that they have long and worthwhile careers.

I note my hon. Friend's success with Lord Rothermere. I am sure that that is down to his personal performance in writing to Lord Rothermere and his distinguished career. I emphasise that we are keeping an eye on what is happening. The regulatory regime is in place if there are problems and we are always happy to hear from the NUJ and other bodies about their concerns about the quality of journalism.

My hon. Friend is right to raise the subject and to ensure that we are all mindful of the quality that we receive from the local media. I hope that he will accept that we are prepared to consider the matter and to meet regularly to ascertain why there are problems.

**John McDonnell:** As secretary of the NUJ parliamentary group, I invite the Minister to meet us, when we would welcome the opportunity for him to meet delegations of some of the trade unionists from individual newspapers. As my hon. Friend the Member for Great Grimsby (Mr. Mitchell) said, the calculation is that 1,000 job losses have occurred in the sector in the past six months. It is an important sector and the scale of job losses is significant. We would welcome the opportunity for the Minister to experience at first hand the impact on people's employment.

**Mr. Sutcliffe:** That is a reasonable request, and I will be happy to do that for my hon. Friend. We will make arrangements, following this debate, to have such a meeting.

**Sir Patrick Cormack** (South Staffordshire) (Con): I thank the Minister for giving way, and I am sorry that I missed the first three minutes of the debate. When he meets the group, will he try to make it an all-party group? There is concern on both sides of the House about this matter.

**Mr. Sutcliffe:** I recognise that point. I do not think that there is a party political nature to this debate. We are all aware of the impact of the local media on our communities. I should be happy for the meeting to involve Members from all parties, but it will be up to the members of the group to decide whom they invite for me to meet.

This is an important debate, and there are many issues relating to diversification in the media. The printed media in particular face many challenges.

**David Taylor:** I am sure that the Minister will accept that the concerns about the Rothermere press that my hon. Friend the Member for Great Grimsby and others have raised this evening are not politically motivated. Its regional papers are scrupulously fair and balanced, not only in election periods but throughout the electoral cycle. At least, that is my experience in Leicestershire. We are making general and genuine principled points, not political ones.

**Mr. Sutcliffe:** I accept that, and I am not trying to denigrate any of the points that have been made. They have been well made, from the honest position of wanting to ensure that good quality journalism in our communities continues, and that the well-being of local newspapers continues. I am trying to explain that, within our enterprise and competition regime, we have the opportunity to deal with certain situations if we feel that they are not benefiting local areas.

My hon. Friend the Member for Great Grimsby talked about buying from supermarkets rather than newsagents. The world is changing, in regard to the ways in which consumers acquire their information, whether it be through the printed media, radio, television or the internet. There is a whole variety of ways for news to reach us. This has been a worthwhile debate, and I hope that it will have positive consequences at our meeting. I also hope that the House accepts the position that I have put forward.

*Question put and agreed to.*

*Adjourned accordingly at thirteen minutes to Eight o'clock.*

# House of Commons

*Thursday 2 March 2006*

*The House met at half-past Ten o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## TREASURY

*The Chancellor of the Exchequer was asked—*

### Millennium Development Goals

1. **Mr. Eric Joyce** (Falkirk) (Lab): What recent discussions he has had with international Finance Ministers on financing the millennium development goals. [55117]

3. **Ms Angela C. Smith** (Sheffield, Hillsborough) (Lab): What assessment he has made of the role of an international finance facility in achieving the millennium development goals. [55119]

**The Chancellor of the Exchequer (Mr. Gordon Brown):** Next month, the international finance facility will start issuing its first bonds, supported by the United Kingdom and five other countries. We expect more countries to announce support next week. It will be a truly global facility, which will release an additional $4 billion to save 5 million lives between now and 2015. On Tuesday, France and Britain agreed a working group to push ahead with the full international finance facility to support health and education. We have invited other countries to join, and that is one way in which we can meet the millennium goals.

**Mr. Joyce:** My right hon. Friend has helped to ensure that the United Kingdom is the largest funder of the election preparations that are under way in the Democratic Republic of the Congo, which the all-party group on the great lakes plans to visit in a couple of weeks. Does he agree that a responsible approach by all parties in that country is fundamental to ensuring that it can progress properly towards its development goals after the election?

**Mr. Brown:** I am grateful to my hon. Friend. I know that he takes a great interest in matters in the Congo and I wish the delegation well when it visits that country soon. We are in a position to give additional support to it and other conflict-ridden countries as they prepare for the future. The purpose of the international finance facility is to front-load finance and make it possible to achieve the millennium development goals by 2015. That applies especially to areas where there is high infant mortality. Of the 130 million children born each year, only 30 million are vaccinated. We need to do something about that.

**Ms Smith:** What contribution does my right hon. Friend believe that the international finance facility makes to ensuring environmental sustainability, which is one of the millennium development goals? Last week, I visited a secondary school where year 7 and year 9 children pressed on me the importance of development and climate change issues. Of course—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. The question is sufficient.

**Mr. Brown:** I am grateful to my hon. Friend for asking about development and the importance of the environment to it. Having met environmental groups this week—[ HON. MEMBERS: "Ah!"]—as I have met them almost every month for the past few years, I see a huge interest in considering environmental and development questions together. *[Interruption.]* It is interesting that not one Tory seeks to ask a question on that important matter.

We are pressing the World Bank to introduce a new facility, similar to an international finance facility, for loans and grants for alternative sources of energy to be developed by developing countries and emerging market countries so that greater energy efficiency can be achieved there. We are already doing for the environment—for alternative sources of energy and energy efficiency in developing countries—what we do for health and education. I would have thought that there was all-party support for that.

### Cash Machines

2. **Mary Creagh** (Wakefield) (Lab): What steps he is taking to promote access to free cash machines. [55118]

**The Economic Secretary to the Treasury (Mr. Ivan Lewis):** As we set out in our response to the Treasury Committee's recent report, the Government believe that access to cash is important. Although 96 per cent. of cash machine withdrawals are made from free machines, we know that many hon. Members have serious concerns. The Government would be especially worried if people on low incomes incurred a disproportionate cost in accessing their money.

**Mary Creagh:** The Economic Secretary is doubtless aware that British consumers will pay £250 million in charges to access their money this year. What steps is he taking to prevent banks from further selling off their cash machines and to ensure free cash machines in public places such as hospitals, railway stations and colleges? Wakefield college in my constituency charges students £1.85 to withdraw their own money.

**Mr. Lewis:** I understand my hon. Friend's concerns. In the past five or six years, as a result of the work of the Treasury Select Committee and the Treasury, there has been an improvement. However, there are continuing concerns about the danger that the position may

deteriorate. That is why, in a recent debate, I said that I would facilitate a meeting in the next few weeks between representatives of the Select Committee, the industry and the financial inclusion taskforce to ensure that we do not go backwards on such an important public policy issue.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): I thank the Economic Secretary for his generous gesture in holding that meeting. Before that, two issues need to be considered: first, sharing postcodes in areas where there is concentrated financial inclusion or exclusion, and secondly, transparency. Approaching cash machines should be akin to going to a petrol station, where the customer knows what he or she is getting into. Knowing that is imperative.

**Mr. Lewis:** I entirely agree with my right hon. Friend, and pay tribute to the work that he has done on this issue. He is right to say that we should be concerned if there were evidence that paying for cash was more prevalent in areas with low-income families and financial exclusion. However, we cannot make a judgment about that unless we are able to collect the appropriate evidence, so it is important that we do that as part of the process. On transparency, I agree entirely with him. It is perfectly reasonable that, when consumers go to cash points, the nature of any charges should be made absolutely clear.

**Stewart Hosie** (Dundee, East) (SNP): Is the Minister not concerned that some of the changes mooted in the ongoing consultation on the arrangements for Scottish banknotes—involving changes to the till level, the fiduciary level and seniorage—might put additional pressure on the free-to-use cash machines in Scotland?

**Mr. Lewis:** That is nonsense. The scare stories that the Scottish National party has put about on the proposed changes to Scottish banknotes simply do not stack up in relation to the facts. That should not surprise us about the SNP. We are going to consult further on any changes, to assuage any concerns, but the SNP scare stories are simply untrue.

## Gershon Review

4. **Mr. David Burrowes** (Enfield, Southgate) (Con): If he will make a statement on progress on the implementation of the Gershon review of public sector efficiency. [55120]

**The Chief Secretary to the Treasury (Mr. Des Browne):** The Government are on track to meet the Gershon efficiency targets. The pre-Budget report of 2005 announced a total of £4.7 billion in efficiency gains as at the end of September 2005, with 31,000 head-count reductions and more than 6,000 relocations. This is part of our long-term commitment to improving value for money in public services. Indeed, the National Audit Office agreed, in its recent report, that we were making good progress in that regard.

**Mr. Burrowes:** With reference to the National Audit Office report, is the lack of clearly measurable efficiency gains a problem of deficient management information systems or of a lack of will to bring about deeper and more systemic changes, or both?

**Mr. Browne:** I do not know whether the hon. Gentleman has had the opportunity to read the National Audit Office report, of which I have a copy here. I will give him this copy if he has not had the opportunity to read all of it. I say that because I have recently had to debate this report with people who manifestly have not read it. The National Audit Office report was summarised by the Comptroller and Auditor General, Sir John Bourn, in the following terms in his press release:

> "There are many worthwhile activities going on within the efficiency programme and ... good progress is clearly being made."

We are now 10 months into the delivery of this process, and of course there are challenges in regard to the technical measurements involved. However, those challenges are being met in partnership with the National Audit Office and the Audit Commission. As the report makes clear, the measurement issues are being addressed and resolved.

**Paddy Tipping** (Sherwood) (Lab): Does the Chief Secretary accept that one important way to make efficiency gains is for central Government to have a more strategic, slimmed-down role, with resources devolved to local level, so that local solutions can be found for local problems?

**Mr. Browne:** Absolutely—*[Interruption.]* Let me just make the point that, in the whole of my public and political life, I have been arguing for and supporting devolution. Certainly, no Back Bencher needs to persuade me of its importance, or of what it has delivered for Scotland. The most important thing for my hon. Friend and his constituents is not only that decisions are made at the appropriate level—and some of them ought to be devolved—but that we devolve jobs out of the south-east. Part of the process of the efficiency agenda involves moving jobs from London and the south-east to the regions of England, Scotland and elsewhere, and we have been successful in doing so.

**Greg Clark** (Tunbridge Wells) (Con): In the Chancellor's last Budget, three weeks before the last general election, he claimed £2 billion worth of Gershon efficiency savings. On Monday, the National Audit Office will tell the Public Accounts Committee that it can find no evidence for half those savings. Will the Minister make a commitment, on behalf of the Chancellor, that, in the forthcoming Budget, he will use no figures claiming Gershon savings unless they have been signed off as above board by the NAO first?

**Mr. Browne:** The hon. Gentleman would also benefit from reading the National Audit Office report. It confirms that significant progress is being made, and says—particularly in relation to the Department for Work and Pensions, which accounts for a significant portion of the head count—that the published figures are "robust". It deals with exactly the issue that the hon.

Gentleman has raised. We have not yet reached the end of the first year, but we have a transparent system. We have published the technical notes and the basis of measurement, and we have worked with the National Audit Office and the Audit Commission on the measurement.

As I have said, in our view the report published last week confirms that our figures are robust; and where they are not robust, we are dealing with the measurement issues. We will continue to report, in a transparent fashion, to Parliament and the country on the progress that we are making on this important matter.

**Mrs. Theresa Villiers** (Chipping Barnet) (Con): In 2004, the Chancellor promised a reduction of 70,600 in the number of civil service posts by 2008. Most people would understand that to mean that in 2008, 70,600 fewer people will be working for the civil service than when the Chancellor made that promise. Will that be the case, or will the Treasury permit Departments to include head count reduction in full towards their Gershon targets despite additional recruitment for new projects? That would mean, paradoxically, that we could end up with more people working for the civil service in 2008 rather than 70,000 fewer—and I am not even taking into account the issue of civil servants being laid off and rehired as consultants. Have not the Government set the Gershon goalposts in such a way that they can claim savings without making real improvements to embed a culture of efficiency and value for money in our delivery of public services?

**Mr. Browne:** The hon. Lady has made the same error in comparing statistics that she made when we debated the issue on the "Today" programme. I say to her now, as I said to her then, that page 29 of the report deals with it in some detail, and explains why comparing different data is inappropriate.

Let me deal directly with the question of the number of civil servants. The hon. Lady relies for her argument on the fact that during the period of measurement the magistrates courts were transferred from local government to central Government. With that decision came 12,000 people, whom the Office for National Statistics redesignated as civil servants. It is not a case of more people working in the magistrates courts; those people were redesignated. However, the National Audit Office report confirms the opposite of what the hon. Lady has argued—that, in bald civil service number terms, there was a significant reduction over the period. We will meet the target as it was set out in the Gershon review, and we will maintain our approach to meeting that target.

## Pensioner Households

5. **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): What policies his Department has in place to improve the income of pensioner households. [55121]

**The Financial Secretary to the Treasury (John Healey):** As a Labour Government, we have given pensioners pension credit, winter fuel payments, extra help with council tax, free prescriptions, free eye tests, free local-area bus travel and, for the over-75s, free television licences. All those measures have, directly or indirectly, increased pensioner household incomes, and all of them were opposed or criticised by the Conservatives at the time of their introduction.

**Jim Dobbin:** The Chancellor has indeed done much to eradicate pensioner poverty with such measures as free off-peak bus travel. The Greater Manchester passenger transport authority provides free travel on trains and trams after 9.30 am. Will the Minister encourage other PTAs to follow Manchester's example, and even to consider cross-county agreements with the aim of giving free travel to pensioners and disabled people in particular throughout the country?

**John Healey:** I am glad that my hon. Friend welcomes the fact that, in his constituency and throughout Greater Manchester, half a million people will benefit from the beginning of next month. It is true that some bus journeys from the Greater Manchester area will be free. It is also true that local authorities and passenger transport executives will retain the ability to arrange concessionary travel beyond their areas. We would certainly encourage them to do so, and I am sure that the Greater Manchester passenger transport executive is considering such action.

**Mr. Nigel Dodds** (Belfast, North) (DUP): I acknowledge that genuine measures have been taken to increase the prosperity of pensioners throughout the United Kingdom, but does the Minister accept that the widespread and growing use of means-testing acts as a major deterrent, discouraging low-income pensioner households in particular from claiming benefits?

**John Healey:** The Government are spending around £7 billion more on pensioners this year than we would be if we had restored the link to the rise in earnings. In a situation where almost one in five people are retiring on more than £400 a week, it is surely right that we put in place help for all pensioners. Clearly, the basic state pension remains the cornerstone for that, but it is right that we put in more help for the pensioners who need it most.

**Edward Miliband** (Doncaster, North) (Lab): Is my hon. Friend aware that in the seven years since 1997—[Hon. Members: "Nine years."]—the poorest fifth of single pensioners have seen their incomes rise by more than in all the years between 1979 and 1997? Is he further aware that the reason for that is the pension credit, and will he ensure that, in the years ahead, we build on those gains?

**John Healey:** I thank my hon. Friend for that question and for the statistics that he has supplied the House. He is right about the progress that has been made, and he is right to urge the Government to do more. Since 1997, 2 million pensioners have been lifted out of poverty by the measures that we have put in place. When we combine the personal tax and benefit changes made since 1997, this year, the average pensioner household will be £26 a week better off and the poorest 10 per cent. of pensioners will be £42 a week better off than they would have been under the Conservative system.

**Peter Viggers** (Gosport) (Con): The Minister is avoiding the question. How can he possibly justify a system that, through means-testing, means that it is possible for someone who has saved prudently for their retirement to be worse off than someone who is entitled to means-tested benefits?

**John Healey:** The hon. Gentleman needs to study the operation of the pension credit. For the first time, we have a system in place that gives extra help to the poorest pensioners but also gives an extra reward for those who put a bit by for their retirement, either through savings or modest personal or occupational pensions. It is high time that he and his party accept and welcome the operation of the pension credit and see it as something to build on further.

## Lisbon Agenda

6. **Keith Vaz** (Leicester, East) (Lab): What steps he is taking to improve the UK's performance against the Lisbon score card. [55122]

**The Chancellor of the Exchequer (Mr. Gordon Brown):** The review of the Lisbon agenda will take place at the European Finance Ministers meeting on 14 March and at the European Council on 23 March. I have today published a written statement showing the progress that has been made on the reform agenda under the British presidency. Our proposals include further liberalisation of services, energy and utilities and risk-based regulation—areas where Britain is leading the way in Europe.

**Keith Vaz:** At a meeting in Brussels last Monday, Commissioner Günter Verheugen stated that 90 per cent. of the Lisbon targets could only be implemented by national Governments on a member state basis. Given the success of the United Kingdom's achievements against the score card—we were fifth overall in terms of progress last year, we are fourth in terms of the entire targets since 2000—what will my right hon. Friend do to encourage other EU countries to match Britain's excellent performance?

**Mr. Brown:** I have even better news for my hon. Friend: in the last survey, we were third. One of the Lisbon targets is for the overall employment rate to reach 67 per cent. by 2005 and 70 per cent. by 2010—we are at 72 per cent. Another target is for the female employment rate to reach 57 per cent. by 2005—we are at 67 per cent. already. Those are examples of where we are making progress. I will continue to press our colleagues in the rest of Europe to do so. It might help if the Conservatives were to enter the mainstream of European politics.

**Dr. Vincent Cable** (Twickenham) (LD): Further to the answer that the Chancellor has just given on the Government's performance on unemployment, does he agree that, while the claimant count is relatively impressive in the UK, when we take into account the number of people on Government schemes, the number of people who retired early and want to work and the International Labour Organisation measure of unemployment, the true level of unemployment is closer to 10 per cent. than the 3 million figure suggests? Is that a satisfactory basis from which to lecture other members of the European Union?

**Mr. Brown:** I do not accept the hon. Gentleman's figure. Uniquely among our European partners, we have created 2.3 million jobs in the past eight years, and surely even the Liberal Democrats will acknowledge that fact. *[Interruption.]* I do know whether the hon. Member for Eastleigh (Chris Huhne) is giving the hon. Gentleman instructions this morning—he is sat next to him—or is simply acting as his lieutenant. We will see what happens this afternoon, but I understand that very few people have voted in the Liberal Democrat leadership election. For a few months, the Liberal Democrats have been in search of a leader; now, we will see a leader in search of a party.

**Mr. Brian H. Donohoe** (Central Ayrshire) (Lab): On the question of the UK's performance, will my right hon. Friend give some indication of the impact of the high energy costs of the past few months? They could lead to job losses, particularly in my constituency, where up to 2,000 jobs are under pressure as a result.

**Mr. Brown:** I understand my hon. Friend's worries about energy costs, and the cost of gas in particular has risen very fast recently. It is an achievement of British macro-economic policy that, even despite the big rise in energy prices, the inflation target of some 2 per cent. continues to be met. One issue in terms of pricing is what is happening in the EU energy market, and all Members will agree that it is about time that we saw the full liberalisation of the EU's gas and general energy markets. We estimate that British business would save about £20 billion a year if that happened.

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): Will the Chancellor be boasting, as he has just done today, to his fellow Finance Ministers about how wonderfully well we are doing and, by implication, how badly they are all doing? In that context, what will he say to the French Finance Minister about the current scandal in France? The French are advancing protectionism, which is completely in conflict with the so-called Lisbon agreement.

**Mr. Brown:** I would quote the right hon. Gentleman's own Conservative leader, who praised the United Kingdom for doing far better than any other country in the EU. I point out to the right hon. Gentleman that it would help if the Conservatives participated in debates in the EU in a sensible way. Even the leader of the Conservative group in the EU says, "You can't move to the centre ground at home and move to the extreme right abroad. The Conservative policy is just barking".

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that, although we have done quite well on the Lisbon agenda targets, that agenda will be undermined if, in a free market such as ours, our companies are opened up to takeovers? France and Germany, however, seem absolutely determined to prevent British companies from doing the same thing in Europe.

**Mr. Brown:** I accept my hon. Friend's point about the opening up of markets and trade protectionism in general. We will continue to press the EU and America to move further and faster in order to secure a world trade agreement based on the removal of the protectionist policies that have been pursued in the past. Within the EU, we will continue to press for the liberalisation of markets that my hon. Friend proposes, but I must point out that it is free trade countries and countries that are open to competition that are creating jobs. Countries closed to competition are, in the long run, not creating the jobs that they need.

**Mr. George Osborne** (Tatton) (Con): The Chancellor agrees with me that the big challenge that European countries face is competing in the new global economy. Presumably, he shares my disappointment that Britain's trade deficit with China widened by 20 per cent. last year. What is his explanation for that?

**Mr. Brown:** We are trading more with China—*[Interruption.]* If the hon. Gentleman will just listen. We are trading more with China. I have visited China twice this year and we have signed trade agreements with the Chinese in a range of areas, including financial services. Chinese companies are now registering on the London stock exchange and trade between China and Britain is improving. The hon. Gentleman should be congratulating us on our efforts, instead of criticising us.

**Mr. Osborne:** I asked the Chancellor about the trade deficit. The truth is that he can change his ties, change his shirts and even change his teeth, but he actually needs to change his economic policies if Britain is to compete in future. So will he comment today on the decision by the internet book retailer Amazon to relocate its European service headquarters from England to Ireland? What is his explanation for that?

**Mr. Brown:** I will read out what the chairman of the Conservative party's economic research policy commission, the right hon. Member for Wokingham (Mr. Redwood), has said. He has just published—

**Mr. Deputy Speaker:** Order. The Chancellor has had at least three strikes outside the sphere of the question. I must ask him to confine his answer to the question that has been asked.

**Mr. Brown:** As you rightly say, Mr. Deputy Speaker, I was asked why a company should relocate to Ireland. The right hon. Member for Wokingham's answer was that companies were relocating to Ireland because the EU had heavily subsidised the Irish Republic and thus allowed it to reduce corporation tax. If the shadow Chancellor wishes to be consistent in his approach to economic policy, why does he not remind the House that he has spent months congratulating the Government on establishing economic credibility after improving the macro-economic management of the economy, and admitting that his own policies lack popularity?

## Public Sector Pensions

7. **Mr. Philip Dunne** (Ludlow) (Con): What recent assessment he has made of the effect on sustainability of the public finances of public sector pension liabilities. [55123]

**The Chief Secretary to the Treasury (Mr. Des Browne):** Pension payments from unfunded public sector pension schemes were £16 billion in 2002–03, £17 billion in 2003–04, and £18 billion in 2004–05. As set out in the long-term public finance report published in the pre-Budget report, spending on unfunded pensions as a percentage of gross domestic product remains unchanged. Principally because of a change in the discount rate effects, the Government Actuary's Department estimates the total accrued liability of unfunded public service pension schemes at £530 billion as of 31 March 2005, but the actual payments by Government as a percentage of GDP are the same as set out a year ago.

I shall place a technical note explaining that estimate in the Library of the House today, as the matters involved are quite complex.

**Mr. Dunne:** I am grateful to the Minister for clarifying that point, and I shall read the technical note with interest. However, the revision to the calculation of the discount rate has increased the public service pension liability by an astonishing amount, from £24 billion annually to £81 billion. At Warwick, did not the Government fail to address the ballooning crisis in funding public sector pensions, and is that not a further reminder that the Chancellor's self-styled reputation for prudent stewardship of the nation's finances is in tatters?

**Mr. Browne:** I do not wish to be pedantic, but the hon. Gentleman is relying on a figure of £81 billion that he got off the front page of *The Daily Telegraph*, and it is clear that he has not performed a simple arithmetical calculation between the figure that I have given and the figure that was in the public domain previously. When he comes to read the technical note, that calculation will be very clear.

**Mr. Patrick McLoughlin** (West Derbyshire) (Con): It is on page 29.

**Mr. Browne:** It is not on page 29, but page 1.

The hon. Member for Ludlow (Mr. Dunne) will know that the calculation is based on a set of assumptions, and that it is an aggregation of liabilities based on international accounting standards. However, the technical note makes it clear that none of the new information and assumptions used to make the new estimates of total liabilities has any material effect on the future cash payments from the schemes in the longer term, which are set out in the public finance report. The sustainability of the public finances is a function of what has to be paid, and does not depend on a calculation of aggregated liabilities in the long term.

**Mr. Jim Cunningham** (Coventry, South) (Lab): Has my right hon. Friend had any discussions about the

funding of local government pension schemes? He will be aware that there is much concern among local government employees, and in local government itself, about how such schemes will be funded.

**Mr. Browne:** My hon. Friend raises an important and live issue, for local government employees and for local government itself—and consequently for council tax payers. However, the distinction between the substance of the question and the local government pension scheme is that the latter is a funded scheme. I am, of course, involved in discussions with my right hon. Friend the Deputy Prime Minister and with other Ministers in the Office of the Deputy Prime Minister about their negotiations and discussions in respect of the scheme, but it would be inappropriate for me to comment on matters that are the responsibility of other Ministers.

**Mr. Mark Hoban** (Fareham) (Con): According to the pre-Budget report, the annual cost of public sector pensions is set to rise by 0.7 per cent. of GDP over the next 30 years—the equivalent of £8 billion in today's prices. Is the Chief Secretary satisfied that the deal cut by the Secretary of State for Trade and Industry at Warwick will make the cost of public sector pensions more sustainable, or does he agree with the Chancellor's remarks in November, when he said that there was still a lot more work to be done?

**Mr. Browne:** I have given additional figures today that may inform the hon. Gentleman's analysis, but the long-term financial report shows that the cost of public sector unfunded pensions over the next 50 years is sustainable. As for the settlement that was arrived at by my right hon. Friend the Secretary of State for Trade and Industry in negotiations with public sector unions for the long-term sustainability of these schemes, we achieved exactly the objectives that we set for savings, and the unions and the work force have agreed to absorb those savings.

**Jim Cousins** (Newcastle upon Tyne, Central) (Lab): May I urge my right hon. Friend to be resolute in resisting panic over the issue of public sector pension liabilities? A relatively small change in the discount rate can produce apparently very much larger figures. My right hon. Friend is not running a hedge fund; he is operating public sector finances. Will he bear it in mind that if he were panicked into taking drastic action on this topic, one effect would be a reduction in public sector borrowing issues, and the problems of private sector pension schemes would therefore be increased?

**Mr. Browne:** My hon. Friend is precisely correct. On one famous occasion a non-governmental organisation—clearly outside of government—adopted a negative discount rate and suggested a terrifying figure for the cost of unfunded public sector pension schemes. Of course the selection of the discount rate has a significant effect on the calculation. That is why it is important to come back to what the funds cost year on year. The detailed figures that I gave to the hon. Member for Ludlow (Mr. Dunne) in answer to the original question showed that they are sustainable and that it is important to look at the long-term projections that are published with the pre-Budget report and the Budget. This is sustainable provision; it is constantly reviewed and revised. We now accept international accounting standards for public accounts, so we adopt and apply the discount rates that those standards compel us to adopt.

## Business Productivity

8. **Mr. Brian Binley** (Northampton, South) (Con): What recent assessment he has made of the productivity of UK business. [55124]

11. **Mr. Stewart Jackson** (Peterborough) (Con): What recent assessment he has made of the productivity of UK business. [55127]

**The Chancellor of the Exchequer (Mr. Gordon Brown):** Productivity is estimated to have grown by around 2.6 per cent. in the first half of the current cycle from 1997, compared with just 2 per cent. in the previous cycle from 1986 to 1997. In addition, the Office for National Statistics has recently announced new estimates for higher investment. Software IT investment in 2003 is now estimated to be not £8 billion but £21 billion. That will mean that the figures will show increased growth, and we will update our estimates for higher productivity.

**Mr. Binley:** The Chancellor has been keen to claim credit for a strong economy, but on the figures that we have been given Britain's position in the global productivity league table has fallen from fourth to 13th. Does the Chancellor take responsibility for that, or does he blame others?

**Mr. Brown:** I have just given the hon. Gentleman the figures to show that productivity is higher in this cycle than in the last cycle. I have just given him figures to show that it is 2.6 per cent. on average as opposed to less than 2 per cent. If I may say so, the only years in which productivity has fallen have been Conservative years. In each year of the Labour Government, productivity has risen, and manufacturing productivity rose 5.1 per cent. in 2003 and 5.8 per cent. in 2004.

**Mr. Jackson:** The Chancellor has stated:

"To secure the fastest productivity growth of our competitors over the next decade . . . business investment must rise."

Under this Government, business is voting with its wallet; business investment is officially now the lowest for 40 years. Would he describe that as prudence with a purpose?

**Mr. Brown:** These figures are completely wrong. Business investment has been rising under this Government and it continues to rise. I have just given the hon. Gentleman the new figure produced by the ONS, which shows that software investment alone, which people thought was £8 billion in 2003, is actually £21 billion. We have had one of the fastest rates of business investment growth since 1997, and that is to the credit of a Government who have insisted that stability

must be the foundation of policy. Should he not be giving us some credit for a 40 per cent. fall in unemployment in his constituency?

**Kerry McCarthy** (Bristol, East) (Lab): My right hon. Friend will be aware that the recent rises in productivity have gone hand in hand with rising employment. Does he agree that producing a highly skilled, highly trained work force is crucial to achieving future productivity gains?

**Mr. Brown:** Under the previous Government, productivity rose slowly and unemployment was high. Under this Government, since 1997, productivity has risen faster and, at the same time, employment has risen. The Conservatives are making a grave mistake if they think that people believe that a British economy that has grown faster, had more stability, met its inflation targets, had low interest rates and rising employment—*[Interruption.]* The claimant count fell last month, and the Conservatives should give us credit for that. They would be wrong to bank on the idea that the British people believe that the economy has done badly under this Government.

**Mr. Michael Foster** (Worcester) (Lab): Does my right hon. Friend agree that as welcome as supply-side policies are to improve productivity, the real key is still maintaining macro-economic stability?

**Mr. Brown:** I accept what my hon. Friend says, and I understand that the Conservative leader has now reached the conclusion that stability is the foundation of what should be done. Since 1997, we have been consistent in supporting stability as the foundation of policy and that required us, in the first instance, to take the difficult decision of making the Bank of England independent—a decision opposed by the Conservatives.

**Susan Kramer** (Richmond Park) (LD): The Chancellor's comments on business investment levels are worrying. It would be hard for him to find a single economist to agree with him—and few members of the Monetary Policy Committee would agree—that performance has not been lacklustre. Is he now planning his growth against a much lower trend of business investment?

**Mr. Brown:** The answer is no.

**Anne Snelgrove** (South Swindon) (Lab): Does my right hon. Friend agree that the success of Swindon's economy, with the highest gross domestic product per head in the south-west, is due to the UK's competitiveness, our macro-economic stability since 1997 and the productivity of the Swindon work force?

**Mr. Brown:** I congratulate the Swindon work force on their productivity. Long-term unemployment has fallen by almost 70 per cent. in my hon. Friend's constituency and youth unemployment has fallen by even more. Employment has been rising over the past eight years at a faster rate than in most countries in the European Union—

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Not now.

**Mr. Brown:** Well, if I may say so, employment rose by more than 150,000 in the last year. It is difficult to point to many years under the Conservative Government in which that happened.

## Growth Forecasts

9. **Mr. Jeremy Hunt** (South-West Surrey) (Con): What measures he is taking to improve the reliability of growth forecasts. [55125]

**The Financial Secretary to the Treasury (John Healey):** The best way of obtaining more reliable growth forecasts is to deliver a stable and steadily growing economy. The radical reforms to monetary and fiscal policy that my right hon. Friend the Chancellor has put in place have done just that. Britain is no longer the world's stop-go economy, as it was under the Tories. It is now what the Organisation for Economic Co-operation and Development describes as a paragon of stability.

**Mr. Hunt:** Given that the Chancellor had to downgrade his growth forecasts for 2004 and 2005 and has now had to downgrade them for 2006 and 2007, is not the most effective way to have reliable forecasts to adopt the Conservative party's proposals for independent assessment of the fiscal rules—the golden rule and the sustainable investments rule—and independent statistics, so that balance sheets, borrowing and other contentious issues are measured transparently?

**John Healey:** In the pre-Budget report, my right hon. Friend the Chancellor recognised, as did most businesses and forecasters, that 2005 was a particularly tough year. We saw a doubling of world oil prices, weak further growth in the key export market of the European Union and adjustments in the UK economy as we managed down what was double-digit house price inflation. During that year, the UK economy still grew, for the fifth successive year—at a faster rate than the economies in Germany, France, Japan, Italy and the eurozone area—and added a third of a million extra jobs. As the distinguished member of the Monetary Policy Committee, Richard Lambert, said:

"The idea that we could have seen a doubling of oil prices in eighteen months accompanied by a still expanding economy and CPI inflation running at ... just over 2 per cent is absolutely astonishing."

## Child Trust Fund

10. **Mr. Jim Devine** (Livingston) (Lab): What steps he is taking to increase the take-up of the child trust fund; and if he will make a statement. [55126]

**The Economic Secretary to the Treasury (Mr. Ivan Lewis):** I am pleased to announce to the House that the latest child trust fund account figures to 20 February

show a strong performance: 72 per cent. of the earliest vouchers have been used by parents to open a child trust fund account and nearly 1.5 million child trust fund accounts have been opened in total. The Government continue to encourage parents to open accounts, through activities such as simple step-by-step guides for parents, media advertising and working with a range of community bodies to reach less financially confident families. The child trust fund has kick-started a revolution in the way that the nation saves for its children. It will strengthen the saving habit of future generations and ensure that at the age of 18, for the first time in our history, every child will have access to a financial asset.

**Mr. Devine:** I am grateful to my hon. Friend for that answer. A few moments ago the shadow Chancellor asked the Chancellor to change not only his policies but his shirt. It is a matter of grave concern to me that the shadow Chancellor and I are wearing the same tie, so I will have to get changed.

The scheme has been criticised as unnecessary and expensive, but is not it a really good way of encouraging children to save for the long term?

**Mr. Lewis:** I assure my hon. Friend that I will not tell his constituents that he was wearing the same tie as the shadow Chancellor, as it would damage his credibility in terms of his ever going home again.

The important point about the policy is that it is at the heart of the kind of society that the Government are seeking to create on a long-term basis, with a savings culture offering opportunities to every child that previously were available only to some, and replacing inter-generational deprivation with inter-generational advance. We need to put the child trust fund alongside enhanced child care and employment opportunities. We are lifting the ambitions and aspirations of families who were previously left behind, shamefully, by the Tories when they were in government.

**Miss Anne McIntosh** (Vale of York) (Con): From the figures the Minister has given us, we see that almost a third of parents have failed to invest in a scheme. Is it right that Revenue and Customs should make that choice for parents? Does not that go to the heart of what the Government are trying to achieve and show that they have not chosen the most effective scheme?

**Mr. Lewis:** The point is that, although the doom and gloom merchants said that the take-up of vouchers for accounts would not be above 50 per cent., I can report that the figure is 72 per cent.—but we are not complacent. No child should lose out because a parent fails to convert the voucher into an account after 12 months, which is why we are willing to do it. We intend to continue advertising and promoting, and we want every Member of the House to encourage parents in their constituency to take advantage of those opportunities. The helpline number is 0845 3021470—I urge Members to get on and advertise it to parents.

**Ms Sally Keeble** (Northampton, North) (Lab): I very much welcome the improvement in take-up of the scheme, which has been really important for my constituents. As my hon. Friend is a former Education Minister, can he say whether the Treasury will promote take-up through Sure Start and children's centres so that this important scheme reaches some of the most excluded families?

**Mr. Lewis:** I agree entirely with my hon. Friend. When we reach out to people who were financially excluded in the past, it is incredibly important that we are far more imaginative and innovative. Whether through Sure Start schemes, health visitors, grass-roots, community and voluntary organisations or faith groups, it is very important that we are innovative and imaginative as we seek to reach every individual.

## Working Tax Credit

12. **Mr. Laurence Robertson** (Tewkesbury) (Con): Whether he plans to make changes to the working tax credit scheme. [55128]

**The Paymaster General (Dawn Primarolo):** The child and working tax credits are designed to make work pay and reduce poverty, and nearly 2 million individuals are benefiting. Research published today shows that tax credit take-up rates for families with children reached an unprecedented level in the first year of operation. Figures show take-up of about 80 per cent. overall and 90 per cent. for the poorest families, which compares with 57 per cent. in the first year of family credit. Additional research on how family incomes vary shows that the flexible nature of the working tax credit and child credit helps to smooth income, particularly for disadvantaged groups. As the hon. Gentleman will be aware, the 2005 pre-Budget report announced a series of reforms to be introduced over the next 18 months, which will give families more certainty about their tax credit award while maintaining the flexibility that is crucial.

**Mr. Robertson:** I am grateful to the Paymaster General for that detailed reply, but she will be aware that the administration of the system is certainly in chaos. Many people have been given money to which they were not entitled. That has not been their fault; they have provided information, which the system has not been able to take on board. The Paymaster General has, for example, increased the disregard from £2,500 to £25,000, but that addresses only part of the problem. Surely, it is better to make the system efficient, rather than using a sledgehammer to crack a nut. What on earth will that cost?

**Dawn Primarolo:** The hon. Gentleman will be aware that the announcements made in the pre-Budget report in 2005 were widely welcomed as precisely the way to continue to improve the tax credit system. I reiterate that the take-up rate for the poorest families is over 90 per cent., which does not show the failure in the scheme that he suggests. I also remind him that, in 1997, a one-child family on average earnings received just £11 a week for help with their child. By April 2006, that figure will be somewhere near £62. That is a success. Take-up continues to grow, and it is about time that the Conservative party started to support the tax credit scheme, instead of constantly trying to knock it and undermine it.

**Mr. Ian Davidson** (Glasgow, South-West) (Lab/Co-op): Although the scheme is undoubtedly excellent, does the Paymaster General accept that the Government are not necessarily getting the credit that they deserve? Would it not be much better if individual Members—particularly Labour Members, who support the tax credit scheme—were given the opportunity to present the cheques directly to those of their constituents who receive the money?

**Dawn Primarolo:** I can understand the attraction to Members of my hon. Friend's proposal. I have a feeling that the administration would be somewhat expensive, but he makes the point that every Member has thousands of families, with thousands of children, benefiting from tax credits, and Members need to ensure that they understand the benefits of the scheme before they start knocking it and trying to undermine people's confidence in it.

**Mr. David Laws** (Yeovil) (LD): Will the Paymaster General now clarify when she was first briefed by officials of the Inland Revenue on the organised criminal fraud in the tax credit system?

**Dawn Primarolo:** Yes, I can confirm that all the parliamentary answers that I have given to the House, including those to the hon. Gentleman, give the correct information and that the House has been kept fully informed.

**Miss Anne Begg** (Aberdeen, South) (Lab): Labour Members welcome the announcement in the pre-Budget report which will streamline the administration of tax credits, because we fundamentally believe that tax credits are a good system, but will my right hon. Friend give me an indication of the time scale for those who are on income support to migrate on to the tax credit system?

**Dawn Primarolo:** I promised to keep the House informed of developments in the transfer of income support and jobseeker's allowance claimants to the tax credit system. I will continue to do that, but I have nothing further to add now. My hon. Friend raises an important point about a particularly vulnerable group, which other hon. Members on both sides of the House have raised, and we need to be sure that the system will be right.

**Mr. Mark Francois** (Rayleigh) (Con): The Paymaster General pointedly refused to answer the question about the cost of the tenfold increase in the income disregard, but when senior officials in Her Majesty's Revenue and Customs gave evidence to the Public Accounts Committee on 14 December, they admitted that that separate figure had been calculated, and offered to provide it to PAC

"in liaison with our Treasury colleagues".

However, that liaison has been going on for two and a half months and has not come to a conclusion. As Ministers obviously have a figure for what the income disregard will cost, when will they share it with the House and the British taxpayer, so that we know how much that very major element of the Chancellor's pet project will really cost?

**Dawn Primarolo:** I really cannot help the hon. Gentleman if he does not read the papers and the information that is presented to the House. He will see in the pre-Budget report that the costings were provided for the package. He has seen the explanation that the package interrelates with obligations and benefits, and that it is the net cost of the package that has been identified to the House. He knows that. It is nonsense to try to separate the individual items, because it is their interaction that produces the cost that needs to be accounted for to the House.

**Public Funding (South-west)**

13. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): What estimate he has made of the amount of public funding the south-west region will receive in 2005–06. [55129]

**The Paymaster General (Dawn Primarolo):** The south-west region, like all parts of the United Kingdom, is benefiting from increased investment in public services. I am sure that the hon. Gentleman will be pleased to hear that the latest available figures show that, for 2004–05, the total identified expenditure invested in the south-west was projected to be about £30 billion—almost £6,000 per head. Information on public funding in the south-west region for 2005–06 will be published by the Government in the spring in their public expenditure statistical analysis.

**Mr. Ellwood:** I am grateful for that reply. I understand that the cost of the South West regional assembly is about £4 million a year. Regional assemblies are robbing local councils of their power. Why are taxpayers being made to pay for a deeply unpopular organisation that they never had the opportunity to vote for in the first place?

**Dawn Primarolo:** I reiterate to the hon. Gentleman what his Conservative colleagues in the regional chamber said to him when he stood up and spoke on this subject before, which was that it is good to make sure that one's policy is consistent across the party. He has called for more investment in transport, technical colleges, and recycling and regeneration. He knows full well that that has to be paid for and it is about time that he, with his colleagues, started to understand how.

**Off-balance-sheet Debt**

14. **James Brokenshire** (Hornchurch) (Con): What recent assessment he has made of the effect of off-balance-sheet debt on the sustainability of the public finances. [55130]

**The Chief Secretary to the Treasury (Mr. Des Browne):** The Government are meeting their fiscal rules and the long-term public finance report shows that public finances remain sound and sustainable. The risk of off-balance-sheet projects lies with the private sector. Under the UK's internationally agreed and independently measured national accounts, off-balance-sheet debt is not included in measures of public net debt. The decision about whether any individual private finance initiative is on or off balance sheet is made in accordance with the UK's accounting standards. It is made independently of Government by the relevant audit body.

**James Brokenshire:** Now that the Office for National Statistics has decided to reclassify the borrowings of

London and Continental Railways to bring them on balance sheet and therefore make them part of Government debt, is it not time to review the off-balance-sheet status of Network Rail's debts to give a clearer picture of whether the Chancellor's sustainable investment rule in relation to the country's national debt is being complied with?

**Mr. Browne:** With respect to the hon. Gentleman, the answer lies in his question. It is the independent assessment, which is carried out according to international accounting standards agreed by treaty, that judges whether a debt is on or off balance sheet. In both cases, the National Audit Office makes that decision independently. Rather than the Government making a decision in relation to one piece of debt and the National Audit Office making a decision in another case, we should leave things as they are. We should leave the decision with the independent body, which applies the same national standards and rules to one railway operation as it does to the other. That is precisely what we will do.

## New Deal (Swansea, East)

15. **Mrs. Siân C. James** (Swansea, East) (Lab): How many young people have been assisted by the new deal in Swansea, East; and if he will make a statement. [55131]

**The Paymaster General (Dawn Primarolo):** Since 1998, the new deal has helped 3,170 young unemployed people in Swansea, East and 1,870 young people have found work through the new deal, contributing to a 75 per cent. reduction in the number of unemployed young people in the constituency claiming benefit for more than six months. Independent evidence has repeatedly demonstrated the impact of the new deal and suggests that overall youth unemployment has been reduced nationally by between 30,000 and 40,000.

**Mrs. James:** I appreciate my right hon. Friend's answer. I recently met one of my constituents who praised what the new deal had done for his teenage daughter, who is a lone parent. The new deal helped her to train as a hairdresser and provided support for child care. No doubt she would still be on benefit had the scheme not existed. Her parents were profoundly grateful to the Government. Will the Government ensure that the new deal continues to help young people?

**Dawn Primarolo:** As the House will know, in 1997 Britain had the fastest growing youth unemployment and long-term unemployment in Europe. The contribution of the new deal to helping young people return to work, and the return of others to work through the programme, has proved a huge success. The Government are committed to its continuation, unlike the Conservative party, which wants to abolish the new deal, presumably because it thinks that unemployment is a price worth paying.

## Business of the House

11.30 am

**Mrs. Theresa May** (Maidenhead) (Con): Will the Leader of the House give us the business for the coming week?

**The Leader of the House of Commons (Mr. Geoffrey Hoon):** The business for next week will be as follows.

MONDAY 6 MARCH—Second Reading of the Police and Justice Bill.

TUESDAY 7 MARCH—Remaining stages of the Merchant Shipping (Pollution) Bill [*Lords*], followed by motion to take note of various European documents relating to Financial Management.

WEDNESDAY 8 MARCH—Second Reading of the Road Safety Bill [*Lords*].

THURSDAY 9 MARCH—Remaining stages of the Childcare Bill.

FRIDAY 10 MARCH—Private Members' Bills.

The provisional business for the following week will be:

MONDAY 13 MARCH—Second Reading of the Northern Ireland (Miscellaneous Provisions) Bill, followed by consideration of Lords Amendments to the Terrorism Bill.

TUESDAY 14 MARCH—Remaining stages of the Animal Welfare Bill.

WEDNESDAY 15 MARCH—Second Reading of the Education and Inspection Bill.

THURSDAY 16 MARCH—Consideration of Lords Amendments.

FRIDAY 17 MARCH—Private Members' Bills.

**Mrs. May:** I thank the Leader of the House for giving us the business for the next two weeks. True to his word, the Education and Inspection Bill was published by the end of February—just. There is, of course, considerable interest in this issue. The Prime Minister has described the reforms as the crux of his agenda and

"extremely important to the future of a Labour government".

I ask the Leader of the House again whether he will allow two days of debate on Second Reading to ensure that hon. Members have proper time to air their views on the Government's reforms.

There is growing concern about the impact of avian flu on the United Kingdom. Indeed, the Government's chief scientific adviser has said that it will be with us for a number of years. Given the different views on the value of vaccination and public interest in this matter, may we have a debate in Government time on avian flu and the Government's strategy for handling it?

I am sure that the right hon. Gentleman will have seen the letter in *The Times* today from Sir David Attenborough, co-signed among others by the executive director of Friends of the Earth, the director of conservation of the Royal Society for the Protection of Birds and the executive director of Greenpeace. The letter refers to the proposal by the Natural Environment Research Council to close five out of the nine centres of the Centre for Ecology and Hydrology. It says that the cuts are "scientifically flawed" and

"will . . . have a serious detrimental effect on the Government's ability to make policy that is based on sound scientific research."

Given the significance of climate change, to which the issue relates among other things, will the Leader of the House arrange for publication of the evidence given by DEFRA to the NERC review and for a debate on the issue?

In business questions recently, hon. Members on both sides of the House have raised the Government's proposal to remove the Post Office card account. We have had interesting debates on the different meanings of "interim" and "temporary". I understand from papers placed in the Library that it is not clear that it was made apparent to those signing contracts with the Post Office that the account was either interim or temporary.

Given that the Post Office has said that it could run the mail service on only 4,000 branches, which would mean a cut of more than 10,000 post office branches, and given that many constituencies throughout the country, including mine, are already reeling from the impact of post office closures, will the Leader of the House make Government time available for a debate on the future of the Post Office, and in particular on the Government's strategy on whether or not they want to keep our rural and suburban post offices?

Finally, yesterday, in reply to a question from my hon. Friend the Member for South Norfolk (Mr. Bacon) on the present inquiry by the Cabinet Secretary, the Prime Minister said:

"We will, of course, examine any allegations that are made, and reply to them fully."—[*Official Report*, 1 March 2006; Vol. 443, c. 254.]

Will the Leader of the House confirm the Prime Minister's position?

**Mr. Hoon:** I am delighted to welcome the right hon. Lady's observations on a range of policy matters. This week, in the spirit of giving credit where credit is due, we have witnessed the wholesale conversion of the Conservative party to large parts of the Labour Government's manifesto. The phrase about sinners repenting comes to mind. We all want the Opposition to maintain their commitment to economic stability, which they say is a good thing; to protecting the environment—we have been telling them so for years; and to the belief that poverty is a bad thing. The fact that the Conservative party has admitted that is progress of sorts. It wants, too, to encourage family-friendly policies.

I am sure that Opposition Members would benefit from reading the rest of the Labour Government's manifesto. I have it with me and would be delighted to make it available to the right hon. Lady so that, when her party publishes its next document—the present one is curiously entitled "Built to Last", presumably followed by the words "for at least a week"—it can continue in the same spirit and adopt our manifesto. Government Members are delighted by that progress, just as we are delighted with progress on the Education and Inspections Bill. I am sure that there will be

*[Mr. Hoon]*

adequate opportunity for hon. Members to debate that important measure in due course. We have debated on several occasions the Government's excellent preparations to deal with the prospect of a flu crisis.

As for climate change, the right hon. Lady is entirely in order in raising those issues, but it would be helpful if she were in order on her own party's policies. As for the Centre for Ecology and Hydrology, there is no doubt about the Government's commitment to fund high-quality scientific research. The funding of the overall science budget and the Natural Environment Research Council is outstanding. Indeed, it has doubled since 1997. It is important that that organisation should set its own scientific priorities. It is not right for Ministers and politicians to determine the way in which that money is spent. It is for that organisation to judge how best to develop its own research.

We have had a number of discussions about the Post Office card account in recent months, but I should have thought that everyone was united in the objective of ensuring the continuation of the services that the Post Office provides to people who take advantage of the Post Office card account. Everyone will accept that it is sensible, given the long lead time during which the Government are funding the card, that we should find ways of encouraging people to continue to take advantage of the Post Office and use a range of other services that it offers. If Opposition Members had thought this through, they would see that there is a clear and obvious link between the Post Office card and the future of the Post Office, which provides a range of services. It should be clear to people using the card—*[Interruption.]* I hope that the right hon. Lady will listen—I listened to her—instead of screeching from the Front Bench. I hope that we all share a commitment to the Post Office and the services that it provides. It makes available a range of accounts, which should be used to support the people who use the Post Office card.

**Mr. David Heath** (Somerton and Frome) (LD): I do not know whether the Leader of the House had the opportunity yesterday to visit the "Stop Climate Chaos" lobby across the road, but would it not be opportune to hold a debate on early-day motion 178?

*[That this House agrees with the Government's Chief Scientific Adviser that climate change is a threat to civilisation; welcomes the cross-party agreement in favour of major cuts in greenhouse gas emissions, and particularly in carbon dioxide emissions, by 2050; believes that such a long-term target will best be met through a series of more regular milestones; and therefore notes the Climate Change Bill that was presented by a cross-party group of honourable Members in the final days before the General Election, and hopes that such a Bill will be brought forward in this Parliament so that annual cuts in carbon dioxide emissions of 3 per cent. can be delivered in a framework that includes regular reporting and new scrutiny and corrective processes.]*

The motion was tabled by the right hon. Member for Oldham, West and Royton (Mr. Meacher) and signed by no fewer than 338 hon. Members, including almost the entire Liberal Democrat parliamentary party. This is an important issue, and it needs to be debated in the House.

May we have a debate on higher education, given that this year the number of applications to universities fell for the first time in six years, with a particularly pronounced fall among English students applying to English universities, which suggests that tuition fees are an important factor?

If we are to properly address terrorism, as of course we must, would it not be the right time to examine again the admissibility of intercept evidence? Perhaps the Police and Justice Bill is an opportunity to do so, given the view expressed by Assistant Commissioner Andy Hayman last week that to continue banning telephone tap evidence would be foolish.

Lastly, may we have a debate in Government time on the Government's view of local government? The Minister of Communities and Local Government gave his views last week about what he called "double devolution" without mentioning local authorities at all. We also have the Secretary of State for Education and Skills determining that local education authorities cannot build schools without her having a veto, and the Home Secretary wanting to appoint police authorities himself. Do the Government still believe in local government?

**Mr. Hoon:** I am grateful to the hon. Gentleman for raising those matters. This is probably the last day on which I will be able to comment on his prospects of becoming the leader of the Liberal Democrats. There does not seem to be any sign of a write-in vote, but we live in hope. We have yet to see the result of that magnificent contest.

I was intrigued to discover the other day that the party committed to proportional representation seems to have failed to persuade its own Members of Parliament to cast their second preference votes. Since the party constantly, at business questions and on other occasions, encourages the Government to consider the benefits of proportional representation, which presumably involves second, third and other preference votes, it is surprising that members of the Liberal Democrat party in the House do not seem to have followed their own advice. I was intrigued to see comments by various Members, including the hon. Member for Twickenham (Dr. Cable), who apparently said:

"I filled it in the other day after it came. I honestly can't remember whether I just went for Ming and not the other two, or voted for Chris second. It wasn't something I regarded as being a terribly important decision at the time."

I wonder whether the hon. Member for Somerton and Frome (Mr. Heath) was adopting the same approach as the hon. Member for Montgomeryshire (Lembit Öpik), who said:

"I have not declared, basically because"—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I have given the right hon. Gentleman a very generous run. I take the old-fashioned view that this session is about the business for next week. If everyone is hoping to catch my eye in the time available, that is what we should do.

**Mr. Hoon:** I entirely agree, Mr. Deputy Speaker.

With reference to the questions raised by the hon. Member for Somerton and Frome, I have already dealt with climate change. The Government would always be delighted to debate the matter. The United Kingdom is on course to meet and exceed its Kyoto target—one of only two of the EU 15 to do so. We have an outstanding record in this regard, of which the Government are extraordinarily proud.

On higher education, there is a clear explanation for the adjustment in the figures for this year. Last year, there was a significant increase in the number of university applications. Not surprisingly, that has been adjusted. It is impossible to keep up that level of increase, but overall there is a significant increase in the number of people applying for university places, which the Government strongly support.

On the admissibility of intercept evidence, anyone responsible for trying to bring terrorists and other significant criminals to justice wants as much evidence as possible to be made available to the court. That is not the issue. I hope the hon. Gentleman will think about this carefully. The issue is the extent to which making intercept evidence available jeopardises the way in which that evidence is secured. Frankly, that is a difficult balance to strike. I have seen the product of such intercepts, and it would be extremely dangerous for the future of our security services and the means that they adopt if we were to allow such evidence to be adduced in court and challenged in cross-examination. He must think through those important issues.

The Government are undertaking a number of important pieces of work on local government. I anticipate that a White Paper will be produced in due course, as a result of which there will be lots of opportunities for hon. Members to debate the matter.

**Andrew Miller** (Ellesmere Port and Neston) (Lab): No topic is more controversial locally than the disposal of waste. Although I do not expect my right hon. Friend to comment on a controversial planning application in my constituency, can we have an urgent debate on the strategy for waste recycling and disposal, including incineration? If he cannot find time to hold a debate immediately, will he ask his ministerial colleagues in the Department for Environment, Food and Rural Affairs and the Department of Trade and Industry to put the best available scientific evidence in the public domain, which would allow hon. Members to deal with the matter constructively?

**Mr. Hoon:** I am grateful to my hon. Friend for raising that issue, which is important up and down the country. He takes a considerable interest in such matters, so he knows that the Government have devoted an enormous amount of extra effort to, for example, promoting recycling, which is an important part of waste disposal. The level of recycling in this country has been significantly improved, but more needs to be done to meet the standards achieved in other European countries, so I am grateful for his interest in the subject.

**Mark Pritchard** (The Wrekin) (Con): I thank the Leader of the House in anticipation of his finding time to debate the health funding crisis in Shropshire. Is he aware that patients are being told that beds are no longer available because of the low nurse to patient ratio at the Princess Royal hospital? The primary care back-up services are insufficient, which means that my constituents are suffering.

**Mr. Hoon:** I do not in any way minimise the difficulties and challenges faced by those responsible for providing health care in Shropshire, but the hon. Gentleman knows that there has been huge investment in the national health service. The amount of money made available for health care will have tripled between 1997 and 2007–08. When he refers to a health funding crisis, he must put it in this context: 432 out of 566 NHS organisations provide a service by balancing their books, and if three quarters of the national health service can do that, there is no reason why the rest cannot do the same. Only around 4 per cent. of NHS organisations account for 50 per cent. of the overspend, and it is perfectly reasonable for the Government to say in the light of the huge amount of extra money being put into the NHS that those organisations that are failing to balance their books should look hard at why that is the case.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): I note that next week's provisional business covers Monday 13 March, which is Commonwealth day. Has the Leader of the House seen early-day motion 1709, which has been signed by numerous hon. Members, including me?

*[That this House, in common with all parliaments of the Commonwealth, gladly observes Commonwealth Day on Monday 13th March; sincerely supports this year's theme of Health and Vitality—The Commonwealth Challenge, emphasising the Commonwealth's commitment to health and fitness to bring hope to the world; and recognises the excellent work done by the United Kingdom branch of the Commonwealth Parliamentary Association in partnership with its sister branches in the advancement of parliamentary democracy and good governance throughout the Commonwealth.]*

Despite the pressures of parliamentary business, would it not be appropriate to have a debate in Government time on the performance, role, objectives and future of the Commonwealth's promotion of parliamentary democracy and good governance in countries throughout the world?

**Mr. Hoon:** My hon. Friend has raised an important issue. The Government strongly support the Commonwealth and I share his commitment to Commonwealth day and what it represents. If he were to apply to secure an Adjournment debate in this House or Westminster Hall, I am sure that that topic would be suitable.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): My constituents are extremely concerned about the news, which the shadow Leader of the House has mentioned, that 10,000 more post offices around the country may be closed. Post offices are particularly important to people in isolated rural communities, and it is the old, those who do not have transport and the poorest members of our society who most depend on their services. Those people are concerned that the Government are not committed to rural post offices because of the withdrawal of the Post Office card

*[Mr. Graham Stuart]*

account. The Leader of the House has said that the Government are committed to rural post offices, but can we have a debate as soon as possible?

**Mr. Hoon:** I have already emphasised the Government's commitment to postal services, particularly rural postal services. We all know that local post offices play a vital role in the community in many small towns and villages. The Government remain committed to that. That is why we introduced the Post Office account and why we continue to want the people who use that account to use postal services. Some 25 Post Office accounts are available to people, and they are simple and straightforward to use. The whole purpose of the various pilots that have been conducted recently is to encourage people to move away from the account to use other Post Office accounts that will give them greater benefits than are currently available to them, not least interest on their accounts.

**Dr. Brian Iddon** (Bolton, South-East) (Lab): It is some time since the House was given an opportunity to debate progress on the Government's 10-year strategy on the misuse of drugs. Several issues are in the headlines at the moment. The Home Secretary is considering the classification of drugs, many Members are worried about the increasing use of methamphetamine, and drug deaths are on the increase. May I ask the Government to give us the opportunity to debate progress on their strategy?

**Mr. Hoon:** My hon. Friend is right to raise an issue that is important everywhere. The Government have used their considerable powers all over the country, and indeed internationally, to deal with the threat that drugs pose in our society. We regularly discuss that in this House and I am sure that such opportunities will be given to hon. Members in due course.

**Dr. Andrew Murrison** (Westbury) (Con): Will the Leader of the House encourage his right hon. Friend the Health Secretary to attend the House as soon as possible to explain why her welcome commitment to community hospitals, as laid out in the recent White Paper, is being so flagrantly ignored by primary care trusts, notably West Wiltshire primary care trust in respect of Westbury hospital, which is due virtually to close this weekend?

**Mr. Hoon:** I happened to be in the Chamber yesterday evening, and I am sure that I saw my right hon. Friend the Health Secretary here to participate in debates concerned with the health service. *[Interruption.]* Opposition Members are making noises from sedentary positions, but I know that their ingenuity is sufficient to allow them to raise such questions in the context of yesterday's debate.

**Clive Efford** (Eltham) (Lab): My right hon. Friend announced that we are to debate the Education and Inspections Bill on 15 March. No doubt we will be treated to long speeches from the Front Bench and curtailed time for Back Benchers to contribute. With that in mind, will he ensure that when we come to discuss the detail of the Bill on Report, ample time is allocated so that we can all contribute to this very important debate about the future of our education service?

**Mr. Hoon:** I am sorry that my hon. Friend, who is usually an outgoing and optimistic Member of this House, takes, if he will forgive me for saying so, such a cynical view of our proceedings. My experience of speaking from the Dispatch Box is that the length of Front-Bench speeches is largely the result of the number of interventions that are taken. Perhaps if my hon. Friends resist the temptation to intervene on the Minister there will be more time available for Back-Bench contributions. To deal with my hon. Friend's substantive point, it is important that the House has a full opportunity to debate and discuss these issues, and I am confident that sufficient time will be made available.

**Mr. Owen Paterson** (North Shropshire) (Con): May I thank the Speaker and you, Mr. Deputy Speaker, for helping me, following the point of order that I made 13 or 14 days ago, to extract the secret contract between the Post Office and the Government in 2002? It revealed that the POCA—Post Office card account—was intended to be an interim step for account holders. Incredibly, however, the contract that went to benefit customers did not mention the fact that the card was meant to be interim or temporary—words which, for the benefit of the Leader of the House, are synonymous according to the dictionary. That is an extraordinary deceit pulled on millions of benefit holders. The fact that the Government now intend to shift all benefit recipients on to direct payment, regardless of what the Leader of the House just said, means that 14,400 post offices across the country may be in jeopardy because Adam Crozier came to the all-party group on sub-post offices and said that he needs only 4,000 to run a postal service. Can we please have a debate—

**Mr. Deputy Speaker:** Order. At the risk of losing the gratitude of the hon. Gentleman, I think that he got his question in just in time.

**Mr. Hoon:** And a fairly predictable one it was, as well. I seize on one part of the hon. Gentleman's remarks—"regardless of what the Leader of the House just said." I am not sure that he can ignore what I said in quite the way that he has chosen to do. We all want rural postal services to be preserved and, indeed, enhanced where appropriate. We all want to ensure that people who currently use the post office to receive their benefits continue to do so and that a large number of simple and straightforward Post Office accounts are available. Surely all that means that it is wholly sensible to continue to have the benefits paid in this way and, moreover, to enhance the interest available to the hon. Gentleman's constituents, and other constituents around the country, through using the other Post Office accounts.

**Paul Flynn** (Newport, West) (Lab): When can we have a debate on early-day motion 1316, which draws attention to the dangers of contaminated air in aircraft?

*[That this House is concerned that medical and scientific evidence shows that as many as 200,000 passengers a year are exposed to air contaminated with organophosphates and hydrocarbon*

*compounds on UK registered aircraft and that the number of contaminated events in 2005 reported by the British Airline Pilots Association, were a record high; regrets the lack of UK research into the danger of exposure to pyrolised engine oils; notes that effective filtration systems costing less than £10,000 per aircraft are available and calls for their mandatory use to reduce serious risks to the health of the travelling public and operating crews; and believes that passengers should be informed when they have been exposed to air contamination on UK registered aircraft.]*

That matter has been raised by the British Air Line Pilots Association, which is greatly anxious about the incidents that occurred last year in which 200,000 passengers on British planes were exposed to contamination from fumes from organophosphates and hydrocarbons. Since the early-day motion was tabled on 9 January, there has been a further incident in a plane flying from Belfast airport whereby the pilot became incapacitated and could not react to his safety instructions. The other pilot had to take over, and the flight was recalled to Belfast airport. There is a serious danger of a catastrophe—

**Mr. Deputy Speaker:** Order. I think that the Leader of the House has probably got the gist. The hon. Gentleman must not use all his arguments in advance of the debate that he may be granted.

**Mr. Hoon:** I could not have put it better myself, Mr. Deputy Speaker. I know that this matter is taken extremely seriously by my right hon. Friend the Secretary of State for Transport. It is being investigated, and I will ensure that he writes to my hon. Friend.

**Mr. Nigel Dodds** (Belfast, North) (DUP): May we have a debate in Government time on Government measures to help to create and sustain job and employment opportunities in economically deprived areas? Such a debate would allow us to raise the issue of the Trivirix plant in west Belfast. Sadly, that constituency is not represented in this House by its elected Member, but I am happy to raise the concerns of workers and constituents on this occasion. Those workers have been badly treated, and the management have simply abandoned the operation. I urge the Leader of the House to allow a debate so that we can highlight those issues.

**Mr. Hoon:** The hon. Gentleman makes his point with his customary clarity. I am sure that the issue will be considered very carefully by my right hon. Friend the Secretary of State for Northern Ireland.

**Mr. David Clelland** (Tyne Bridge) (Lab): The Leader of the House will be aware that next month sees the introduction of the Government's scheme for free bus travel for pensioners. Is he aware that a serious anomaly has arisen in Tyne and Wear, where there is a £5.5 million shortfall in funding the scheme? Given the urgency of the situation, can we have a debate next week to establish how it has arisen and what might be done about it, and, in particular, to make it clear that it is not local councillors, but Ministers and mandarins in Whitehall, who are responsible?

**Mr. Hoon:** I emphasise to my hon. Friend the importance that the Government attach to bus travel and bus services. That is why a significant amount of money has been made available right across the country to ensure that free bus travel and other concessionary schemes are available to our constituents. I will invite my right hon. Friend the Secretary of State for Transport to respond directly on the specific issue in my hon. Friend's constituency.

**Mr. Alistair Carmichael** (Orkney and Shetland) (LD): When can we expect a statement from the Secretary of State for Defence on the future size and shape of the Territorial Army? It has been rumoured—and interestingly not denied—that the TA unit in Shetland is to be closed as part of the rebalancing exercise. If true, we will be left with no military presence in Shetland and any Shetlander wishing to serve in the TA will be denied the opportunity to do so. An Army spokesman told us in January that an announcement would be made in the House in early to middle February. When will we get it?

**Mr. Hoon:** I know from my experience in the Ministry of Defence the importance that it and the Government attach to the contribution of members of the TA to our armed forces. In recent years, they have provided an indispensable source of support for regular forces in ways that would not have been recognised historically. Instead of simply training regularly, they now train and deploy, often alongside their regular Army counterparts. The Ministry of Defence therefore attaches great importance to the service that they provide.

**Martin Linton** (Battersea) (Lab): Will my right hon. Friend find time for a debate on special schools? There is a good school for those with moderate learning difficulties in my constituency, which Ofsted rated as excellent, yet the Conservative council in Wandsworth plan to close it. A debate would give us time to explain Government policy—and, I believe, that of the Leader of the Opposition—that we should not close special schools but ensure that parents have a choice between special and mainstream schools. Hon. Members of all parties should support that policy.

**Mr. Hoon:** I recognise the concern that has been caused to my hon. Friend's constituents. The Government's position is clear: it is for local education authorities rather than for Ministers to determine school provision in their area. That is a matter for school organisation committees, but that policy does not appear to be followed with any consistency by Conservative-controlled local authorities, which act as they think fit, and not according to the policy that the Conservative party leader set out.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): I do not know how much the Leader of the House knows about planning, but it appears that Her Majesty's Government are changing the planning status of airfields by characterising them as brownfield sites. Of course, we need more affordable housing in the countryside but surely such a far-reaching change should be properly consulted upon.

**Mr. Hoon:** I am sure that a far-reaching change would be consulted upon. Obviously, it is important that the appropriate planning rules should be applied to specific

*[Mr. Hoon]*

circumstances. I have no doubt that that will happen and I assure the hon. Gentleman that there is no significant change in Government policy on that.

**Mrs. Madeleine Moon** (Bridgend) (Lab): Will my right hon. Friend grant time for a debate on the postcode lottery and loss of patient choice for those requesting stem cell salvage from umbilical cord blood samples? My constituent, Claudia Harrison, has multiple sclerosis. She wants a simple blood test taken from the umbilical cord when her baby is born in June. My local hospital has refused that request, yet the hospital 17 miles down the road will do the blood test, but only if she transfers her ante-natal care to it. It is unfair that parents are faced with the choice of either travelling extensive distances for a test that will cost nothing to the local hospital—my constituent will pay for the stem cell banking—or doing without it. It is unfair and not right that parents should face such choices, and the House should debate the subject.

**Mr. Hoon:** My hon. Friend has made her point clearly. I shall not comment on an individual case with which I am not familiar but I am sure that, if it raises wider issues, my right hon. Friend the Secretary of State for Health will respond accordingly.

**Sir George Young** (North-West Hampshire) (Con): May we have an early debate on the Government's plans for reform of the House of Lords? At the weekend, the Lord Chancellor hinted that there would be a fresh initiative to take forward the stalled reform but, since then, the line appears to have gone cold. May we have a debate or will the Leader of the House tell us what is going on?

**Mr. Hoon:** The Government clearly set out their position on the House of Lords in our manifesto. I checked the Conservative party's policy on that but it is difficult to determine. *[Interruption.]* I hear groans from Conservative Members, but my right hon. Friend the Lord Chancellor clearly said that there needed to be some consensus on the matter. That requires the Conservative party to think about what its policy might be on House of Lords reform, not least because we have never been entirely clear whether it continues to support the concept of preserving the rights of those who inherited their seats in our legislature. If the Conservative party was clear about that, there might be an opportunity to hold a debate.

**Mr. David Chaytor** (Bury, North) (Lab): May we have a debate on the future of the winter fuel allowance? It would give us an opportunity to remind the public of the great contribution that the allowance has made to alleviating fuel poverty and that the Opposition parties voted systematically against it, and to consider, if the Chancellor were inclined to increase the allowance in a future Budget, whether it would be better to convert it into an energy efficiency allowance rather than simply increasing the cash payment. That would avoid simply increasing the profits of the multinational utilities by increasing household energy efficiency and reducing carbon dioxide emissions. May we have a debate on the matter?

**Mr. Hoon:** I recently confirmed the date of the Budget. I take my hon. Friend's carefully thought-through, well-reasoned argument to be an early submission to my right hon. Friend the Chancellor of the Exchequer. I assure my hon. Friend that there will be every opportunity to debate the Budget in the subsequent days.

**Mr. Andrew Mackay** (Bracknell) (Con): Earlier, the Leader of the House failed to answer the final question of my right hon. Friend the Member for Maidenhead (Mrs. May), so let me give him another opportunity to do so. Yesterday, my hon. Friend the Member for South Norfolk (Mr. Bacon) asked the Prime Minister:

"Will the present inquiry by the Cabinet Secretary examine whether the Home Office acted improperly in relation to an extradition request involving Mr. Mills?"

The Prime Minister replied:

"We will, of course, examine any allegations that are made, and reply to them fully."—[*Official Report*, 1 March 2006; Vol. 443, c. 254.]

Does that remain the case, given the remarks in the press? Will the Prime Minister make a statement next week to confirm that those allegations are being properly investigated by Sir Gus O'Donnell?

**Mr. Hoon:** I did not respond directly to the right hon. Member for Maidenhead because, as all hon. Members know, there is a continuing inquiry, the results of which will be set out in the appropriate way shortly.

**Mrs. Ann Cryer** (Keighley) (Lab): Is my right hon. Friend aware that 10 years have passed since the horrific massacre of a teacher and children at Dunblane? Does he agree that now is therefore an appropriate time for a debate about what has happened since? We could then discover, for example, why we have no central register of gun licensees. I acknowledge that other measures have been introduced and they are appreciated.

**Mr. Hoon:** I am grateful to my hon. Friend for raising a subject that continues to be a source of great sadness. It was a terrible tragedy. Cutting gun crime in this country remains one of the Government's top priorities and I hope that she accepts that we have taken several steps to achieve that. I recognise and share the disappointment that the national firearms licensing management scheme has taken so long to deliver. The Government remain fully committed to the project, which is planned to be rolled out in all forces in England and Wales from June, assuming that the final pilot in May is successful.

**Mr. Nigel Evans** (Ribble Valley) (Con): Irrespective of the outcome of the inquiry by Gus O'Donnell, does the Leader of the House believe that it would be timely to hold a debate on the ministerial code of conduct to remind Ministers of their responsibilities, whatever their complicated personal circumstances, and so that we can work out whether the code is worth the paper it is written on?

**Mr. Hoon:** I do not believe that the hon. Gentleman can simply say that there should be such a debate

"irrespective" of a continuing inquiry, not least because the inquiry demonstrates how seriously my right hon. Friend the Prime Minister always takes such matters. The ministerial code exists to govern the conduct of Ministers during and after a period of office. All Ministers are made aware of it and, in my estimation, consistently adhere to it. The Prime Minister has shown his continued commitment to the code and its enforcement. The hon. Gentleman should accept that.

**Mr. Lindsay Hoyle** (Chorley) (Lab): We all welcome the introduction of free pensioner travel, but will my right hon. Friend make time for a debate on the anomalies associated with it? Unfortunately, in Lancashire, the availability of free travel will vary from district to district unless we can reach an agreement on the matter. We all recognise that, when we discussed free local travel, we intended it to apply within county areas, not districts. Pensioners in Wales and Scotland have free travel across the country, and we need to ensure that that also applies to England.

**Mr. Hoon:** That sounds like an ingenious rephrasing of a previous question that I failed to answer. I am not going to get drawn into the difficulties of ensuring free pensioner travel across Lancashire, but I will ensure that my right hon. Friend the Secretary of State for Transport deals with the matter.

**Mr. Douglas Hogg** (Sleaford and North Hykeham) (Con): The Leader of the House will be aware that, in Scottish questions, a great deal of anxiety was expressed about the propriety of Scottish Members voting on English-only business. May we have a debate on that issue? The House needs to assert the principle of accountability, which means that Members of Parliament are accountable to their constituents. If their constituents are not affected by the decisions that they take, there is no accountability, and that infringes on the basic principle of democracy.

**Mr. Hoon:** I am not sure that I agree with the right hon. and learned Gentleman. This is probably not the occasion on which to have a profound debate on the nature of our constitution, but the truth is that right hon. and hon. Members routinely vote on matters that do not directly affect their own constituents. I know the right hon. and learned Gentleman to be a strong supporter of the Union, and he has in his time been a member of the Conservative and Unionist party, so I am slightly surprised by the implication of his question, which would be to challenge that Union. That is not something that I, or, I hope, he would want.

**Pete Wishart** (Perth and North Perthshire) (SNP): Has the Leader of the House had the opportunity to consider early-day motion 1489?

*[That this House considers that the work of the Department for International Development is of the highest importance; notes that only half an hour per month is allocated for questions to the Secretary of State; believes that hon. Members should have one hour per month for this purpose; and calls upon the Leader of the House, on behalf of the Government, to make this necessary change at the earliest opportunity.]*

The motion calls for an extension of the time allowed for questions to the Secretary of State for International Development. Does the right hon. Gentleman agree that half an hour just before Prime Minister's questions is clearly insufficient for a subject in which so many hon. Members take a keen interest? Will he seriously consider this request?

**Mr. Hoon:** I have seen the early-day motion. Indeed, I have also seen correspondence dealing with the matter. In the course of planning the parliamentary timetable from week to week and month to month, it is difficult to ensure that appropriate priority is given to all the subjects that are debated here. The difficulty that I face on behalf of the business managers is that if more time is given to one subject, less must necessarily be given to another. When the hon. Gentleman considers making a further submission on this matter, perhaps he could suggest what might be cut out of the parliamentary calendar, rather than what should be added to it.

**Andrew Gwynne** (Denton and Reddish) (Lab): In November, I secured an Adjournment debate on the crazy decision by the Liberal Democrat-controlled Stockport council to develop a new primary school on a former landfill site without first having conducted a full environmental impact study. Since then, the leader of Stockport council has assured local residents in Reddish that the Greater Manchester geological unit would conduct such a survey. This week, however, I received a letter from the GMGU stating that its investigations did not constitute a full environmental impact study. Will the Leader of the House make time for a debate on planning regulations relating to the development of former landfill sites?

**Mr. Hoon:** My hon. Friend has made his case extremely effectively. I know from my own constituency the sensitivity that surrounds planning applications for landfill sites. Such applications understandably arouse a great deal of concern and sometimes controversy. My hon. Friend has made his point, and I am sure that an opportunity will arise in due course for those issues to be debated on the Floor of the House.

**Mr. Christopher Fraser** (South-West Norfolk) (Con): Will the Leader of the House make time for a debate on the plight of sugar beet farmers in constituencies such as mine? Those farmers have two significant concerns about the reform of the EU sugar regime. The first involves the method of allocating compensation payments; the second relates to how the reforms are to be implemented and who will be consulted. The growers are worried that decisions are being made without consulting the people who will be directly affected—the farmers themselves.

**Mr. Hoon:** It is important that the implementation of this decision should be fair and effective, and that it should give all those concerned an opportunity to make the appropriate adjustments to their livelihoods. However, I might have been more persuaded by the hon. Gentleman's observations if he had told me whether he supported the policy in principle.

**Mrs. Siân C. James** (Swansea, East) (Lab): Will my right hon. Friend find time for a debate on the increased

*[Mrs. Siân C. James]*

use of coin-operated, unstaffed tanning salons, which are appearing up and down the country? This development was highlighted in an article in *The Guardian* last week. The advice is that under-16s should not have access to such facilities, yet they are clearly using them in my constituency and in many others. Will my right hon. Friend allow time for a debate on this matter, so that we can discuss ways of protecting children from the threat to their health posed by sunbed abuse?

**Mr. Hoon:** My hon. Friend raises an important issue—one with which, I confess, I have not had to deal before. However, given the nature of my responsibilities, I get to discuss a range of difficult issues, and I will certainly ensure that whichever Minister is responsible for these matters replies to her.

**Dr. Julian Lewis** (New Forest, East) (Con): When the Leader of the House concedes a debate on the threat to thousands of post offices—as I am sure that he will, given the non-partisan way in which he exercises his office—will he frame its terms broadly enough to include a discussion of the closure of thousands of bank branches? That will enable us to raise the concern of our constituents that 20 per cent. of all bank branches have closed in the past 10 years, and that the promise not to close the last branch in town is being systematically undermined by the stretching of that commitment if, for example, there is a branch in another village four miles away.

**Mr. Hoon:** It has always been a delight to debate these issues with the hon. Gentleman, because he is what I would call a proper Conservative. He believes in conserving things even in the face of obvious market forces. While the Government have direct responsibility for post office services, that is not so in relation to highly competitive international operations such as our modern clearing banks. Perhaps the hon. Gentleman could tell the House how the Conservative party would ensure that rural bank branches remain open. Is he suggesting a subsidy, or some way in which the Government might interfere in the market to provide such facilities? I look forward to hearing his suggestions. In the light of what he has to say, I might be minded to grant a debate on the subject.

**Mr. Jim McGovern** (Dundee, West) (Lab): Will my right hon. Friend bring the armed forces Minister to the House to explain why the stipulation that the tartan for the new Royal Regiment of Scotland should be produced using traditional high-quality methods has been dropped? That means not only that the standard of the finished article will be compromised but that there is every chance that it will be produced in Poland or Czechoslovakia.

**Mr. Hoon:** The one thing that I certainly learned from my previous responsibilities was that I should not get involved in matters as sensitive as the question of tartan. I know how important it is, and I recognise its importance to my hon. Friend and to many others from his part of the world. I will ensure that the Minister, who takes an interest in these matters, contacts him accordingly.

**Mr. Peter Bone** (Wellingborough) (Con): Last autumn, I wrote to the Secretary of State for Health about the crisis in the NHS in my constituency, and asked for a meeting. I was granted a meeting on 1 December, but, just before that day, the meeting was cancelled. It was rearranged for yesterday, but that meeting was subsequently cancelled and another arranged for mid-April. Could we have a debate on the relationship between Ministers and Back Benchers?

**Mr. Hoon:** I apologise on behalf of my right hon. Friend the Secretary of State. I am sure that meetings with Members of Parliament are cancelled only in extreme circumstances. I imagine that the extreme circumstances yesterday involved the fact that the Opposition had tabled two motions for debate on aspects of health care. I am sure that the hon. Gentleman would not have been happy if my right hon. Friend had chosen to maintain her appointment with him, rather than appearing before the House to take part in the debate. Nevertheless, I am sure that she will rearrange her appointment with the hon. Gentleman. All my ministerial colleagues attach great importance to ensuring that their contacts and relations with Members of the House are of the highest quality, as I know my right hon. Friend the Secretary of State understands.

**Sir Peter Soulsby** (Leicester, South) (Lab): I welcome the news that the Road Safety Bill is to be given its Second Reading on Wednesday. The Leader of the House may know of the tragic case of 12-year-old Callum Deacon, who was killed in my constituency last June by a driver who, although he had admitted careless driving, received the derisory penalty of a £2,000 fine and a few points on his licence. Will the right hon. Gentleman assure the House that a speedy Commons timetable is intended for the Bill, so that in future drivers guilty of causing death by careless driving face tough and appropriate punishment from the courts?

**Mr. Hoon:** I am aware of that tragic case. My hon. Friend is right to raise it. The Road Safety Bill will enable Members to debate all the issues relating to road safety, which causes great anxiety to our constituents. I am sure that the specific matter raised by my hon. Friend will be discussed in due course.

**Tony Baldry** (Banbury) (Con): May we have a debate on Ministers' total lack of grip on their private offices? Bashkin Bushaki, who is in Bullingdon prison, was eligible for deportation on 12 December, and the immigration and nationality directorate confirms that the deportation order was sent to the Minister of State's private office early in January. However, the deportation has still not happened, and keeping Bashkin Bushaki here is costing the taxpayer money. If we cannot deport people in prison who want to be deported and are eligible for deportation, what hope is there of deporting anyone in this country who deserves to be deported?

**Mr. Hoon:** It is obviously important for deportation arrangements to proceed according to law and according to the rules that apply. I am not entirely sure how those in my private office will react to my agreeing with the hon. Gentleman about the need to get a grip on

them, but, as a former Minister, the hon. Gentleman will be well aware of the importance of maintaining good relations with one's private office.

**Mike Penning** (Hemel Hempstead) (Con): On 11 December last year, the largest explosion and fire that Europe has seen since the second world war erupted at the Buncefield oil depot in my constituency. The firemen did a fantastic job, and the Deputy Prime Minister did a fantastic job in co-ordinating measures while the fire was burning. Once it had gone out, however, a plethora of Departments were put in charge of different aspects of the disaster. May we have a debate on how national disasters are dealt with—whether they are natural disasters or industrial disasters like the one at Buncefield—so that we can establish exactly who should be in charge?

**Mr. Hoon:** The hon. Gentleman has adopted a sensible, careful and practical approach to that terrible tragedy, and I admire the way in which he has represented the interests of his constituents. Each such terrible incident generally turns on the particular facts of the case, and no two national disasters necessarily involve the same issues; but I will consider the hon. Gentleman's suggestion carefully.

**Mr. Brooks Newmark** (Braintree) (Con): You will be well aware, Mr. Deputy Speaker, that for quite some time the *East Anglian Daily Times* has been running a campaign entitled "Save our post offices". The Leader of the House has assured us that the Government support rural post offices, but in my constituency they are being closed year after year. All that we are asking for is a debate on the subject, so that we can agree on whether there is or is not a problem. May we have such a debate?

**Mr. Hoon:** I have made clear the Government's support for rural postal services, and I have made clear in the context of the specific issue that has been raised why I believe that the Government's policy is right. I am sure that there will be opportunities to debate these matters in due course.

**James Brokenshire** (Hornchurch) (Con): May I press the point about the future of post office services? I am disappointed by the right hon. Gentleman's apparent reluctance to grant Government time for a debate on the subject. In the past two years 2,500 sub-post offices have closed, five of them in my constituency. This is a serious issue, which is of real concern to communities throughout the country, and the change that the Government have made in the Post Office card account has thrown further doubt on the future of local post office services. We need a debate; may we have one soon, please?

**Mr. Hoon:** I have referred to the importance of the issue, and to the possibility of a debate in due course. [HON. MEMBERS: "When?"] In the fullness of time.

I hope that the hon. Gentleman will fairly recognise that the process of change in relation to the provision of post office facilities in rural areas has been going on for a long time. I will not trade with him the number of closures that took place under the last Conservative Government—although if he continues to press me, I might.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): May we have a further debate on the future of ambulance trusts in the United Kingdom? I am particularly interested in the future of the excellent Two Shires Ambulance Trust, which covers Buckinghamshire and Northamptonshire. The consultation period does not end until 25 March, and on many occasions the Prime Minister has assured the House that he will take full account of people's views. Can the Leader of the House explain why posts in the new ambulance trust were advertised in *The Sunday Times* on 19 January, before the completion of any consultation?

**Mr. Hoon:** I am sure that that was designed to make clear our commitment to providing ambulance services that are cost-effective and of the high quality that we expect from such a vital emergency service. I assume that the hon. Gentleman supports the Government's approach in wanting high-quality and cost-effective services. We should be united on that particular policy.

# Orders of the Day

## Children and Adoption Bill

*[Relevant documents: Report of the Joint Committee on the Draft Children (Contact) and Adoption Bill, Session 2004–05, HC 400, and the Government's response thereto, Cm 6583. Fourth Report from the Constitutional Affairs Committee, Session 2004–05, Family Justice: the Operation of the Family Courts, HC 116, and the Government's response thereto, Cm 6507. Fifth Report from the Joint Committee on Human Rights, Session 2005–06, Legislative Scrutiny: Second Progress Report, HC 767.]*

*Order for Second Reading read.*

12.26 pm

**The Minister for Children and Families (Beverley Hughes):** I beg to move, That the Bill be now read a Second time.

I hope that we can all welcome the Bill. It was the subject of much debate in the other place, and I think that it has come to us changed for the better. I hope that Members on both sides of the House will be able to support what it offers: much-needed help for children who are often in extremely challenging circumstances, both in this country and abroad.

As I am sure Members will know, every year between 150,000 and 250,000 parental couples separate. One in four of the 12 million children in this country will experience the separation of their parents at some point during their childhood. For every one of those children that separation is a painful and difficult time, and represents the breakdown of their families. It is a difficult time for the parents as well, and we should offer them support; but I firmly believe that our focus should be on the needs of the children, who are often lost in the conflict between the adults.

**Mr. Frank Field** (Birkenhead) (Lab): I welcome what my hon. Friend is saying, but does she accept that one of the huge costs of the separation of parents is often incurred by the children? That burden is increased when one of the separated parents is not allowed access. The Bill makes useful suggestions for strengthening the courts' power to insist that access be granted when it can be granted safely. Would it be possible to arrange through the normal channels for us to have plenty of time on Report to discuss suggestions from Members on both sides of the House on how we might add to the powers of courts to ensure that the needs of children to see both their parents are observed?

**Beverley Hughes:** I am aware of my right hon. Friend's considerable expertise and commitment to ensuring that our arrangements to deal with those difficult issues for children are the best that we could possibly have. There is a range of potential provisions, only one of which consists of legislation. What we can do before parents go to court, and what we can do in relation to the nature of the decisions that courts make on access and contact, are equally important. However—I am sure that this will be a subject of debate, as it was in the other place, as we go through the detail of the Bill—we would not want any different legal model to compromise the interests and welfare of the child, which are paramount. Having said that, it is our view—this is enshrined in case law—that for most children it will be in their best interests, subject to safety issues, to have continuing contact with both their parents. That is something that we want to facilitate. Indeed, when the Bill was debated in the other place, that was one thing on which both sides were agreed. Children need to have the love, close interest and involvement of both their parents wherever it is safe and in their best interests. We should make every effort to support families in achieving that.

**Mr. Field:** I thank my right hon. Friend for what she has just said.

**Beverley Hughes:** I can only thank my right hon. Friend for thanking me. That was a most straightforward intervention. I am grateful to him for those remarks.

I will come to the provisions of the Bill in detail shortly. It is important to remember at the outset that the provisions deal only with the 10 per cent. of separating families who turn to the courts for help in resolving arrangements for contact with children. However, the Bill does not sit in isolation. Just as important is the action that we are taking to help parents to agree a way forward without the need for court intervention if they can.

It will not surprise any hon. Member, all of whom have a great interest in this matter, to hear that parents who agree contact arrangements between themselves, without the courts being involved, tend to be much more satisfied with those arrangements. Therefore, where we can, we want to take steps to help more people to agree their own arrangements without going to court. We have announced a programme of work, including producing new parenting plans to help in working out those arrangements, access to specialist legal advice through a telephone helpline, which is working well, and stronger encouragement towards mediation to help parents to avoid the need for a court-based solution.

As we know, however much success we have with those arrangements, there will always be a minority of cases where people need to turn to the courts for help. Those will be the most difficult, most emotionally harrowing and most highly contested cases. They will be the cases that probably will not resolve themselves if left to continue and where the ongoing conflict could risk harm to the welfare of the child or children involved. Where the court is called upon, we must ensure that the intervention does not entrench the conflict any further, but offers a positive way forward for everyone, and most of all that the court proceedings and the solution remain uncompromisingly focused on the needs of the child or children.

**Ms Sally Keeble** (Northampton, North) (Lab): As my right hon. Friend knows, in the most difficult cases, the court will make orders for supervised contact, or contact at contact centres, yet there is a woeful lack of those. As this issue moves forward, particularly when she comes back to the detail, will she look at that matter? In Northamptonshire, for a variety of complicated reasons, there has been low take-up at the centre that serves that area. In my town of Northampton, all the

contact centres are provided on a voluntary basis. It is important in these difficult cases that there is proper provision for safe, supervised contact, and safe contact centres.

**Beverley Hughes:** I agree. We need to think creatively about how we can extend provision both for unsupervised and supervised contact centres. The Government have already put considerable resources into that. Since 2000, some £5.3 million has gone to the sector, and in the last spending review a further £2.4 million was provided to develop 14 new centres for supervised contact in England. There will be a further sum totalling £7.5 million for 2006–08 to support that. The development of extended services in schools and children centres offer us enormously creative possibilities for contact to take place, probably non-supervised contact. I have already been to children centres that are being used for non-supervised contact and access. We need to ensure that we use those facilities to the full for the benefit of parents.

**Mr. Peter Bone** (Wellingborough) (Con): In my constituency, we have some contact centres that are run by the voluntary sector. They have some funding but are worried that the funding is drying up and will be moved away to Government-funded centres.

**Beverley Hughes:** That is not the case. Much of the money that I mentioned is going to the local level. Contact centres for supervised access that are run and managed by voluntary agencies have a great role to play. It is not the case that that money is simply for Government or local authority-run centres. By and large, they are run in partnership with voluntary agencies. We want that to continue because they have great expertise. Many parents find the concept of supervised contact undertaken by a voluntary agency more palatable than the concept of supervised contact at a centre run by a local authority or by the Government.

**Margaret Moran** (Luton, South) (Lab): Does my right hon. Friend accept that many of the contact centres that have received Government funding come within the ambit of the national charity for contact centres but that some fall outside that, are still run by the voluntary sector and are not receiving the investment to which she referred? Will she examine that matter to ensure that all contact centres have the same high-quality supervision and training for staff? My contact centre in Luton is run by the WRVS, and very good it is too, but I fear that some contact centres simply do not have the quality of staff and training that are desperately needed in such difficult circumstances.

**Beverley Hughes:** I take my hon. Friend's point. The role that staff play in those situations, particularly for supervised contact, can be critical for the parents and children concerned. It is very important that they are as high quality as we can make them. I will certainly look at that matter.

Where the court is involved, we have to ensure that whatever intervention we make does not entrench conflicts any further. The Bill will be critical in achieving that and in maintaining the focus on the child. It offers the court new powers to facilitate contact, and to enforce contact when that becomes necessary.

Clause 1 offers the court the power to direct parties to participate in "contact activities", ranging from parenting classes to domestic violence perpetrator programmes, and explicitly including the power to require attendance at an information session with a mediator to explore the benefits of mediation. We believe that those activities will help parents to begin to face up to the difficulties, and the conflict, behind their disagreement over contact arrangements. That can be key to helping the court to reach a resolution without the need for fully contested proceedings.

**Vera Baird** (Redcar) (Lab): Clearly, the ability to refer to such groups is valuable and can help in the most difficult cases, but I am far from sure that the resources are currently available at most courts for such projects. How will the Department go about finding what is out there already and ensuring that the gaps are plugged, so that, for example, domestic violence perpetrator programmes will be available at literally every court if they are needed?

**Beverley Hughes:** My hon. and learned Friend raises an important point that we are considering actively. We are piloting various forms of activity to which we think that we can direct parents. We are trying to promote through local authorities the provision of parenting classes. We accept that the support parents need when they are separating is rather different from the support that they may need when they are not separating but trying to cope with the behaviour of their children. We are looking with local authorities at the availability of what is likely to be required and trying to ensure that, when courts wish those activities to take place, they will be available. That involves a variety of local agencies, including local authorities and the probation service.

**Mr. Stewart Jackson** (Peterborough) (Con): I listened very carefully to the right hon. Lady's opening remarks and the lesson to be learned from the lack of success—I will not say failure—of the family resolutions pilots is surely that without an element of compulsion, the desired objectives simply will not achieved. Such an approach will not work on a voluntary basis alone.

**Beverley Hughes:** The hon. Gentleman raises a fundamental point. The model and culture in this country has been based on the understanding that unless people come willingly to the table to participate in sensitive activities such as mediation, they almost certainly will not work. But he is right to draw attention to the fact that we want to encourage as many people as possible to avail themselves of the undoubted benefits that voluntary dispute resolution practices can bring to separating parents.

As the hon. Gentleman may know, we have published today the evaluations of the family resolutions pilot project to which he refers, and of the in-court conciliation project. Although the findings are, as he suggests, mixed, both projects have provided very important information on what parents value and find helpful, and on what works well and what does not. In both projects, certain approaches demonstrated good success rates in helping parents to reach consensus and to avoid further dispute in court. We all know how important that is to outcomes for children. So although

*[Beverley Hughes]*

the results are mixed, we will take the positive findings and try to build them into further development of voluntary dispute resolution. But forcing people down that road is a very serious step that is likely to be counterproductive. As I said earlier, we are making it possible for courts, through directed activity, to insist on a session with a mediator to explore the benefits of mediation, but it would be a step too far to force people to participate in mediation itself.

**Tim Loughton** (East Worthing and Shoreham) (Con): Did I hear the Minister say that she is publishing today the findings of the family resolutions pilot and if so, would it not have been slightly more helpful to have had them ahead of this debate, particularly given that the project finished last September? I accept that the best form of mediation is that to which people come willingly; otherwise, it does not really work. But where one party fully embraces the mediation route, the other flatly refuses it and the case therefore goes to court, what is the penalty against the person who has decided not to participate, or the reward for the person who has gone along with the court's wishes?

**Beverley Hughes:** Although the project finished a few months ago, we received the evaluations only very recently. Indeed, I understand that the original date of publication was the end of March, so we have been able to bring it forward to coincide with today's debate; but it was not possible, given the original timetable, to publish beforehand. *[Interruption.]* I understand that the evaluations have been published today on the departmental website and are available. After the debate, I shall clarify for the hon. Gentleman's benefit precisely where he can find them.

**Tim Loughton:** That is not very helpful to the House. If the Minister thinks that vital information that is germane to this Bill may be available on her Department's website, she should, at the very least, out of courtesy and respect to those participating in this debate, have ensured that Front Benchers were notified that the document was available before we made our submissions to this debate. Would that not have been common courtesy?

**Beverley Hughes:** I agree that the hon. Gentleman should have received those evaluations, and it was our expectation that he would. I apologise and I shall certainly pursue the matter, because I accept that he should have received them.

**Annette Brooke** (Mid-Dorset and North Poole) (LD): May I endorse the point made by the hon. Member for East Worthing and Shoreham (Tim Loughton)? I certainly have not received notification of the evaluations' publication; indeed, I did intend to ask the Minister about them in my speech.

**Beverley Hughes:** I apologise to the hon. Lady, as well, and I shall certainly investigate the reason why the evaluations were not sent directly to her.

**Mr. Eric Pickles** (Brentwood and Ongar) (Con): On a point of order, Madam Deputy Speaker. Would it not help the good conduct of our deliberations if somebody printed off copies of those important documents, so that Members can read them before they participate in the debate? Surely that would make for a better debate.

**Madam Deputy Speaker (Sylvia Heal):** Order. While I can well understand hon. Members' desire to see those reports, it is outside the remit of the Chair to make that order. But I understand the point being made.

**Beverley Hughes:** I accept the general point being made and as I said, the documents have been published on the departmental website today, some four weeks in advance of when we expected to publish them. They are important and they will prove particularly important in Committee, where we will discuss the detail of what works and what does not. But as I said, I shall investigate why the Opposition spokespeople were not sent copies, which they should have been.

As I said, both pilot projects are important in helping us to understand what works best for parents in avoiding the need to go to court. Where a court order does prove necessary, clause 2 offers a new power to ask the Children and Family Court Advisory and Support Service to monitor that order and to make sure that it is followed. If it is not, the court will hear about it. As many Members know from the experience of their constituents, in some cases, after the long and difficult process of a court dispute, a contact order is made only for it to be ignored. We have all heard sad stories of non-resident parents being unable to spend any time with their children, despite such contact having been directed by a court order, which is often obtained only after considerable struggle. We also know of cases where a non-resident parent is not complying with a contact order by not providing the contact that their children may well greatly need.

Courts often find themselves with no realistic way to deal with this problem. The only sanction at their disposal is to hold the person breaching a contact order in contempt, leading to a fine or committal to prison, but they are understandably reluctant to do that because of the impact on the child concerned. The courts have told us that they need broader powers to address this problem realistically, and to respond to the circumstances of particular cases. In 2002, a committee chaired by Lord Justice Wall produced a report entitled "Making Contact Work", which called for these powers. The Bill responds to the recommendations made in that report.

In addition to providing the ability to require participation in contact activities, clauses 4 and 5 provide new powers to respond to breaches of contact orders, in line with the recommendations in "Making Contact Work".

**Annette Brooke:** Will the Minister clarify the following point, which I may not have understood fully? On enforcement of a contact order and the imposing of a subsequent penalty, community programme-based punishments have a slight drawback, in that they might not be in the best interests of the child. Can such punishments be imposed under the terms of the Bill, and are they in fact permissible?

**Beverley Hughes:** The hon. Lady is to some extent confusing contact activities with the responses that a court can make to breaches of contact orders, such as requiring unpaid community work of some kind. Clause 1 deals with activities that can be directed, but which are intended specifically to facilitate compliance with a contact order prior to that point.

Clauses 4 and 5 will give the courts access to enforcement orders, allowing them to direct those in breach of an order to undertake unpaid work. They will allow the courts to order compensation to be paid from one parent to another in circumstances where the breach of an order causes genuine financial loss. One example is the cost of a holiday that had been planned with the child concerned.

**Tim Loughton:** I have two questions for the Minister. First, how many breaches of contact orders have resulted in the penalty of contempt of court, which she says the courts are reluctant to use? Secondly, the Minister said that a financial penalty is proposed to replace contempt of court, but what will happen when a parent with custody who is on benefits and relies on maintenance payments from a former partner is not able to pay that penalty? Will the proposed penalty be in the best interests of children who rely on maintenance payments to meet their basic living costs?

**Beverley Hughes:** I do not have the figures to answer the hon. Gentleman's first question, but I shall give them to him after this debate. On his second question, we are proposing not a financial penalty, but a means of redress for parents who can demonstrate that they have paid out money to have contact with a child in respect of a special arrangement that has subsequently been aborted by the non-compliance of the other parent. It is important to describe that as a financial loss rather than a financial penalty. We are not proposing what might be called a fine, but that a financial loss can be repaid. All the circumstances under which compensation orders are made will be taken into account by the court, and that will include the direct or indirect impact on the child. We believe that the provisions will give the court greater flexibility in dealing with those who fail to comply with contact orders—a flexibility that the courts have told us that they genuinely and urgently need.

**Tim Loughton:** I am grateful to the Minister for giving away again, but we need to tease out some detail, although I am sure that we will do so in Committee. It does not really matter whether we call this proposal a fine, a penalty or compensation. Let us say that a parent with custody has frustrated a contact order with the result, for example, that a holiday with the non-resident parent costing £500 is aborted. The Minister has suggested that, in those circumstances, the court would direct the parent with custody to pay compensation of £500. However, what will be the penalty if that parent relies on maintenance or is on benefit and cannot afford to pay? What is the next stage of the process?

**Beverley Hughes:** The court will consider all the circumstances of each case. If a compensation order for a certain amount of money is made, the court will take account of the ability of the non-resident parent, in the case set out by the hon. Gentleman, to pay the money. The court will put the arrangements in the compensation order. If the money is subsequently paid, the court will reconsider the matter and decide what action to take. It will look at all the circumstances in the round, including whether the contact order has subsequently been complied with in full. The details of each case are for the court to decide.

The provisions in this part of the Bill have been asked for by the courts. They want the flexibility that will allow them to act against those who breach contact orders, without that having a disproportionate effect on the child. We all understand how important that is. When they make contact orders, the courts have a single guiding principle in mind—that the welfare of the child is paramount. That principle is set out in section 1 of the Children Act 1989. It underpins all our policy and is the foundation of this Bill.

**Ms Keeble:** When assessments for contact orders are made or breaches of contact considered, will my right hon. Friend the Minister say—either now or later—what attention will be paid to domestic violence? Such violence affects 66 per cent. of all CAFCASS cases, and parents with care often breach contact orders because they are worried about a child's safety in the care of a violent former partner.

**Beverley Hughes:** I hope that my hon. Friend will bear with me, as I shall come to that important point in a moment. It was raised in the other place, and I am sure that it will be the subject of detailed discussion in Committee.

**Vera Baird:** My hon. Friend the Minister is very generous in giving way, although I think that she is getting bored, so I will not bother again after this intervention. In connection with enforcement, is it possible that people found to have denied an ordered contact without a reasonable excuse could be required to allow compensating contact? Such an approach might be suitable when the person involved is short of money, and would give the deprived parent an extra allotment of time with the child. That approach has some good points, although it contains the curious notion that one parent can be punished by giving the child to the other. Is that an idea that merits further reflection?

**Beverley Hughes:** My hon. and learned Friend will know better than I that the courts already have the power to vary the amount of contact, so the option that she sets out is available to them in principle as things stand. However, the courts must decide what is in the best interests of the child, without using that child as a reward for one parent and a punishment for the other. The risk is that compensatory contact could be seen to be used in that way, and that is something that I am sure that we would all want to avoid.

When a court, with the principle of the paramountcy of the child in mind, makes an order for contact, that order should be followed for the sake of the child. The court should be able to act if it is not. Much of the debate on the Bill in the other place centred on whether any

*[Beverley Hughes]*

change should be made to the paramountcy principle—whether we should be more specific and say that the child's welfare is normally best served through contact with both parents, or whether we should specify that contact should never be ordered until the court has first satisfied itself that it is safe.

The Government believe that both of those positions are well intentioned. They stem from concern that the right outcome for children is not always achieved, and that the law should be more specific about what the best outcome is. However, were we to accept either position, we would irrevocably compromise the clear statement in the Children Act 1989—that, in any case, the court must do whatever is best for the welfare of that individual child. It should not have to make an assumption, independently of the facts, about what is best for the child, and then be forced to row back if that assumption turns out to be wrong. The court should look at the circumstances of the case, think about the child, and make its decision.

**Mr. Stewart Jackson:** I agree with most of what the Minister has said, but I have read the *Hansard* report of the debate in the other place with great care. Neither my noble Friend Baroness Morris of Bolton nor the Liberal Democrat Baroness Sharp of Guildford made any concession in respect of the paramountcy principle, so perhaps the Minister should revise her views on the matter.

**Beverley Hughes:** The point of view that I set out certainly was expressed in the other place, and that may happen again when we discuss the Bill in Committee, although it is worth noting that the House of Lords as a whole did not vote to overturn the paramountcy principle and insert a presumption of contact.

In respect of a court making a decision on the basis of the principle that the welfare of the child is paramount, it should have as full a range of options as possible to deal with the case in a way that best serves the child. That is what part 1 of the Bill offers. Of course, in making its response, the court must be fully informed about the circumstances of a case. As has been noted already, the question of domestic violence is often raised in disputes about contact, and it has been argued that courts are not always sufficiently aware of it when making their decisions. We take that very seriously, and a great deal of work has been done across Government to try to address the damage that domestic violence can do to everyone whom it affects—including, in some instances, children.

There are some vital safeguards already in legislation, such as the requirement in the welfare checklist in the Children Act 1989 for the courts to have regard to any harm that the child has suffered or is at risk of suffering. However, we were persuaded in debate in the other place that something further was needed. What is now clause 7 of the Bill places a new and specific duty on CAFCASS to carry out a risk assessment and inform the court of the result whenever it is involved in private law Children Act 1989 proceedings and it has cause to suspect that the child concerned is at risk of harm, including harm as a result of witnessing harm to another.

I have no doubt that we will return to the issue of domestic violence during our debate today and later, but I believe that the addition of clause 7 represents an important change.

**Andrew Selous** (South-West Bedfordshire) (Con): May I take the Minister back to clause 4? I am not clear in my own mind. Let us say that a parent with custody denies contact that has been ordered by a court, and an enforcement order is then imposed which the parent with custody fulfils. What happens if the parent with custody continues to deny contact? She may fulfil the unpaid community work requirement and continue to deny custody. What will happen then?

**Beverley Hughes:** Those cases would come back to court and it would be up to the court to decide what further action needed to be taken. Clearly, it would not be right for those circumstances to persist—for non-compliance with a contact order to have taken place, for an order to have been made to do community work, for the community work order to be complied with, but for non-compliance to continue on the contact. The court would have to decide what further action it wanted to take to ensure compliance with the contact order because that would be the primary objective in those circumstances. The community work option gives the courts another element of flexibility in their response, but the objective is to obtain compliance with the contact order.

**Ms Keeble:** Having had a look at clause 7, may I ask whether those considerations would also apply to breaches of contact orders? People often say that they have breached a contact order because they are concerned about what they have seen happening to the child and they have difficulty in using the process. Will the clause help them?

**Beverley Hughes:** I believe that it will, and for this reason specifically. I am aware that some women find it difficult to reveal at the start of proceedings that there has been harm to them through domestic violence. The gateway process now makes it more straightforward and prompts people to reveal that there has been domestic violence by means of a tick box. If they tick it they go straight to a CAFCASS member of staff. My hon. Friend should also bear in mind the option for CAFCASS to undertake a risk assessment not only if harm has been declared by a party to the proceedings, but if it suspects from its dealings with a family that there has been harm through domestic violence. CAFCASS can undertake that risk assessment at any point in the proceedings, including after enforcement order proceedings have started. There is no limit on when CAFCASS, if it has concerns, can undertake a risk assessment and make that and its judgment on the issue available to the court.

**Vera Baird:** Of course, that would be the ordinary thing to do, but I do not think that the Bill requires that a risk assessment, initiated perhaps by CAFCASS, be reported to the court. Although it may sound an excessive requirement, is it not better to ensure that risk assessments, whether positive or negative, always find their way to the court by including in the Bill a duty for CAFCASS to report them?

Is my right hon. Friend totally confident that CAFCASS can meet its obligations to do such risk assessments? I have read the thematic review prepared, I think, by the inspectorate of court administration last year, which said:

"There is a worrying lack of attention to safety planning in almost all the observed sessions",

when commenting on CAFCASS.

**Beverley Hughes:** My hon. and learned Friend distinguishes two points. There is a requirement that the risk assessment, if undertaken by CAFCASS, be brought to the attention of the court. She questions whether the court takes sufficient account of that. The court is bound to take account of all the information that is germane to the proceedings. I point my hon. and learned Friend to the important judgment at the end of November by Lord Justice Wall on a case in the Court of Appeal. He felt that the judge had failed to follow the guidelines in relation to that particular issue. He took the rather strong step of attaching the guidelines to his judgment. In so doing, he said:

"I append them to this judgement in the hope that this court will not again be presented with a case such as the present, which not only ill-serves the parties and the child, but does the system discredit, and helps to devalue the valuable and conscientious work which courts up and down the country are undertaking in an attempt to tackle the scourge of domestic violence and to minimise the effect it has on parties and children."

That sends a strong signal to judges and courts that they have to take the issue seriously and demonstrate that they do. I certainly believe that when CAFCASS presents a risk assessment to courts, the onus on the courts, underlined by that judgment, is to demonstrate that they have taken it into account seriously.

My hon. and learned Friend raises the capacity of CAFCASS. It is a developing issue. We have applied increased resources to CAFCASS and will do so next year. I am confident from that point of view, but also from that of its own desire to ensure that the issue of domestic violence comes squarely into the arena when it is appropriate. CAFCASS is charged as the organisation to make sure that that happens.

I will come now to part 2 of the Bill. It addresses a different, but no less vulnerable, group of children—those who are adopted across national borders by individuals in this country. This will often be in the most extreme of circumstances, as a last resort where the child has no chance of a happy or safe family life in their own country. Part 2 contains a number of important measures to help safeguard those children and to improve the procedures around inter-country adoption.

First, and critically, clauses 9 to 12 provide a statutory framework for the suspension of inter-country adoptions from a specified country where there are concerns about the adoption process in that country. Those would be serious concerns, such as child trafficking, and a rigorous assessment of evidence would always be undertaken before taking the step of suspending adoptions. There is a real need for this power. In 2004, my predecessor as Minister for Children suspended adoptions from Cambodia, as hon. Members will know, in response to evidence of problems with the adoption process. She did this using prerogative powers, but I hope that Members on all sides of the House will recognise the importance of a clear statutory process for us to respond to such circumstances in future.

Clause 13 provides a power for the Secretary of State to charge to meet the costs of the administration of inter-country adoption casework. That proposal was the subject of some debate in another place, but it was acknowledged that this was a matter of prioritising. With limited funds available, it is vital that we target them at front-line services for vulnerable children in this country, and asking those who can afford it to meet a proportionately small charge is, in my view, reasonable in the context of wider priorities for public spending.

Finally, clause 14 makes further important provisions around the process of inter-country adoption. It amends section 83 of the Adoption and Children Act 2002 to make it harder to circumvent restrictions on bringing children into the UK. Section 83 currently states that where an external adoption order was effected less than six months before the child is brought into the UK, the adopter must meet certain conditions, such as being assessed and approved by an adoption agency. These restrictions are being circumvented, in some cases, by UK residents adopting the children and then leaving them in the care of a person in the other country until six months has passed so that they do not have to meet those conditions. The Bill will, rightly, make it harder for people to circumvent those restrictions by extending the time limit in such cases from six months to 12. Clause 14 also clarifies that certain children brought into the UK for adoption are not also privately fostered children. That will prevent an overlap of functions for local authorities.

**Ms Keeble:** I have pressed my right hon. Friend often on the private fostering of children, in particular those brought from Africa. I had not picked up the exact implications of clause 14, so I hope that she can say more about its impact on protecting the welfare of such children.

**Beverley Hughes:** I know that the issue is of great concern to my hon. Friend, and I share that concern, but she is straying on to the important issue of the regulation of private foster carers, which was considered during the passage of the Children Act 2004, which strengthened the notification scheme. A sunset provision was included, so that in the event that the notification scheme does not produce the desired results, we can introduce a registration scheme. My hon. Friend knows that we are actively monitoring the impact of the notification scheme and will come to a decision on its effectiveness. It is an important issue.

Taken as a whole, the Bill offers an improvement in life chances to some of the most vulnerable children in our society and elsewhere. It carries on our commitment to improving outcomes for children based on their individual needs, founded on the principle that whatever the situation, and however severe the conflict between adults, we must put the children first. While there are some contentious issues about precisely how we approach that—in such an emotional area, it would be strange if there were not —I believe that that principle unites the House. We all agree that the needs of children should be paramount, and that that should be the standard to which we hold any change we consider to children's legislation. The Bill has been prepared with that principle firmly in mind and will give children

*[Beverley Hughes]*

facing extremely challenging circumstances a better chance of positive outcomes during their childhood and in later life. I commend it to the House.

1.12 pm

**Tim Loughton** (East Worthing and Shoreham) (Con): This is yet another Bill with "children" in the title, and is not to be confused with the Adoption and Children Act 2002, the Children Act 2004 or the Children Act 1989. I wish that we could find different titles for Bills, as I have suggested in Committee before now, because it is so confusing. Perhaps we can address that point when we cover the short title in Committee.

This is an important Bill that addresses an important problem. I must first say how disappointed I am with the programme motion, which provides only two days in Committee. My understanding was that we would have four days, or eight sessions.

**Beverley Hughes:** It is my understanding that the programme motion was agreed through the usual channels. Ministers are relaxed about how much time the Bill should have in Committee.

**Tim Loughton:** There must have been some confusion, because the understanding of our Whips was for four days. I hope that the confusion can be cleared up and, given the constructive spirit in which we have dealt with other legislation involving the Minister, I hope that we can change the motion. Two days for a complex Bill—although it is short, it is complex, especially in clause 1—is a short time, and we will have several amendments to table and debate.

The Bill has been a long time coming. We have waited patiently for it since it finished its passage through the other place on 14 November, almost four months ago. It is more than six months since it started its passage there on 29 June. Why has it taken so long, especially as the Bill has changed little since it was originally presented? It was preceded by the parental separation Green Paper in July 2004, the next steps progress report in January 2005, the draft Bill and the pre-legislative scrutiny committee, and there is some mystery about why it has taken so long to progress.

We are also disappointed that, although the Government have recognised in introducing the Bill that this serious issue needs tackling, it will fail to provide effective and lasting solutions to the problems that the Minister outlined. I have some questions about who is running the legislation, given the history of turf wars between the Department for Constitutional Affairs and the Department for Education and Skills on the early interventions project and others. The cross-departmental responsibilities of the Minister for Children and Families are being tested in this case, because it is no secret that Departments have dissented on the early interventions project.

I do not wish to break the consensus of wishing the best for children—which we all do—but the Bill is a limp fudge that lacks teeth and relies on a court infrastructure that is already creaking under its workload. It is at full stretch, as the hon. and learned Member for Redcar (Vera Baird) suggested. In short, we have some severe reservations about the Bill and will seek to amend it substantially.

It was worrying that, in response to some of the detailed questions that we tried to put to the Minister about how the breaking of contact orders and compensation may work, she kept saying that it was a matter for the courts to decide. That is true, but the introduction of the Bill is a recognition of the existence of a problem, and the courts need to have a much stronger steer on how to use some of the mechanisms that will be introduced to deal with that problem. I hope that in Committee she will not keep falling back on the mantra that it is up to the courts to decide. Of course the courts must decide in individual cases, but they need a strong steer on what the legislation is intended to achieve. That is why we need the detail on how compensatory contact might work, if that is to be one of the measures available.

**Vera Baird:** I am anxious to probe what the hon. Gentleman means and what sort of strong steer he thinks should be given. Surely the judge will have powers under the Bill to apply appropriately in each case, given its individual complexities and his training, background and experience. What more guidance can the hon. Gentleman offer to the judiciary?

**Tim Loughton:** The hon. and learned Lady has already mentioned contempt of court, which is one penalty that can be applied at the moment, but the courts are reluctant to use it. The measures in the Bill include penalties for breaches of contact and we need to have clearly set out the expectations as to how those penalties will be escalated if breaches continue to occur. If the Minister says it is up to the courts, the position will remain confused and that is why we need to tease out more detail on that issue in Committee.

**Vera Baird:** I hope that the hon. Gentleman finds this attempt to clarify the questions as helpful as I do. If my right hon. Friend the Minister produced the record, I suspect that, although we would find that few courts had actually sent parents with primary care to prison, there are probably more cases where they use that threat. Indeed, the district judges who tell people that if they do not comply they will have to bring their toothbrush with them when they next come to court show that the threat is used. Surely the point of the legislation is to remove that dilemma for the courts, because it is bad for a child if their primary carer is sent to prison. There is a raft of different measures, so in what sense is the Bill failing to deal with the problem?

**Tim Loughton:** I agree that the worst outcome for the parent, and especially for children, is for the parent to end up in prison, which is certainly not something we want. That is why it is essential that there is a scale of penalties with a realistic expectation of imposition. The hon. and learned Lady rightly says that few people, if any, go to prison, so if the threat of that penalty is never actually carried out, it is not much of a threat. I was trying to tease out whether the details of the scale of penalties that the Bill sets out, and which we want to be better set out, will be imposed by the courts if necessary. A threat can only be any good if it is realistic and credible, and somebody believes it will be carried out.

**Ms Keeble:** Does the hon. Gentleman accept that some of us welcome the provision precisely because we have had to take up cases of constituents who have been utterly terrified by being told in court that they will be sent down for not letting a violent ex-partner have contact with their child? The courts are used to dealing with people who get into debt or who have financial liabilities, even though they are on benefits and can make repayments only at a low rate. It is perfectly possible for the courts to deal with such cases without their being set out in the Bill. The provisions are a welcome alternative to sending women down for refusing contact to violent ex-partners.

**Tim Loughton:** If there is a threat of violence to an ex-partner and his or her children, I entirely agree that a breach of contact may be justifiable and the Bill makes provision for that—it is a matter on which the court must be satisfied. The Bill also includes clause 7 on risk assessments, which we welcome, and which will provide clearer evidence of the strength of the risk. However, unless the risk is proven—unless the case is put—the assumption should still be that a contact order granted by a court should be adhered to and it is up to the person who has breached the order to prove why he or she was justified in doing so. If not, and if the risk assessment does not show that there has been a threat of violence, the penalties should be invoked. I am not in any way trying to put at any more risk someone who is at threat from violence, or indeed, his or her children, but the person who uses that excuse with no vindication must realise that there are realistic penalties that will be enforced.

**Ms Dari Taylor** (Stockton, South) (Lab): Clause 7, the risk assessment provision, is one of the most crucial and difficult parts of the Bill. If the hon. Gentleman has concerns about it, will he explore how it could be made more waterproof?

**Tim Loughton:** I have no concerns about clause 7. That is the point that I have just made. I said that including provision for risk assessments gives greater security. People who have serious concerns about domestic violence can have them taken into account by the court so that a breach of contact would be justified. I think that the hon. Lady slightly misheard what I said. The risk assessment gives greater security, but if it showed that a person was not at risk, the penalties should be enforced if there was a breach of contact.

**Vera Baird** *rose—*

**Tim Loughton:** I had better make some progress, otherwise I shall speak for even longer than the Minister, which will get me into great trouble—*[Interruption.]* I am not criticising her. She generously took many interventions and I am not trying to be churlish. We are having a nice debate. You try to be nice and you get it thrown back at you, Madam Deputy Speaker—you cannot win.

We are determined that the problem of breach of contact should be addressed once and for all, which is why we have done a lot of work to highlight it, through summits held at Westminster, amendments that we proposed to the Children Act 2004 and some key undertakings on contact provisions in our manifesto for the 2005 general election. When we scrutinise the Bill in Committee, we shall maintain the resolute and principled stance taken on the subject of contact in particular by those doughty fighters in the Lords for the interests of children, my noble Friends Earl Howe and Baroness Morris of Bolton.

The Bill addresses two major but unrelated issues in respect of contact orders in part 1 and adoptions with a foreign element in part 2, as the Minister said. Although we have some concerns about the fashioning of new procedures for overseas adoption, there is a fair degree of agreement in principle, so we shall concentrate our fire, and our time, on the woeful inadequacies of some of the contact provisions.

Let us consider the problem. Up to 200,000 children a year experience the emotional distress of their parents' separation or divorce. That experience is likely to befall 20 per cent. of children before they reach the age of 16—the same experience affected me when I was 11. Members of Parliament are probably not good role models for parents trying to promote stable families. My noble Friend Baroness Morris said that if she was the subject of a CAFCASS report, she would be described thus:

> "Works away from home, involving long and anti-social hours; appears more interested in everyone else's children than her own; and spends long, hot, summer week-ends indoors writing speeches."—[*Official Report, House of Lords*, 29 June 2005; Vol. 673, c. 255.]

Not a very good model for stable family life.

Although 90 per cent. of separations are resolved without resorting to dispute in the courts, the remaining 10 per cent. can end up in protracted, messy and acrimonious legal proceedings, as the Minister said. There is much work for CAFCASS to do in producing 28,000 or so contact orders and writing 33,000 court reports, and we have concerns about its resource capability to cope with that work load, while acknowledging the improvements that we are beginning to see under the new board, which, with Baroness Pitkeathley and the new chief executive Anthony Douglas, is doing a good job after a traumatic first few years due to the Government's poorly thought-through conception of CAFCASS in April 2001.

From our surgeries, we are all aware of the pain of non-resident parents who are denied meaningful contact with their children and who often live in reduced circumstances that militate against proper relationships with the children. We see cases of multiple breaches of contact orders by the parent with custody, which require multiple and costly returns to court by the non-resident parent. There are horrendous cases of members of the extended family being shut out of the lives of children—especially grandchildren. I stress the important role played by grandparents who feel so much pain when splits go wrong. Grandparents who have given family members great support, acting as chauffeurs, babysitters and bankers, suddenly find after a split that they are left completely out of the equation.

**Mr. David Kidney** (Stafford) (Lab): I can reinforce the hon. Gentleman's last point. Is it his experience, as it is

*[Mr. David Kidney]*

mine, that many grandparents come to MPs' surgeries for advice because they are so completely shut out of the process?

**Tim Loughton:** The hon. Gentleman is right. Indeed, my hon. Friend the Member for Peterborough (Mr. Jackson) held a debate on that very subject in Westminster Hall recently. Just this morning, I heard that a loving grandmother in my constituency, whom I know well, and who has not seen her grandchildren for the best part of 10 years, is in hospital due to the stress caused by that. It is unacceptable that extended family members are just as much victims—even more so—as the people directly involved.

The number of contact orders does not reflect the amount of contact that is given. We hear the complaint that the contact simply consists of passing on postcards or a Christmas or birthday card, and nothing happens face to face. I fear that the contact often takes place at rather soulless and anonymous contact centres, although I acknowledge that some of the voluntary organisations in particular do a very good job in that respect. I am pleased to hear the Minister mention the greater use of family centres and some of the other new measures that will provide a family-oriented environment, because such places can be depressing and certainly not conducive to allowing the absent parent to spend good-quality time with his or her children.

Too often, the parent with custody can use the children as pawns in an ongoing fight against an ex-partner by taking children away when a holiday has been booked, by denying ex-partners access to school reports or school photographs or by moving to the other end of the country, well away from where the ex-partner lives or can visit because of work commitments. None of that is helpful to children, and there are some extreme cases of people who serially frustrate contact orders and seem to get away with it, time and again—hence my concern that any threat against the infringement of contact must be realistic and able to be brought into play.

**Mr. Stewart Jackson:** Will my hon. Friend comment on the practice that obtains in respect of the existing statutory duty under section 23 of the Children Act 1989, which places a statutory duty on local authorities to consider friends and family first when considering care orders and court orders but is being disregarded in practice by most local authorities?

**Tim Loughton:** My hon. Friend makes a very good point. We have heard a number of stories where members of extended families and close family friends could effectively step in, in loco parentis, and offer an opportunity, perhaps temporarily, for a stable family upbringing for those children, who are ignored from the equation. In many cases, that is down to the pressure on local authorities but, in too many cases, local authorities do not think that that should be first port of call, although they are obliged to do so. Time and again, when contact orders are frustrated, it causes stress and anguish for parents and an increase in mental illness problems. We are all aware that 40 per cent. of non-resident parents lose contact with their children within two years of a family split. That is the most alarming figure of all.

**Ms Dari Taylor:** Does the hon. Gentleman acknowledge that not all contact is effective and nor does it produce a stable outcome? There are relationships in every family unit that cause serious problems—a fact that becomes apparent in my surgery, time and again. Does he also accept that, in vexatious situations and when there has been domestic violence, unsupervised contact can often be very undermining to the development of a stable family unit? We can talk about contact and understand its value but we must also put in place controls if those children are to benefit from the stability of relationships.

**Tim Loughton:** The hon. Lady is right, and I will come in a minute, if I can, to the presumption that the child will benefit from maximising contact with both of his or her parents, as the Minister has said already. In some cases, that is not the norm, which is when special provisions need to be made. We want a presumption that that will be appropriate for most children, but there are certainly cases of domestic violence where contact with a non-resident parent can be counter-productive and where proper supervised contact may be needed—it is a case of horses for courses—but that is not necessary in the majority of cases.

**Mr. Pickles:** Will my hon. Friend give way?

**Tim Loughton:** I am trying to make progress, but I will give way.

**Mr. Pickles:** My hon. Friend is making some very good points, and he should not be upset that we interrupt him because we want further information from him. My hon. Friend the Member for Peterborough (Mr. Jackson) made a point about other family members who could be involved, but I have noticed the corrosive effect of the secrecy of the courts on social workers. There is a rather patrician view that they do not need to explain their reasons for taking decisions about the placement of children. Does my hon. Friend share my concern?

**Tim Loughton:** My hon. Friend makes a very good point, and I shall briefly refer to a call for greater transparency in the court system, as that would go some way to address people's concerns about what may be going on. Decisions may be made for perfectly good reasons, but they are not explained properly and can then be misinterpreted and subject to all sorts of other problems. I will mention that in a minute.

Too many contact orders are breached, which is not good for the parents and the extended family, but, above all, it is not good for the children themselves. Everything we do in our approach to the Bill, as with all other children's legislation, will be guided by the principle that the welfare of the children is paramount, which is set out in the Children Act 1989 and is still relevant today.

What are we trying to do with the Bill? It is in everyone's interests to promote stable family life and, wherever possible, to maximise the amount of meaningful quality time spent with both parents,

whether or not they are living together. However, it is not a question of the rights of parents to have access to their children, but rather that the child has a right of maximum access to his or her parents, unless there is an overwhelming case that doing so would be harmful to that child.

The best blend of both parents is what we need to achieve. It is rarely, if ever, the fault of a child that his or her parents separate, and children should not suffer even more as a result by not having equal access to both parents. Surely, that was the principle set out by Ministers in the Green Paper, which said:

"After separation, both parents should have responsibility for, and a meaningful relationship with, their children, so long as it is safe. This is the view of most people in our society."

In the debate in the upper House, Lord Adonis said:

"We fully support the position established in case law that children normally benefit from a meaningful relationship with both parents following separation, so long as it is safe".—[*Official Report, House of Lords*, 29 June 2005; Vol. 673, c. 251.]

We entirely agree. Parents do not stop being parents simply because they are no longer partners.

**Ann Coffey** (Stockport) (Lab): Does the hon. Gentleman agree that meaningful access does not necessarily mean equal access?

**Tim Loughton:** Yes, I do.

There is much research to support the greater role of fathers in the lives of the children and the benefit that that brings to the child. Figures on the amount of time that fathers spend with their children reflect our country's social development. Compared with 30 years ago, men spend eight times as much time with their children. In the 1970s, the fathers of young children spent less than a quarter of an hour a day involved in child-related activities. Recent surveys show that, on average, the fathers of under-fives now spend an hour and 20 minutes on child care activities during the week. Our society has changed greatly over the past 20 or 30 years, as has the relationship that female and male parents have with their children.

Research overwhelmingly highlights the fact that children whose fathers have been actively involved in their children's lives achieve more academically, have more satisfying relationships in their adult lives and are less likely to get into trouble with the police. Indeed, if fathers are involved, children are less likely to have a criminal record by the age of 21. Pre-school children who spend more time playing with their dads are often more sociable when they enter nursery school. Children benefit equally, if not more, from their mothers, but I am making the point that both parents have an equal role to play and can have an equally beneficial effect on their children by maximising such contact where it is appropriate to do so.

The Government need to do more to enable both parents to play an active role in the upbringing of their children, yet there is a cohort of dejected non-resident parents—predominantly, but not exclusively, fathers—who are being prevented from doing so often unfamiliarly and without good reason. That does not diminish in any way the fact that there are some very difficult non-resident parents, particularly fathers, who may have threatened violence and may have a detrimental effect on children, but they are the minority.

We will table amendments to the Bill that maintain:

"that the court shall, unless a contrary reasons be shown, act on the presumption that a child's welfare is best served through residence with his parents and, if his parents are not living together, through residence with one of them and through both of them being as fully and equally involved in his parenting as possible."

I emphasise that that should happen where the safety of the child is not an issue. We also propose that contact with the non-resident parent should be frequent and continuing and that it should be reasonable—not a 50 per cent. share of the time or anything as prescriptive as that. We believe that the system needs to be fundamentally overhauled and effectively turned on its head. There should be a presumption of shared parenting and dissenting parents should have to put forward a coherent case explaining exactly why the right of the child to maintain reasonable and substantial contact with both parents should not be respected. Safety and welfare considerations should be duly weighed up by the court. I repeat that, in all that, the welfare of the child is paramount. Surely the welfare of the child is complemented, not contradicted, by maximising contact and interaction with each parent.

**Margaret Moran:** The implication of the hon. Gentleman's argument seems to be that, at present, the majority of cases do not involve a presumption of contact. Is he aware of the report of Her Majesty's inspectorate of court administration, which states that the presumption of contact with both parents is so overwhelming that children are being put at risk because of it? In that light, his argument does not seem sustainable.

**Tim Loughton:** I do not agree with the findings of that report, which was based on a rather small sample. The findings did not seem to match up with the material that was being used. The allegation that the hon. Lady has made—I have heard it before—is exceedingly unrepresentative and unhelpful.

We are not suggesting a prescriptive arrangement, or an artificial 50:50 time split that is monitored by a stop watch, as I have said. We have made submissions to the Government on how better contact could be achieved in relation to the study that is being carried out by the Minister's colleague, Baroness Ashton. Our proposals are not unique. For example, best practice jurisdictions across the United States are light years ahead of the UK and are yielding some interesting and positive results. Such legislation is common in many US states. In Canada, the new Conservative Government pledged in their election manifesto to amend the Divorce Act

"to ensure that in the event of a marital breakdown, the Divorce Act will allow both parents and all grandparents to maintain a meaningful relationship with their children and grandchildren, unless it is clearly demonstrated not to be in the best interests of the children."

Australia is amending its Family Law Act in more than 300 places to introduce the concept of parental equality. Australian judges will have to consider equal time sharing and give written reasons for any departure from equality. A mediation service is being proposed to take account of children's views. Most recently, Italy has followed suit. However, the UK Government apparently have some difficulty getting their head around the concept.

*[Tim Loughton]*

The fundamental principles behind our amendments met with widespread support in the other House and, at one stage, even secured the support of the Liberal Democrats. Liberal Democrats voted in support of the principles during the passage of the Children Act 2004 through the Commons, but reneged when it came to the crunch.

**Annette Brooke:** Does the hon. Gentleman concede that that very unpleasant debate was held before the publication of the significant Constitutional Affairs Committee report and the responses to the Green Paper, and also that the Liberal Democrats on that occasion said quite clearly that there was much of the wording with which they agreed and much with which they did not agree, but that neither did they agree with the Government's position? I think that that is quite clear. Will the hon. Gentleman tell the House why his party has changed its mind on abolishing the Children and Family Court Advisory and Support Service?

**Tim Loughton:** With the greatest respect to the hon. Lady, I think that she is wrong. She is factually wrong on the first count because the Constitutional Affairs Committee report on the Bill was published in the last Parliament and the vote that her colleagues declined to join us on at the last minute happened during this Parliament in July, when all the information was out there. Her colleagues spoke in favour of this principle and strongly indicated that they would back amendments on it. She and I went merrily through the Lobby together during the Report stage of the Bill that became the Children Act 2004 in support of the principle that we are putting forward again today. I was surprised and delighted that she joined me on that occasion, although I suppose that I should not have been surprised that when it came to the crunch, her colleagues in another place did not have the courage of their convictions. However, we shall see what the Liberal Democrats do in the later stages of this Bill.

**Mr. Kidney:** I will help the hon. Gentleman to move on from that little spat. I am attracted to much of what he has just said and interested in pursuing the point about cases that will go to court because of the intractable attitude of one parent. It will take some time to get a decision from the court. What is his view of the practicality of starting court proceedings on contact?

**Tim Loughton:** If I may, I will come on to contact—where it all starts—and mediation later in my speech.

**Vera Baird** *rose—*

**Tim Loughton:** I want to make some progress, but will come back to the hon. and learned Lady, too.

Our proposals have widespread support among a multitude of family and parenting groups, but I fully acknowledge that many professionals in the judiciary and some voluntary organisations do not share our view. We have engaged them in constructive debate and perfectly respect the position that they have argued reasonably, even if we do not agree with their conclusions.

It pains me to have to single out one organisation that has behaved reprehensibly on this issue. I would be the first to acknowledge that the National Society for the Prevention of Cruelty to Children has done a lot of good work in raising awareness of child abuse and campaigning against it, promoting good practice by engaging children, and raising substantial funds for services for vulnerable children. Many members of my party in my constituency enthusiastically raise money for the NSPCC, as I have in the past. However, during the proceedings on the Bill in the Lords, the NSPCC put out a briefing note that attacked our amendments as a threat to the safety of children, yet produced no evidence to support its claim.

In its latest briefing note, for our scrutiny of the Bill, the NSPCC has made the following claim:

"NSPCC believes that any proposals to introduce into the Bill a legislative presumption of contact will be interpreted and put into practice by the courts in a way which is detrimental to the welfare of the child and could ultimately threaten the safety of the child."

In effect, it is saying that if a non-resident parent—predominantly a father—benefits from a presumption of contact, he is more likely to do harm to his own child.

**The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle):** Will the hon. Gentleman give way?

**Tim Loughton:** Let me finish and I certainly will.

In support of its claim, the NSPCC cites the fact that 29 children were killed over the past 10 years during contact visits to non-resident parents. That is an appalling figure. However, it ignores its own research, which shows that over the same period some 800 children have died at the hands of resident parents or carers, and the 2000 publication "Child Maltreatment in the UK", which showed that violent treatment was more likely to be meted out by female carers than male ones.

The briefing is alarmist, sensationalist, misleading, empirically flawed, completely irresponsible and highly reprehensible. It is not worthy of an organisation such as the NSPCC, which claims to stand up for our children. I hope that our deliberations on the amendments will be based on balanced, rational and well-informed debate, rather than the arrant nonsense that I am sure will shock many dedicated and hard-working NSPCC supporters around the country.

**Maria Eagle:** I have no torch to bear for various elements of the lobby, including the NSPCC, but my interpretation of its comments is that paramountcy is incredibly important and might be comprised by the kind of presumption that the hon. Gentleman suggests.

**Tim Loughton:** The NSPCC has said quite clearly—it has not minced its words—that if our amendments about a presumption of contact, in which many other people believe, were accepted, the safety of children would be compromised at the hands of their non-resident parents, but has not offered any evidence for that. That is not a helpful addition to the constructive debate that we are trying to have in the interests of children.

**Peter Bottomley** (Worthing, West) (Con): The NSPCC will have to find another forum to explain why

it said what it did, but the Minister has the chance to explain why she cannot trust the courts. A non-resident parent should not be denied contact unless the case has been put to a court. If a court decides that contact should be denied, that is fair enough, but if that does not happen, the situation proposed in our amendments is right and should be supported by the Government.

**Tim Loughton:** My hon. Friend is right. We should not automatically consider a non-resident parent in some way to be inferior to that same parent when he or she was part of a married couple or a couple together, or inferior to the parent with whom custody resides. It is being strongly suggested by the briefing that the NSPCC has insisted on putting out again, and in stronger terms, that in some way non-resident parents are a threat to the safety of their own children. That is disgraceful and insulting to many thousands of parents who are not able to live with their children.

**Vera Baird:** I will not tangle with the hon. Gentleman about what the NSPCC says. I can see that he has become riled by it. Underlying the courts' position—I hope that he accepts that historically this has always been the case—there has always been a presumption that there will be joint contact, continuing contact, where that is at all possible. That is not something that CAFCASS or the Courts Service conjured up for the report. That has always been the principle for many years. Child charities worry that if the paramountcy principle is ousted so that the safety of the child stops being the first criterion and we introduce parental rights, too much emphasis is given to the need to guarantee what the hon. Gentleman calls the child's right to see the parent. There must, of course, be a two-way right. Too much precedence is given to that right and not enough is given to safety. Where domestic violence is raised, that consideration is undervalued.

**Tim Loughton:** The hon. and learned Lady is misinterpreting what I have said. I have not talked about parental rights. I have been clear in saying where I am coming from on this issue. We are constantly told that there is a presumption of equal contact that pervades in the courts, but that does not appear to be working. Why, therefore, is the NSPCC not complaining about the status quo? What harm will we do by putting explicitly in the Bill—something from which everybody starts—that there is that presumption? It will then be possible for everyone to argue why that should not be so in individual cases.

**Beverley Hughes:** It is for the NSPCC to explain its interpretation of what it has put out in its briefing. The position that we are taking does not imply a qualitative different judgment about the safety or otherwise of the non-resident parent. We must trust the courts to make individual decisions. It is important to understand—I wonder whether the hon. Gentleman does—that a statutory presumption in law is something that the courts must follow in all but exceptional circumstances. Therefore, a statutory presumption starts to fetter the discretion of the courts and makes a fundamentally different model that would compromise in law the principle of paramountcy.

**Tim Loughton:** The right hon. Lady needs to speak to her colleague in the upper House, Baroness Scotland, because, on 16 November, the day after consideration of Report in that House, she said in response to one of my noble Friends that a presumption "is only a presumption." That answers the Ministers question. That does not fetter the courts. The issue is up for interpretation and a presumption is only a presumption.

The system that we are talking about is best served if we can avoid reaching a certain stage by means of prevention. The best solution to acrimonious legal disputes is to prevent them coming to court in the first place. We favour concentrating more on preventive action, which keeps families together. We need to see much more work undertaken by properly resourced professionally trained social workers, who spend more time not fire fighting if something goes wrong, but more time on preventive action to keep families together in the first place rather than pulling them apart. For example, Kent has done some excellent work in that regard. That is one reason why the number of children in care in Kent has fallen dramatically.

We need also to achieve an agreed settlement earlier. As my noble Friend Earl Howe said in the other Chamber, there is a simple truth associated with contact disputes: if both parties to the dispute are content with the amount of contact that they have with the child, there is no longer any dispute. We must also agree to some form of mediation. We will have further debates about the extent to which that mediation should be imposed on, or agreed with, the parties.

The Government initiated the promising form of mediation in what was called the early interventions project in the autumn of 2003. It was a successful and imaginative project. The prototype was due to be up and running by 2004, with a national roll-out by 2005. The aim was to defuse parental battles and dramatically to reduce the number of court cases. The project was mysteriously abandoned and replaced with the ill-thought-through family resolutions pilot project, which has been mentioned, having been scuppered by the Department for Education and Skills. Perhaps the Minister can give us more detail on that, though that happened under her predecessor.

The family resolutions project, which ran for one year from September 2004 to 2005, with three pilots in London, Birmingham and Brighton, cost more than £300,000. Thousands of couples were expected to come through the process but only 47 couples started the process and only 23 of them finished it. We have already heard about that independent evaluation.

As *The Guardian* put it, that project was a waste of time. That was a great shame because it replaced something that was rather more worth while. We need to set up an expectation that mediation will be used to try to get things sorted before they come to court. We think that it should be close to mandatory for parents to embark on mediation processes before they come to court, and that if they refuse to take up the offer, that should go on their record. Hence my intervention earlier about differentiating between a partner who is perfectly happy to go along with the mediation process and the other party who decides that they will not have anything to do with it, with the result that both parties are subjected to court proceedings. Surely that must count against somebody who had refused unreasonably the mediation process and count more favourably to the person who was prepared to go along with it.

*[Tim Loughton]*

We want the early interventions project to be restored—it should be given a fair chance. That confidential mediation process would be privileged and could not be cited in subsequent court proceedings. However, there are question marks over the limited financial incentives for divorcing parents in opting for mediation. We are also concerned about the availability of people who are skilled in mediation within the Courts Service. There are many examples of where a more compelled mediation service has brought about dramatic results, particularly in Virginia where mediation has shown that after 12 years 30 per cent. of parents who had attended mediation were in weekly contact with their children as against only 7 per cent. who had been through litigation and had shunned mediation. This shows that mediation does work.

**Ms Dari Taylor:** Will the hon. Gentleman give way?

**Tim Loughton:** For the last time, I will give way. I will then finish. The hon. Lady can then make her own speech.

**Ms Taylor:** I am most grateful to the hon. Gentleman for giving way again. Does he accept or agree with the Cleveland family mediation service that if mediation is to be effective and is to be a useful tool, it should be used well before a divorce comes to court? Does he agree that it should be taken out of that arena? There is a hothouse of sensation once there are court proceedings. Mediation is much more effective before those proceedings. I would be grateful to hear the hon. Gentleman make a statement about how valuable that approach could be if it were to be supported, as it were, in the Bill.

**Tim Loughton:** I completely agree. I do not need to say any more. I have been making the point that the hon. Lady has outlined. It is something that works. The more that we can take such proceedings out of the court procedure, the more likely the process is to succeed. I do not think that any of us would dispute that.

I have concerns about CAFCASS, to which I shall briefly return. The Minister said that she would fund CAFCASS with increased resources. Yet its budget for this year is frozen, which effectively means a £4 million shortfall. That is at a time when more work is being imposed on CAFCASS. There are still difficulties although I accept that there have been improvements in overcoming the time delays for allocating officers to cases. However, the courts are still congested and it takes far too long before cases are scheduled and come through.

We agree with the proposal to ask CAFCASS to take on greater work with risk assessments and various other things, but none of it, however well-intentioned, will work unless properly trained, well-resourced professionals at the coalface put them into operation. The same holds for properly trained social workers who undertake preventive and monitoring work in the field and enable cases to come to court. I have attended far too many family courts where good social workers had not worked on the case when it first came to court. I was in court one day when not a single social worker had worked on the case when it first came to court.

**Mr. Stewart Jackson:** May I echo the point that my hon. Friend is making so eloquently? A reply dated 27 February to a question that I had asked in correspondence said that as of 30 November, 16.5 per cent., or one in six, private cases dealt with under the auspices of CAFCASS were unallocated. To develop the point made by the hon. and learned Member for Redcar (Vera Baird), I am concerned that the extra work programmes that we are imposing on CAFCASS may put it in a difficult position.

**Tim Loughton:** My hon. Friend has made a very good point. If the measure is to work, the professionals must be given the tools that they need. CAFCASS is concerned about its budget, and whether it can maintain the progress that it has made since it experienced a significant transformation.

As for court transparency, a great deal of resentment is caused by proceedings in camera. Many decisions are difficult to comprehend, so there is a need for courts to open up as we look forward to the consultation paper promised by the Government. The Select Committee on Constitutional Affairs said before the election:

> "A greater degree of transparency is required in the family courts. An obvious move would be to allow the press and public into the family courts under appropriate reporting restrictions and subject to the judge's discretion."

A less radical proposal would be to make it a rule that all judgments are published in family cases unless there are exceptional circumstances. Judges already have such a power, but many choose not to exercise it. We would therefore like to see the Government's proposals on opening up the court system, as they would provide reassurance for many parents who feel hard done by. Recently, Mr. Justice Munby made a strong plea for more transparency, suggesting that the current restrictions may even breach the European convention on human rights:

> "Because of this secrecy misunderstanding about how the family justice system operates are allowed to grow and fester unchecked and uncorrected."

In Committee—assuming that the Committee of Selection selects me as a Committee member—I will go into greater detail about the frustration of contact orders but, as I said earlier, the Bill lacks teeth. Defiance of contact orders should be monitored by the court system. We should not just rely on the non-resident parent crying foul before we initiate and pay for legal challenges. Serial frustrators are able to play the system, ultimately leading them to be in contempt of court, although the relevant powers are rarely used. Prison is not a practical option, and electronic tagging, I am glad to say, has been dropped. There are problems with the payment of compensation, and I would like the Government to consider the proposal on compensatory contact time, which we support and which was mentioned by the hon. and learned Member for Redcar. Whatever measures are put in place should be on a sliding scale so that the offender has many opportunities to reform their behaviour and comply with the contact orders, subject to checks and balances if they are scared to do so because of domestic violence and other threats.

Penalties must be realistic, and there should be a perception that they can and will be imposed if the offender continues to flout the contact orders.

False accusations, usually of domestic violence, are sometimes made. I am not seeking to undermine the fact that domestic violence takes place, but parents may fabricate claims of domestic violence, and we should come down hard on such claims. We certainly need to speed up investigations of claims of domestic violence. Some interesting work is under way in Australia, where serious consideration is being given to a proposal to compel people to pay costs for vexatious complaints.

Finally, on the subject of inter-country adoption, it is perfectly legitimate to adopt overseas and, in many cases, such adopters perform a humanitarian role. I share concerns about cases of child trafficking, particularly, it was claimed, after the tsunami. There were claims of such cases in Cambodia, which is why a decision was made on that country. We should clamp down rigorously on anything that constitutes the trafficking of children. Procedures were tightened in the Adoption and Children Act 2001, and we supported those measures. I am concerned, however, about the imbalance in adoption numbers. In the past 10 years, about 3,000 children have been adopted overseas, of whom 1,441—almost half—came from China. Many of those children, I suspect, were baby girls. Should we concentrate so much on a country with a questionable social stance on baby girls? The next largest contributor was India, where 235 children were adopted; followed by Guatemala, where 205 children were adopted; then Russia, where 177 children were adopted, and Thailand, where 171 children were adopted. I am in favour of inter-country adoption where appropriate, but I question the imbalance in the countries from where children have been adopted in recent years.

Another problem arises from the fact that, unlike many other western countries, we lack an inter-country adoption agency. How much evidence of trafficking will be required to trigger the suspension of a country from inter-country adoption arrangements? Why are the rules not working if we are clamping down properly on child trafficking? We need to act in the best interests of the child, and I certainly welcome the provisions that allow for special exceptions in individual cases. We are concerned, however, about the scale of charges for work on inter-country adoption. Such a proposal was not included in the draft Bill, and inter-country adoption is already an expensive and bureaucratic business. The British Association for Adoption and Fostering has expressed concern about the Government charging for a service:

> "It is hard to see why one group of UK residents—prospective intercountry adopters—should be singled out for payment of a fee for the provision of a service such as this . . . Any suggestion that public money should only be spent on safeguarding the welfare of children indigenous to this country is surely repugnant both morally and in the light of our international obligations.
>
> We believe any additional financial burden on intercountry adopters may run the risk of a minority seeking to circumvent procedures, thereby putting some children at risk."

We should clamp down on inappropriate inter-country adoption but, equally, we should be wary about encouraging private fostering arrangements by the back door. As we seem to do on an annual basis, we will table an amendment on the registration of private foster carers. Such registration was not included in the Children Act 2004, although there was a fallback suggestion that it might be introduced. We will therefore revisit the issue, and dust down our amendments on private fostering registration.

The Bill is a short one, but it includes a great deal of detail. Some provisions are contentious, particularly those on contact orders. It received a great deal of scrutiny in the other place, but it remains a highly unsatisfactory Bill. Many parts are fundamentally flawed, and it is a missed opportunity. Above all, it fails to do what it could and should do, so we are letting down too many children who have been let down by an acrimonious split in a family. We had an opportunity in the Bill to give them a second chance of a meaningful relationship with both their parents, and for most children that is the best start in life that we can give them.

2.8 pm

**Margaret Moran** (Luton, South) (Lab): I welcome the Minister's strong support for the principle of paramountcy, particularly in the face of comments by the hon. Member for East Worthing and Shoreham (Tim Loughton). Many of us believe that his proposal would undermine that fundamental principle.

I am afraid, however, that the Bill could go further to ensure that the principle of the safety of the child is enhanced. This feels a little like groundhog day, because many hon. Members participating in our debate took part in similar discussions in the Joint Committee that considered the draft Adoption and Children Bill as well as the subsequent Bill Committee. We were concerned that existing legislation had not done enough to safeguard children at risk in contact situations, particularly if there was a risk of domestic violence.

I was pleased that the Government accepted our arguments about the risks to children in contact cases involving violence, and that my amendment was accepted, which extended the definition of harm to the child to include impairment due to seeing or hearing ill treatment of another. For the first time we enshrined in law and recognised the damage to the child caused by witnessing domestic violence and the fact that that should form part of the court's consideration. As the Minister noted, further measures have been introduced to improve family court practice with regard to domestic violence, most recently in January this year, when new court application forms were introduced.

Even so, at that time many of us said that the measure would not be sufficient to remove the risk to children, and so it has proved. None of the measures so far introduced or in the Bill require courts to ensure that contact is safe. To date there is no evidence to suggest that court practice has been improved. That is asserted not just by me, but by all the leading children's charities, including the NSPCC, Barnado's, NCH Action for Children, Women's Aid, the Greater London domestic violence project, Respect, Men's Advice Line and Enquiry Service and others—in other words, all the experts on the subject.

Despite the hon. Member for East Worthing and Shoreham decrying the report of Her Majesty's inspectorate of court administration, we cannot ignore the evidence from its study showing that in the work of

*[Margaret Moran]*

CAFCASS in this regard, there is such a strong presumption of contact with both parents that concerns about safety and the risk to the child are overridden, thereby putting children in severe danger of violence and abuse.

Notwithstanding the legislation and recent Government initiatives, there is still grave concern that children's needs are minimised or ignored, and that many parents and children remain unsafe during contact arrangements as a result of contact orders being awarded inappropriately. If, as we all profess, the safety and welfare of the child should be the key principle throughout the legislation, we need to amend the Bill further in the interests of the safety of the child. It is important that all the proceedings covered by the Bill have the paramountcy principle at their heart.

I welcome the amendments made in the other place in relation to the introduction of clause 7. That is a significant step forward, but the court is still not required to act on the risk assessment by CAFCASS. I recognise the extensive work done by the Government to tackle domestic violence, but in the interests of children's safety the Bill should incorporate a requirement that the court act upon the risk assessment required under clause 7. It is clear that in the criminal justice system the dangers of separation where there has been a history of domestic violence are recognised, but the same understanding is not evident in many parts of the family justice system.

Much of the debate in the other place and to some extent in the Chamber today has been based on anecdote. We need a great deal more research on the subject of contact and the reasons why contact is not taking place in cases where an enforcement order has been issued. I hope that the Department will take that on board.

Let us deal with some facts. The victims of domestic violence face greatest risk post-separation. Research shows that children ordered by courts to have contact with a violent parent are likely to be abused and in some cases killed. The Green Paper on parental separation recognises that of the 10 per cent. of contact cases that get to court, in at least 35 per cent. of them there are concerns about the safety of the child. CAFCASS officers state that in about 66 per cent. of the caseload domestic violence is a significant factor.

Despite that, judicial statistics indicate that less than 1 per cent. of applications for contact orders are refused. It is clear that parents and children are being exposed to unsafe conditions by court orders. Research by Trinder in 2005 shows that

> "In many of these families there had been violence in the home. Quite commonly, there were child protection concerns. The disputes presented to the court did not reflect straightforward arguments about 'contact'; they reflected a range of issues, including commitment to the child, reliability, parenting quality, the child's reaction to contact, and perceived attempts to bully or control. In short these families experienced problems on a different scale from those experienced by the majority of separating parents, including multiple risk factors associated with poor outcomes for children."

In other words, the family courts are dealing with the most difficult cases where children are likely to be at risk. That is reinforced by a study of 73 private law family cases, which found that one year after contact proceedings ended, the children were still experiencing similar levels of emotional and behavioural disturbance as children who had been the subject of child protection proceedings. That was linked to distress among the parents and high levels of intimidation and domestic violence.

Rather than a blanket assumption that contact will always be beneficial, the findings emphasise the importance of assessing risk and considering what is best for each child. That is supposed to happen because the welfare of the child is paramount in the Children Act 1989, so why are children still at risk after all this time? First, there is insufficient liaison between the criminal justice system and the family justice system. Following an investigation into the murder of Georgina McCarthy, whose violent ex-husband used contact proceedings to obtain information as to her whereabouts, the Advisory Board on Family Law stated:

> "The view of the Home Office, with which we agree, is that there needs to be much greater liaison and co-operation between the criminal justice system and the family justice system over issues of domestic violence at all court levels".

When Dame Elizabeth Butler-Sloss was asked by the Select Committee why schedule 1 offenders were still being granted contact with their children, her response was that judges do not always know when they are dealing with a parent who has been convicted of an offence against a child. That cannot be satisfactory.

Clearly, the family justice system does not have good liaison with the criminal justice system, yet we hear that the judiciary would like greater powers to enforce contact orders, even though they might unknowingly be granting contact in high risk cases. How can we legislate to give judges more powers to enforce contact, when the Bill does not contain a clause requiring pre-court checks in all cases? Such checks are needed because domestic violence tends to remain hidden. I understand that two cases in which children were killed during contact visits involved consent orders. The parents' solicitors agreed contact arrangements which were then rubber-stamped by the court, with no consideration of the possible risk.

**Mr. Stewart Jackson:** Does the hon. Lady agree that some children's charities have already criticised the Bill because the paramountcy principle is not explicitly at its centre, and less so than the 1989 Act?

**Margaret Moran:** I do not agree with the hon. Gentleman. The representations that I have received state that the Bill includes the paramountcy principle. There are concerns that the paramountcy principle is being undermined by existing case law and practice within the family courts, and we therefore need to reinforce clause 7 to ensure not only that risk assessments are conducted, but that the courts are required to act upon such risk assessments when they make decisions in difficult cases.

Most children's charities argue for a further strengthening of the Bill, because they know that the paramountcy principle has already been undermined by

case law precedents. For example, in re O in 1995, which concerned the imposition of conditions for contact, it was stated that contact is

"almost always in the interest of the child".

It was hoped that court practice on child contact and domestic violence would improve after the judgment in re L, V, M & H in 2000, which stated that the courts should have a heightened awareness of the effects of domestic violence on children and that they should make findings of fact and minimise risk. That judgment also upheld the ruling that contact is almost always in the best interests of the child.

Both case law and the inspectorate of court administration report on the practice of CAFCASS indicate that there is a strong presumption of contact despite the existence of the paramountcy principle, which is supposed to be the court's priority. The inspectorate of court administration report on CAFCASS's activities in such cases states that

"No formal risk assessment was undertaken in any of the observed interviews".

The report also notes

"a worrying lack of attention to safety planning"

and that

"the nature of domestic abuse is not sufficiently understood by most CAFCASS practitioners".

The inspectorate of court administration report identifies the strong presumption of contact as the fundamental reason for the failure to protect children. CAFCASS officers admit that it is difficult for them to challenge the strong presumption of contact, even when there are concerns about the continuing impact of abuse on a child. Although the hon. Member for East Worthing and Shoreham does not regard the report as significant, many hon. Members do, and it should make us think carefully about what the Bill does to facilitate and enforce contact.

Are the safeguards adequate to ensure that contact is safe before contact orders are enforced? I shall pray in aid the Prime Minister's reply to my recent parliamentary question:

"We of course are concerned by the finding of the Inspectorate of Court Administration report that there is such a strong presumption by the courts that there must be contact with both parents that concerns about violence and children's safety are overridden. We remain utterly committed to the principle that the welfare of the child should be paramount in the consideration of the courts. We recognise that more needs to be done to address domestic violence concerns".—[*Official Report*, 2 November 2005; Vol. 438, c. 828.]

As I have said, the amendment by the other place is extremely welcome, but it does not require the court to take that advice into consideration, and the Bill should state that that is a requirement. Furthermore, we must examine pre-contact risk assessment, which must be considered throughout all proceedings, including enforcement proceedings. When enforcement takes place, we must ensure that there is a requirement for a further risk assessment should it be necessary to safeguard the care and welfare of the child. We know that the most dangerous points for children and their parents in domestic violence cases are the points of separation and of contact. In the interests of children, it is therefore vital that we not only say that a risk assessment may be taken into account, but require it to be done before enforcement, because the danger is that domestic violence has taken place after the parents first had contact with the courts. We owe children nothing less than that.

The Bill requires a further provision on the voice of children. The Adoption and Children Act 2002 includes a requirement that children's views should be taken into account, but as I understand it, that provision has not been enforced. We should include a provision in this Bill to enforce section 122 of the 2002 Act, which introduced separate representation for children in family proceedings.

**Tim Loughton:** I have some sympathy with the idea of taking children's views into account and have cited the example of Australia, where representations by children are being beefed up. However, putting a young, vulnerable child in a court scenario will create problems in practice, and it may be better to conduct such matters from the home of the parent who has custody. Does the hon. Lady have practical solutions on how best to take into account the views of a child without intimidating them, which may prevent them from providing a balanced view?

**Margaret Moran:** Those concerns were extensively debated in the proceedings on the 2002 Act. Children's charities have introduced many proposals on how we can ensure that children's voices are safeguarded, that undue pressure is not applied and that the child's voice, rather than that of their parents, is considered. I think that we need to seek the advice of children's charities.

**Vera Baird:** Does my hon. Friend agree that working out how children's voices can be heard in court is an urgent issue? These days, it is easy for child abuse to take place in a criminal context, but it is impossible to bring action because of the tender years of the child, which means that people of tender years are not protected. It is critical that we turn our minds to the whole issue of bringing children's evidence into court.

**Margaret Moran:** I agree with my hon. and learned Friend. I hope that we will have a detailed discussion on that topic, if we are lucky enough to be selected as members of the Committee.

**Mr. Stewart Jackson:** I am making a habit of agreeing with the sensible comments made by the hon. and learned Member for Redcar (Vera Baird). Given that the 2002 Act has been on the statute book for more than three years and that there is ample academic evidence that the voice of children acts as a catalyst to obviating the need for a bitter and long-standing dispute between parents, does the hon. Member for Luton, South (Margaret Moran) agree that the Government are remiss in not having acted on section 122 of the 2002 Act? Indeed, perhaps she knows why the Government have not acted.

**Margaret Moran:** I am not furnishing all the answers today. I hope that we will all seek greater truth in Committee, should we be lucky enough to be selected.

**Vera Baird:** My hon. Friend is being used as something of a ping-pong ball by me and the hon. Member for Peterborough (Mr. Jackson), who is of course missing the point. This is nothing to do with

*[Vera Baird]*

introducing the ability to have a child's voice heard in a technical sense—the problem is how to involve the views and experience of the child so that that becomes credible evidence.

**Margaret Moran:** I thank my hon. and learned Friend for her usual clarity.

Opposition Members and those in the other place have been extremely exercised by the enforcement of contact orders. I would hate for anyone to misunderstand me on this. I agree that in the best of all possible worlds, it is always best for children to have contact with both parents, but we are dealing not with the best of all possible worlds but with cases where the evidence suggests that there are severe risks to the child. We must therefore build into the legislation every precaution to ensure that contact is safe for those children. We are not dealing with the generality of contact orders. Equally, I agree that vexatious parents who deny contact for their own reasons should have the proverbial book thrown at them. Again, however, we must be absolutely certain that those children are safe before contact is enforced. As things stand, the Bill has no such requirement. That is urgently needed.

We need pre-court checks at the beginning of all proceedings to assess whether there may be safety concerns and a more comprehensive definition of risk assessment in legislation or in regulations. Courts must have regard to any risk assessment and order contact only if it is safe to do so. I fully support perpetrator programmes, provided that they are legitimate programmes run by organisations such as Respect and MALE, which have a long history of understanding perpetrator practice, not short courses that purport to resolve domestic violence and treat perpetrators in one day. We have to be careful about what is meant by proper perpetrator programmes, and we must ensure that the voice of the child is heard.

We do not want to experience further groundhog days as parliamentarians, but this is not only an issue for us but one that has serious implications for the lives of our children. Twenty-nine children have been killed as a result of contact arrangements in England and Wales. Serious case reviews indicate that with regard to five of 13 families involved, contact was ordered by the court, but no court professionals have been held to account for those homicides. Children have paid with their lives for the presumption that exists, and will continue to exist unless we amend the Bill, that contact is almost always in the best interests of the child—the presumption that the family justice system abides by and holds so dear. It is time that that is balanced by a legal requirement that the court must have due regard to risk assessments and be satisfied that that contact will be safe for our children. Nothing less will do.

2.33 pm

**Annette Brooke** (Mid-Dorset and North Poole) (LD): I congratulate Members who have spoken so far on the tone of the debate. We have already had a useful sharing of views and new ideas. That is all-important—after all, we are all trying to ensure that the best interests of the child are served.

Our debate must focus on the best outcomes for the child. For me, it is important that the principles in the United Nations convention on the rights of the child are upheld. Many articles are relevant to the Bill. Article 3 states that

"the best interests of the child shall be a primary consideration."

As we have heard, article 12 covers the right of the child to express views freely—

"the views of the child being given due weight in accordance with age and maturity."

The next paragraph is especially relevant. It states that

"the child shall in particular be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child."

The right to be heard and how it is facilitated are critical.

Article 9 states that it should be ensured that

"a child shall not be separated from his or her parents against their will except"

under some of the conditions that we have discussed. When there is a possibility of separation from one or both parents, the article states that relations and direct contact should be maintained with both parents regularly, except if that is contrary to the child's best interest. Articles 11 and 21 are especially relevant to the adoption provisions of the Bill.

I welcome some aspects of the Bill. I do not feel quite as negative as the hon. Member for East Worthing and Shoreham (Tim Loughton) about it. Its origins go back several years and there has been a great deal of consultation. The issues that part 1 covers constitute an acknowledgement of the great dissatisfaction with the way in which the legal process has handled contact disputes.

As the Minister for Children and Families said, a multi-faceted approach is important. It is also important to try to increase the proportion of parents who resolve contact issues without recourse to the courts, and the proportion of those who have reached the court process but are supported to find agreed solutions. We must also improve the efficiency and effectiveness with which the remaining intractable cases are tackled. We must appreciate that those cases—approximately 10 per cent. of the total— are complex.

To go back a stage further, it is important to recognise the importance of the family unit, with no prescriptive view of the shape that a family may take. The family structure may change for a child, but the important aspect is loving, caring and safe relationships in the family. The preamble of the United Nations convention on the rights of the child stresses

"recognising that the child, for the full and harmonious development of his or her personality should grow up in a family environment, in an atmosphere of happiness, love and understanding."

I suppose that we could say, "We wish."

The Constitutional Affairs Committee report that covered matters of importance to the Bill was entitled "Family Justice". Sometimes, experiences in my constituency surgeries make me ask, "Justice for whom?" Do we mean justice for parents or for the children? Somehow, one loses sight of the fact that there was a family unit. We need to proceed in such a way as to retain the importance of the family, even if all its members are not located in the same residence.

Support for the family generally is important. I declare an interest—I wish it were greater than it is—as a trustee of Poole community family trust. I do not believe that it will receive any Government funding in the near future. The principle behind community family trusts of working on relationship education prior to partnerships becoming permanent—for example, by working through checklists and especially through providing relationship education in schools—is excellent.

Such preventive measures are part of what should be a lifetime of family support that can be accessed at appropriate times. When we consider the amount of support that is needed when a breakdown occurs, we realise that such early investment is crucial. Clearly, even in the case of an irrevocable breakdown, if the parents have an amicable split contact arrangements are much easier to tackle.

Part 1 is the result of a process that began way back in March 2001. Following consultation, a report entitled "Making Contact Work" was published in 2002 by the Children Act Sub-Committee—CASC—of the Lord Chancellor's advisory board on family law. Its recommendations covered several issues that we are debating today. However, it was not until July 2004 that the Government published their Green Paper on parental separation, which acknowledged that the way in which the courts intervene in disputed contact cases does not work well. The results of the consultation were published in "Next Steps" in January 2005. We then had pre-legislative scrutiny. That is an excellent process, on which the Government are to be commended. There should be much more of it. The Bill was then introduced in the other place, and we are now debating it today, five years after the process started. It is hardly surprising that people have become impatient.

There has been high drama throughout the period, involving not only the antics of various fathers' groups, but the significant report of the then Select Committee on the Lord Chancellor's Department on the Children and Family Court Advisory and Support Service—CAFCASS—which resulted in the whole of the CAFCASS board resigning. Positive changes have emanated from that and we are now beginning to feel confidence in its ability to change the way in which it works, but it certainly faces enormous challenges. CAFCASS has just completed its consultation paper "Every Day Matters", and I shall say more about CAFCASS later. I want to note the significance of that title. It illustrates the importance of dealing with these disputes in an effective but cautious way. However, we have just been through a five-year process. Surely that is too long.

We have already heard evidence of important case studies and seen data from the Office for National Statistics, but do we really know the extent of contact denial or breakdown? The evidence that I have seen suggests that we tend to get different answers, depending on whether we ask the resident parent or the non-resident parent. Obviously, perceptions will differ, but that makes it all the more important to set up the research projects with great care. It is welcome that the Government are setting up a further research project on what happens between a case arriving in court and a final contact order being made. However, that research could well take 18 months, and we shall have completed our work on the Bill long before that. Research has also been undertaken on the gateway forms, although I have not come across its findings. Perhaps the Minister will talk about that later. Time is ticking by—we should have commissioned some of this research rather earlier.

We wholeheartedly support the presumption that the welfare of the child must be paramount, as set out in the Children Act 1989. Given that presumption, I should like to address four issues: safety, mediation, contact and enforcement. If I have time, I shall also mention resources and transparency. I concur with what has already been said about the paramountcy principle being included in all proceedings referred to in the Bill. In particular, it should be added to clauses 4 and 5. I agree with the points made by the hon. Member for Luton, South (Margaret Moran) on that matter.

The Government have made an important contribution to tackling domestic violence, but can we ever do enough in that regard? In relation to contact and the safety of children, there is frequently a history of violence behind the cases that come to court. A statistic that is often cited is that in 2003, 16,000 cases involving domestic violence came before the family courts, but contact orders were refused in only 601 of them. It is difficult to say whether domestic violence is under-recorded. Many groups feel strongly that it is, and I certainly have a distinct feeling that that is the case. However, others will argue that it is over-recorded.

I am pleased also to be able to congratulate the Government on the fact that the availability of supervised contact centres is improving. However, the provision of such centres is still inadequate and many more are needed. We heard earlier about the inadequacy of provision in Northamptonshire. In Dorset, even if we achieve two contact centres, people will still have great difficulty because there is so little public transport.

I am pleased that the Government responded favourably to the Select Committee's suggestion that more innovative solutions should be considered. The Minister mentioned the use of children's centres and extended schools, for instance. I have no idea whether the resources that the Government are allocating will be adequate, but I sincerely hope that they will.

We have long felt strongly that any contact activity should be subject to careful and separate risk assessment to minimise possible risk, especially to children but also to others involved, particularly women. The Joint Committee responsible for the scrutiny recommended that before making contact or enforcement orders, courts should be explicitly required to consider the safety implications for both child and parent. I am glad that the other place agreed to introduce risk assessments. I look forward to scrutinising the new clause in Committee because it concerns a vital issue. I hope that it can be strengthened.

Why are reports of domestic violence increasing? Are we becoming a more violent society? Have the gateway forms encouraged people to come forward and say something, or are people using domestic violence as part of the unfortunate game, as has been suggested? It is encouraging in many ways that people are speaking out more and acknowledging the issue of domestic violence, but when there is a dispute between two parents on whether domestic violence has occurred, a mandatory risk assessment will be helpful. Both sides will have an opportunity to present their points, and the playing field will become more level.

*[Annette Brooke]*

The safety issue needs to be revisited over time. That will be difficult because the situation will not remain static. We hope that some of the perpetrator programmes will be successful. There will be additional strains as time goes on, and domestic violence may occur when it has not occurred in the past. Safety issues should also be considered before the mediation route is taken, although mediation must be a priority.

The Government have made a good start. We may have criticisms over which project has been adopted and which has not, but there is much more emphasis on mediation and an understanding that it must be better than warfare and conflict, in which the child becomes a pawn. Mediation should be used as an opportunity to strengthen relationships and to ensure that the outcome is the best for the child and does not merely serve the parents' interests. It might be good for the parent to see the child, but if it involves hundreds of miles of travel for the child, that must be borne in mind. Putting the child first is all-important.

**Mr. Kidney:** I strongly support mediation, but who pays for it now and who does the hon. Lady think should pay for it in future?

**Annette Brooke:** I understand that if both parents are on legal aid, mediation will be free, but I am not sure what happens when, for example, one parent is on legal aid and the other is not. I hope that the Minister will address the issue. Certainly we should consider it in Committee.

The 10 per cent. of cases that reach the courts are those in which people need the most support and problem-solving. It may seem a small percentage, but in terms of numbers it represents a large tragedy. Each year there are 40,000 applications to the courts over child contact, and 70,000 breaches of child contact orders. That should concern us greatly.

The consultation document issued by CAFCASS, "Every Day Matters", makes some good points about intervention. CAFCASS frequently intervenes too late, long after parents' attitudes to each other have hardened, or long after one parent has created a new household excluding his or her former partner. Indeed, many attitudes have hardened long before the first court application—hence the need for even earlier intervention where possible. Arguments about the fine detail of contact arrangements occupy huge amounts of scarce professional time, often unproductively. Once a court application is made, there is a clear risk of an adversarial model of law being started. The consultation document illustrates why we must put such emphasis on early intervention. However, we must also make information easily accessible. The Minister mentioned the telephone helpline. I understand that booklets are available, but I wonder whether they are necessarily the best format for those who need to access information. I would like to know exactly what is available for parents at the moment and whether, for example, videos as well as printed leaflets are available.

Research by the university of East Anglia and other research indicate that many of the parents among the 10 per cent. that go to court are very young, poorly educated and on low incomes with extremely young children. Partly because of their lack of education, they often find it difficult to communicate not only with each other, but with those who try to help them. There may be a deep lack of trust between the parents, a history of violence, or poor parenting skills. Parenting skills play an important part in preventing such situations from becoming adversarial, which is when worries arise about the vulnerability of the children.

We agree with the Government—I have done quite a bit of that so far—that mediation cannot be made compulsory. One can put two people in a room with someone but, if they are not prepared to participate, one cannot make it work. However, we support the case for a compulsory referral meeting about mediation. We think that that is where the compulsion should take place. We argue that that meeting should be free, as we do not think that we can compel people to do something and then charge for it. I qualify that by saying that any meeting would need to take account of the principle that the welfare of the child is paramount.

**Vera Baird:** As the hon. Lady says, it is wrong to compel people to take part in mediation, but is it not also wrong to try to arrange that? There are reservations about mediation where there may be domestic violence issues. Clearly, if someone is to be forced to try to resolve things through a face to face with the person who has been oppressing them for many years, that is an inappropriate model.

**Annette Brooke:** I thank the hon. and learned Lady. I have mentioned twice in that context that safety must be the prime consideration. It is important that, before we consider mediation, we examine the risk assessments. I said that earlier. I am conscious how dangerous—emotionally dangerous, too—it could be to put two such people in a room.

**Mr. Stewart Jackson:** I am following the hon. Lady's speech closely. Is she aware of the experience in both the United States and Norway, where empirical evidence shows that compulsion largely has worked, and that when people are compelled to take part in mediation it makes a real difference in trying to save the situation from deteriorating further after divorce or separation?

**Annette Brooke:** I have heard mention of projects in other countries, but have not come across the full, long-term evaluation of them. I feel that, logically—perhaps my background as a school teacher showed me this—we cannot make people, or children, do something that they do not want to do.

On the family resolutions pilot project, I know that there was general disappointment about the number of cases that were referred to it. However, it was a starting point. I regret that we cannot discuss the evaluation of that project, as we were not aware that it was put on the website today. I look forward to the Minister telling us a bit about it later.

Returning to mediation, it would help if the court application triggered compulsory attendance at the preliminary meeting. At that introductory session—the couple in question might choose to meet the mediator separately—the options for mediation could be

outlined, including offers of other parenting help. That information could be given to the parents face to face, which, I suspect, would be the most efficient way of dealing with some of these difficult cases. The first meeting must be free; otherwise, cost could prove a barrier. Of course, there is the question of what happens if one partner is on legal aid and the other is not. If both are not on legal aid, that could present difficulties.

I take on board entirely the point about risk assessment before mediation and the desire to intervene as early as possible. Here, we need to strike a balance. Perhaps that first meeting could be held even before going to court. I realise that that would present difficulties, but the sooner the conciliation process begins, the better. The whole package—mediation, counselling, parenting classes, contact activities—is important, but we need to consider the money and skills needed to resource such activities. That is particularly true of the domestic violence programmes.

It is difficult to know how big the problem is. Contact is a high-profile issue and we all know of people who feel aggrieved. Indeed, we probably all have friends who have told us how big a problem this is. Such people appear to have genuine grievances and we cannot just brush them aside and say, "We are doing all these other things—it's going to be all right." We need to address the question of contact and bear in mind the United Nations convention on the rights of the child. A child has the right to direct and regular contact with both parents, unless it is contrary to the child's best interest. It is generally acknowledged to be in the child's best interest to sustain a full relationship with both parents but, obviously, in some cases it is not—for instance, if there is a risk of harm. Indeed, relationships involving conflict can be immensely mentally damaging for the child caught in the middle.

We should not be too prescriptive—I would hate to go down the 50:50 route and argue that that is a fair starting point—but we should go a bit further than we currently do. As we have heard, various documents acknowledge the presumption of joint contact.

**Mrs. Maria Miller** (Basingstoke) (Con): I should be interested to hear the hon. Lady's views on the fact that 40 per cent. of parents lose contact with their children within two years of separation or divorce. We need to focus on that issue, because that is the reality.

**Annette Brooke:** I thank the hon. Lady for that intervention, but I shall deal with that point in due course as I want to make some progress.

We have talked at great length here and in the other place about whether it is possible to have two presumptions, and what I hear about the possible undermining of the safety of the child worries me. It is a question of listening. In its written evidence to the Select Committee, Resolution—formerly the Solicitors Family Law Association—suggested that there should be a first presumption and then a second: the first relating to the child, and a second, lower-order presumption relating to the right to see both parents. That was the position during one of our debates, but when Resolution gave oral evidence to the Select Committee, it appeared to change its mind, supporting instead the insertion of a statement into the welfare checklist in the Children Act 1989. It is significant that a major association should, on having listened to what others had said, change its mind in the process of giving evidence.

**Vera Baird:** I understand the hon. Lady's concern, but Resolution is talking about putting a common-sense presumption in the welfare checklist, whereas the Tory Opposition advocate a legal presumption. However, an absolute legal presumption cannot be changed. If it is rebuttable, it can be rebutted, but it still has to be overturned, and that is a very different matter.

**Annette Brooke:** That is my point. The Select Committee concluded that inserting a statement into the welfare checklist offered a possible solution and did not have the dangers associated with having two legal presumptions. It also said that the court should have regard—and this is the critical point—to the importance of sustaining a relationship between children and non-resident parents.

That approach was also endorsed by the Scrutiny Committee. I know that the Government heard that request, and I hope that the Minister will say whether there will be any response to it. We have been told again today, as we have been told repeatedly, that the assumption of reasonable contact is established in case law, but we should try to find appropriate wording—perhaps in the form of something added to the welfare checklist—to give some clarity and guidance.

With reference to the point raised by the hon. Member for Basingstoke (Mrs. Miller), what amounts almost to a self-generating bias has been caused by the delays that occurred in the past. It is clear that a resolution is even harder to achieve if a non-resident parent has not had contact with a child for six months or longer. In such cases, the outcome is almost a self-fulfilling prophecy. What can we do? Is it a question only of making the court process more efficient, or can we put in place some mechanism to deal with the problem, where there is no risk of harm? I hope to be able to explore that in greater detail in Committee.

The hon. Member for Luton, South said that it is vital that the views of children are fully considered. My impression is that, in good circumstances, CAFCASS does take account of children's views and deals with them very well. It would be interesting to have some evidence in that regard, but hearsay suggests that that body's response is patchy across the country. I support the NSPCC's contention that the Bill fails to make any provision in respect of the mechanism by which the courts may ascertain the child's wishes and feelings, or ensure that separate representation for the child is available when that child might be at risk and his or her interests are in conflict with those of the parents.

Section 122 of the Adoption and Children Act 2002 has been mentioned already. I have tabled some parliamentary questions on the matter, but it would be very helpful if the Minister who winds up the debate is able to say whether the provision is likely to be implemented in the near future. A great deal of research exists to suggest that taking a child's wishes and feelings into account can lead to better resolution between parents. We must find the best practice in that respect, but I am sure that all hon. Members want that outcome.

*[Annette Brooke]*

Much has been said in the debate about enforcement, although I have not devoted as much of my speech to the topic as the hon. Member for East Worthing and Shoreham did. It is important to consider different penalties, and my earlier intervention was aimed simply at establishing whether a range of penalties existed. The community punishment is obviously preferable to sending a parent to prison, which is a last resort, but the way that it is operated by the probation service means that some parents will find it difficult to make sure that the child's interests are not affected. For example, a parent who is sent on a gardening scheme might have to wear a very visible jacket, and her child might think, "That's my mother doing that."

I am not convinced that the community punishment work would be appropriate in all cases. Will the Minister say whether the provisions in the earlier part of the Bill could be applied as part of a contact order's enforcement process so that, for instance, a person could be sent off to an appropriate parenting course? That would add to the range of available penalties, although all matters to do with contact activities, community service and so on obviously require adequate resourcing. We know that delays have been caused by CAFCASS, but in "Every Day Matters" it seems almost to be putting on a brave face. It says that it does not have enough resources, but that it has proposed new solutions. We have to be concerned that CAFCASS is adequately resourced.

I asked a parliamentary question recently and established that while the average training budget per employee was as high as £644 in one year, this year it had slipped down to £390. If we envisage CAFCASS carrying out a much wider range of activities, including risk assessments, training will be all-important. We have to get it right. There is a great deal of concern about the potential under-resourcing of CAFCASS when it is taking on a changing role.

Finally, on part 1, I concur with the Conservative Opposition that increasing transparency where it is safe and appropriate to do so in the family court system will help to address some of the current grievances.

I shall be rather brief on part 2, not because it is not important, but simply because with the interventions that I have taken I have been speaking for rather a long time. It is absolutely right that we have slightly more focus on adults in this part of the Bill, although safeguarding children is still important. We all know that inter-country adoption happens for different reasons. Frequently, people adopt children from within their extended family or friendship ties. More often than not, such adoptions are nothing like that. There are thousands of children waiting for adoption in this country, but they are older children and they have a number of problems. People choose to go abroad to adopt babies. The proposed legislation will cover countries, I presume, such as the USA. It is not simply about people who, for humanitarian reasons, go abroad to adopt children in need.

The procedures for suspending adoptions from other countries need to be clear, transparent and fair. I supported the decision to take urgent action on Cambodia when trafficking issues arose. The process of inter-country adoption is extremely long. It is an extensive and expensive process. I have some concerns about the fee issue, which was discussed at length in the other place. I agree with the extension of the time limit from six to 12 months, as proposed in clause 14. It will stop people evading some of the rigours of the adoption procedures in other countries. There is quite a dilemma in terms of time taken and expense, but it is important to get it right. I look forward to debating that fully in Committee.

Baroness Barker moved an amendment in another place to make it easier in appropriate cases for children to be adopted from the UK to overseas, more often than not by relatives. As promised by the Minister in that debate, a meeting has taken place with civil servants. Does the Minister have any update for us on that today? I understand the difficulties of establishing sufficient safeguards for children, but clearly it is important to look at the issue that way on as well.

Baroness Barker said in the other place:

"Until such time as we have a private fostering system that is properly regulated in this country, we will continue to run up against problems that sometimes are masked as inter-country adoptions but more likely are about trafficking."—[*Official Report, House of Lords*, 29 June 2005; Vol. 673, c. 282.]

Recently, we have seen reports about the number of children in this country who simply disappear as a result of a badly regulated system of private fostering. I, too, have made my cause the need to make progress to proper regulation of private fostering. That is important.

All in all, there are some important and useful aspects to the Bill and I look forward to a constructive time in Committee, where everyone will listen to one another and we will come up with a safe solution, while acknowledging that there are issues about how the current system operates.

3.9 pm

**Ann Coffey** (Stockport) (Lab): I was a member of the Joint Committee that performed the pre-legislative scrutiny of the draft Bill in February 2005, together with my hon. and learned Friend the Member for Redcar (Vera Baird) and my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw). I am also a member of the Modernisation Committee, which is conducting an examination of how scrutiny of legislation can be improved. A Committee that gives pre-legislative scrutiny to Bills makes a valuable contribution to ensuring that we get the best possible legislation to achieve the outcomes that we want. It enables interested parties, including lobby groups, to give evidence, both oral and written, to the Committee and allows members to look at the legislation, taking into account those comments. It also enables those comments to be more closely scrutinised and challenged by the Committee members.

The Committee takes its task very seriously because members know that the Government will listen carefully to their recommendations. Indeed, the Government accepted 11 of those recommendations, which shows the benefits of the process in improving legislation. I was particularly pleased that the Government withdrew both curfews and electronic tagging as enforcement orders.

The major clauses in the Bill deal with the very difficult area of how the courts can intervene when separating parents cannot agree on the kind of contact

each parent should have with the child of that relationship. The interest of the child must be paramount in a system that still remains mainly focused on the resolution of disputes between adults. Fathers do not have rights, mothers do not have rights: they have only responsibilities.

Each child and their family circumstances are different, and it is not therefore appropriate to approach the welfare of the child from definitions of parental rights or notions or presumptions of equal parenting. However, it is right to start from the basis that children benefit from having a meaningful relationship with both parents. When their relationship fails, it is the responsibility of parents to come to arrangements about contact that are in the interests of the child. Of course, in the overwhelming majority of cases they do. Nine out of 10 separating couples agree informal contact. Of the 10 per cent. who have a formal arrangement, 90 per cent. work successfully. It is that small and difficult minority who cannot agree and who ask the courts to resolve their disputes that the Bill attempts to address. But as the Joint Committee report pointed out, in the small minority of cases in which a parent has applied to court, the problems of those families may be complex and not easily resolved through any enforcement measure.

In her excellent speech, my hon. Friend the Member for Luton, South (Margaret Moran) referred to the research done by the university of East Anglia, which has provided an insight into those problems. The parents involved were often young, on low incomes and with very young children. The parents' ability to communicate with each other was limited and the relationships were characterised by a lack of trust, empathy or flexibility, often with high levels of anger. The disputes presented to the courts did not reflect straightforward arguments about contact, but a range of issues and the courts were typically presented with competing his-and-her accounts. Given that, many of these families need support and a facilitative approach to problem solving sustained over a period of time. I welcome the provisions in the Bill that will enable that to happen, including the ability of the court to make contact activity directions. Although it is not clear what those might be exactly, there are several activities that could relate to the promotion of contact, such as attending advice or guidance sessions, including those that give information about the value of meditation—I am sorry, I mean mediation, although meditation might also be useful.

It would make sense to look at basing those contact activities in the new children's centres. The Sure Start project in my constituency already gives advice and information to parents to increase their understanding of children's behaviour and their skills in managing that behaviour. Attendance at such a session might help parents in conflict separate out their needs from those of their children and help to resolve disputes between parents.

I also welcome the expansion of the role of CAFCASS in facilitating and monitoring contact in that supportive approach, but bearing in mind the complexity of the difficulties of some parents, I am pleased that the Government have responded positively to the Joint Committee's recommendations on expanding family assistance orders, which are underused. With the roll-out of children's centres and the establishment of new local children's centres, there will be an opportunity to use all available resources to provide families with help and support not only to resolve contact disputes but to enable better outcomes for children.

We must be clear about the limitations of contact activity directions in dealing with the more complex underlying problems where violence and the fear of violence has been a factor in the separation and continues to be an issue in contact. I very much agree with women's organisations that say that abusive behaviour in a violent relationship cannot be dealt with by parenting classes and that the primary responsibility must be to ensure the safety of the child in any contact arrangements. However, even when a court has decided that contact is in the child's interests, there will be situations where a parent persistently undermines the decision and refuses to co-operate for reasons that have little to do with the child's welfare, so I welcome the new enforcement powers, including the court's being able to direct a parent to do unpaid work and make financial recompense. Courts are reluctant to send a parent with care to jail and those new powers, together with a more facilitative and supportive approach, will mean, I hope, that that does not have to happen.

I am sorry that the Government did not agree to the time and placement requirement recommended by the Joint Committee as a form of bridging order between facilitative contact activities and enforcement orders. It would have enabled the court to direct a parent to be at a designated place for a designated time. The Joint Committee saw great advantages in such orders, as the court could direct a parent to stay in their house while the non-resident parent had contact with the child in another place, thus preventing that parent from undermining the contact arrangement.

Finally, I turn to the provisions on restricting inter-country adoption. I welcome the proposals to set up a list of restricted countries that the Secretary of State deems have bad practices relating to the adoption of children, such as not having proper systems to verify that children are orphans or not attempting to reunite abandoned or lost children with their families. The Government will of course need to ensure that they have good information about what is going on in other countries.

As the Minister will be aware, one of the Joint Committee's recommendations was that the Government take steps to establish an inter-country adoption agency, which we believed would enhance good practice and inform the Government about unsatisfactory practices in countries where children are available for adoption. It would also inform the Government when a country should be placed on the restricted list. As has already been said, there are about 300 applications each year to adopt children from a number of countries, with a few countries receiving the bulk of the applications. Home study reports are prepared by almost as many individual local authority or voluntary organisations as there are countries, so the channels of communication to the DFES from so many agencies cannot be as good as they would be with a small number of specialist agencies, which could network with similar agencies in other countries. The overseas adoption helpline, in its evidence to the Joint Committee, made a good case for pump-priming money to be made available to facilitate

*[Ann Coffey]*

the setting up of specialist agencies that would perform a linking or mediation function with the state of origin, and which exist in a majority of countries worldwide.

The overseas adoption helpline argued that the establishment of such agencies would result in a more child-protective system for arrangements for adoption by UK applicants, as the agencies would be accredited by, and accountable to, the proper authorities in the country of origin as well as the relevant central authority in the UK. A network of such agencies would provide a mechanism to monitor adoption practices in situ in those states.

The Government did not accept that recommendation, as they thought it unnecessary. They also pointed to the cost. However, 300 applications a year with a charge to applicants of £5,000 for a home study report indicates that there is already a substantial revenue stream, and the DFES plans to recover some of the administration costs at the rate of a further £800 to £1,000 per head.

In other countries, the costs of inter-country adoption applications, like domestic applications, are borne by the state as it is seen as a service to the child, not to the adopter. We do not take that view in this country.

I would argue, however, that some pump-priming money to set up one or two specialist agencies would be a recognition that, with such complex issues, a degree of specialisation would benefit both the child and the Government. It would also be a good investment for the Government, as it would help to achieve the objectives of the highest practices in inter-country adoption in both this country and the country of origin. I realise that that is outside the Bill's scope, but I hope that Ministers will look at the issue again.

This is a good Bill that will legislate on a difficult issue, and I believe that the Government have achieved a good balance of facilitative and enforcement measures to achieve the objective of ensuring that, as far as possible, separated parents fulfil their responsibilities to their children.

3.20 pm

**Mr. Stewart Jackson** (Peterborough) (Con): Thank you, Mr. Deputy Speaker, for allowing me to participate in this vital debate, which has been marked by good sense, clarity and shared principles, as exemplified by the speech of the hon. Member for Stockport (Ann Coffey), who clearly knows what she is talking about. For the record, I will confine my remarks to part 1, concentrating on contact orders and the operation of family courts. Other hon. Members may wish to debate the more thorny subject of inter-country adoptions.

I believe that there is a consensus across the House for us to achieve an outcome that is not only practical and pragmatic, but fair and compassionate, with the paramount consideration being the welfare of children, both in theory and practice in statute. I am pleased to say that there is a political will on both sides of the House to put aside party differences and focus on getting the legislation right. We are, of course, dealing not with dry, arcane academic case law, but with people's lives and the future of our children, whose lives may be fractured or broken by the raw emotion and hurt engendered by the disintegration of their families and the growing phenomenon of divorce and separation. As has been mentioned, the trauma and stress of that affects about 200,000 children each year.

I see that the annunciator says that I am "Nick Herbert, Arundel and South Downs", Mr. Deputy Speaker. I am sure that *Hansard* will amend that.

Two thirds of those children are under 10 years of age. As my hon. Friend the Member for Basingstoke (Mrs. Miller) mentioned, 40 per cent. of children lose contact with the non-resident parents, often as the result of bitter and protracted disputes following separation and divorce.

We agree on much in the Bill. In particular, I welcome the Government's commitment on risk assessments in clause 7, which is supported by hon. Members on both sides of the House. There is a demonstrable need for a more effective method of enforcing contact orders. In so far as Parliament can legislate to change people's lives for the better—as Disraeli may have said in another context, "The elevation of the people"—that is what we are trying to do today. It may not be Catholic emancipation or the abolition of slavery, but we are trying to improve people's lives and to give adults and children a better future, to ameliorate the tragedy of family disintegration.

We agree that, as legislators, we have a duty and responsibility to balance the best of what has gone before, best practice and an evidence-based analysis of the current system with a realisation that there are significant flaws in what passes for the practice of family law today, which is sometimes perceived as ineffectual and certainly perceived by many people as unfair.

I welcome much of the Bill. I support the insertion of the domestic violence perpetrator programme into the Bill and the introduction of risk assessments, especially given the points made eloquently by the hon. Member for Luton, South (Margaret Moran) about circumstances where allegations or proof of abuse are involved. It is right to reform the Children Act 1989 and I am glad that there is recognition that the principle of children maintaining contact with both parents after divorce and separation should be enunciated, even though I might think that is not expressed sufficiently robustly in the Bill.

The recognition that contact orders are meaningless in their practical application without legal sanction is also welcome. Non-compliance cannot and should not be allowed to be tolerated by the courts with impunity. If it is, we risk undermining the whole discharge of family law. The Bill's proposals establish a marker that creates a disincentive for those who would otherwise flout the will of the court. They restore balance to an area hitherto considered wholly biased against the non-resident parent. As has already been said by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), giving the court a range of options, such as the early intervention projects, is realistic and sensible. Most importantly, it recognises that all families— parents and children—are different and that a one-size-fits-all approach is inappropriate in this particularly sensitive area. It goes without saying that I welcome the fact that Ministers have supported the decision not to proceed with tagging, which would have been a grotesque and gratuitous overreaction.

The failure—or, if I am being charitable, the non-success—of the family resolution pilots, which were launched and discontinued at a hugely disproportionate cost and which involved low take-up and a lack of compulsion, should not prevent Ministers from being imaginative, especially when reviewing the efficacy of mediation in the package of measures. However, voluntary measures will once again fail. As I mentioned when I intervened on the hon. Member for Mid-Dorset and North Poole (Annette Brooke), only a legal obligation enacted by the courts will have the desired effect. Academic evidence from Norway, the United States and other countries has shown that that is the case. I hope that that matter will be debated in Committee at length and in detail.

The wider range of options available to the courts, the improvement in the monitoring of contact and—I agree with the hon. Member for Stockport—the enactment of family assistance orders are positive steps. The idea of a legal presumption to promote contact has attracted wide support across parties.

I want to focus on a reasonably small number of areas that concern me and which remain unresolved in the Bill. At the outset I have to say—this may be controversial—that I believe that there is no contradiction between the presumption of co-parenting and the safety of the child or children subject to a contact order. I do not believe that the case has been sufficiently made that a legal presumption is, in general, in any way at odds with the interests of the child or children. I regret that the Government have not sought to strengthen the Children Act 1989 to give legal power to reasonable contact. I will come back to the word "reasonable" later.

Common sense indicates that children desire successful co-parenting after divorce and separation, and are happier and healthier as a result of it. Those children mostly go on to be settled, responsible and decent adults and to be good parents themselves. That is borne out by research by the National Council for One Parent Families in a study by J. Hunt in 2003.

We are attempting to establish, where practicable, a strong and loving relationship between a child and both parents. Noble Lords and Ladies in the other place debated at length—I believe in relation to amendment No. 2—the word "reasonable", which is enshrined in section 34 of the 1989 Act. I would also add "meaningful" as a given. I am glad that the Minister acknowledged in her comments to the Joint Committee the use of the word "meaningful". "Substantial" was mentioned by my colleague, Baroness Morris of Bolton in the other place.

The positions taken by organisations such as Families Need Fathers and children's charities such as Barnardo's and the National Society for the Prevention of Cruelty to Children, notwithstanding its ill-judged and intemperate comments in its briefing notes, need not be irreconcilable. The presumption is an instrument that gives flexibility to the courts to tailor their decisions accordingly. Evidence shows that it would only formalise the current situation, where very few contact orders are not granted. That in no way invalidates the paramountcy principle in respect of the welfare and interests of the child.

A corollary of this practical approach that the Government have not yet fully acknowledged is the strong argument in favour of a greater role for the child's voice to be heard in court, an argument that some Labour Members have advanced. It is one of the issues in the NSPCC briefing paper with which I agree, so it does not get everything wrong. Perhaps the Minister will touch on why section 122 of the Adoption and Children Act 2002, which provides for children to have a legal and discrete right to be participants and to have separate representation in court, remains unimplemented.

I shall make some tangential comments. There has been consensus but the partisan comments of the hon. and learned Member for Redcar (Vera Baird) obscure the issue. We all want children's voices to be taken into account. If an important piece of legislation has been on the statute book for three years and an important section of it remains unenacted, it is surely reasonable for us to ask why that is so.

**Vera Baird:** Why does the hon. Gentleman not tell us how to do it?

**Mr. Jackson:** There might be a causal link, given that the Labour party is in Government and the Conservative party is in Opposition. Three years is surely plenty of time to come up with practical and pragmatic approaches to this point, particularly as it has been said that the issue is very important in the context of the proposed legislation.

There is much evidence including that, for example, from the *Family Law Journal*, under the auspices of the National Youth Advocacy Service. Far from exacerbating the bitterness that is endemic in legal wrangles around contact order disputes, allowing the child's opinion to be heard acts as a catalyst in helping to resolve even the most long-standing and protracted difficult disputes.

On a broader issue, the paramountcy principle is only implicit in the Bill—particularly in clauses 1, 4 and 5—and is not as explicit as it was in the Children Act 1989. The Minister may want to comment on that when she replies.

I return to the sensitive subject of co-parenting and child safety. Thankfully, the awful phenomenon of child murder in contact situations is extremely rare. Although that issue is distressing, it must not obscure the case for co-parenting. More particularly, we should resist recourse to stereotypes. There is no definitive evidence that non-resident fathers per se, as a group, are a greater risk to child safety than substitute non-biological partners or non-biological mothers. In this respect, I deprecate the comments of the NSPCC. It has undermined its kudos as a respected children's charity in putting forward arguments that have no basis in fact and no evidential back-up. Let us remember that many of the dreadful crimes that take place involve not natural or biological fathers, but men brought into the family unit in the wake of divorce or separation. They may have very poor or non-existing parenting skills. At present, unlike the natural or biological father, they are unlikely to have been risk assessed.

May I turn to the issue of compensation via community-based enforcement orders for unpaid work and financial compensation based on affordability? I

*[Mr. Jackson]*

remain unconvinced that the Government have thought through the practical consequences of the relevant provisions and their impact on CAFCASS, especially the availability of appropriate financial resources and, just as important, the uniformity of resources and facilities across the country. Under clause 7, CAFCASS officers will have a considerably enlarged portfolio of duties, and it is imperative that that does not impact on existing work flows, which are very demanding. I wish to take issue with the Minister, because there have been significant staffing shortfalls, long delays in assigning officers to children and a £4 million cut in funding. As I said in an earlier intervention, the chief executive of CAFCASS, Mr. Anthony Douglas, wrote to me in response to a written question that I had tabled, confirming that one in six private law cases that dealt with parental responsibility, contact orders and residence were unallocated to a staff member.

I pay tribute to the work done in sometimes very trying circumstances by the professional staff of CAFCASS, but there is dissatisfaction with the organisation, including complaints about inadequate time spent with children and institutional bias against non-resident parents. We should be mindful lest inadvertently we make matters worse. I am glad that the hon. and learned Member for Redcar has flagged up her concerns and cited the thematic review. The hon. Member for Mid-Dorset and North Poole (Annette Brooke), too, was concerned about the matter. Like other hon. Members, I await further details from Ministers. No doubt, the issue will be debated at length in Committee. Perhaps the Minister will clarify her rather opaque description of a new and robust statutory framework, and the way in which it will affect funding and resources. Above all, we need proper planning, proper training and a realistic business plan for future CAFCASS workflows.

In conclusion, may I make a plea on behalf of non-resident parents—usually fathers—and praise the invaluable role of the extended family in child care, especially grandparents who, as the hon. Member for Stafford (Mr. Kidney) will agree, are the unsung heroes of our sometimes difficult and dysfunctional families? Grandparents contribute 60 per cent., or £1.1 billion-worth, of child care, yet they have few if any legal rights. I truly hope that the presumption of co-parenting in the Bill and other provisions will redress the balance in favour of fathers, reduce the bitterness inherent in many family courts cases, and have a commensurate positive impact on children. At the moment, non-resident fathers believe that they are on the receiving end of a slow legal system that tends to accept the status quo as a fait accompli, appears hostile to them as a result of their absence and, we should remember, imposes significant costs on them for having the temerity to seek equity and fairness. The most recent figures show that 7,000 court orders are breached every year. At the very least, notwithstanding the recognition in the Bill that non-compliance with court orders will not be tolerated, there must be an assumption by the state that it is responsible for upholding court decisions. That burden should not fall on the impecunious shoulders of individual non-resident parents.

Finally, on grandparents, I declare an interest. I am not a grandparent—I am far too young.

**Maria Eagle:** No, the hon. Gentleman is not.

**Mr. Jackson:** Despite her heavy cold, the Minister is as sparky as ever.

I was fortunate to secure an Adjournment debate in Westminster Hall on grandparents' access to grandchildren. The House, and certainly the Minister, will not indulge me if I rehearse the arguments that I deployed in that debate. Suffice it to say that grandparents, especially paternal grandparents, should not be the de facto victims of family breakdown. In that context, I pay tribute to the right hon. Member for Birkenhead (Mr. Field), who has done so much to keep the issue at the top of the political agenda, like all matters relating to welfare.

I hope that the Minister keeps her word on grandparents and that she will consider the lack of grandparents' legal rights following family disintegration. I hope that she will reconsider section 23 of the 1989 Act, which imposes on local authorities a statutory duty to look first at friends and family in respect of care for children, section 8, which forces grandparents to overcome two hurdles to gain access to their flesh and blood—leave to apply, then a court or care order—and section 17, regarding financial assessment for family and friends acting as carers.

For the most part, I welcome the Bill. It builds on the foundations established by the 1989 Act, which have stood the test of time. I commend the work of colleagues across all parties in the other place. Today, we have an opportunity to help in a small way to prevent the misery and heartache caused by family schism and heartbreak for thousands of children. Let us make the best of that duty and responsibility. With some small caveats, I ask hon. Members to support the Bill on Second Reading.

3.41 pm

**Vera Baird** (Redcar) (Lab): I was pleased to hear the hon. Member for Peterborough (Mr. Jackson) say that he broadly welcomed the Bill. Although he followed his leader in getting outraged at the NSPCC, he did not follow his leader who said at various points in his speech that the Bill was a wasted opportunity and that it was woefully inadequate. He did not quite say that it needed pulling limb from limb and putting back together again, but his comments were not very far from that. If that is the considered view of the hon. Member for East Worthing and Shoreham (Tim Loughton)—I do not know that it necessarily is—he is on his own.

The Bill has been through pre-legislative scrutiny. There were a large number of eminent, distinguished, knowledgeable and experienced people from the Conservative side on the Committee and all agreed—there was no dissent, and there was no vote even on the Committee—that the Bill was a benevolent and good measure, subject to the odd caveat, as the hon. Member for Peterborough wisely said. I, in common with the Committee, of which I was privileged to be a member, and most of the Lords in the conversations that they had about the Bill, welcome it.

The Bill's emphasis on early intervention, support, re-tasking CAFCASS away from just reporting on the history and making recommendations to becoming

more involved in resolution at an early stage, and the availability of a range of optional projects to help support the right attitude to contact is obviously the right model. Clearly, that must all be properly resourced or it will not work. The Bill offers a sympathetic and rational way forward.

I have three areas of concern, one of which arises from comments from the Opposition, rather than from the Bill—that is, the suggested presumption that there should be joint parenting. I accept entirely that the hon. Member for East Worthing and Shoreham did not speak about an equal split, but if he is speaking about a legal presumption that both parents should be heavily engaged—co-parenting, as the hon. Member for Peterborough said—that worries me immensely. There is a very real difference between that and what Labour Members were discussing when he was speaking and graciously taking interventions—that is, an underlying assumption in the courts which, believe me, does exist and has existed as long as I have been involved in the family courts, that the welfare of the child requires as much contact with both parents as possible. That is a common-sense assumption which underpins what the courts seek to do. However, that is a far cry from a legal presumption in the Bill which states that it is presumed that there will be co-parenting.

A legal presumption can be of two kinds. It can, for instance, be an absolute one, which means that it cannot be knocked over, whatever happens. On the other hand, a legal presumption can be rebuttable—the words are archaic, but we lawyers love them—which means that it can rebutted, but the onus is on somebody to unsettle what is otherwise an edifice of uncrackable law. If one gives such rights to parents, then one is giving rights to bad parents as well as to good parents, and one is also ousting the welfare of the child as the paramount principle.

If we talked about the issue for a long time, nobody would disagree that both parents should be kept involved, if possible. However, if we were to drive the courts into a framework that disciplines them to say, "These people have rights which we cannot easily get round", we would subvert the paramountcy principle and might put children in danger.

**Tim Loughton:** I am sure that I am not going to agree with the hon. and learned Lady on this point. Why is this issue so different from the rest of the law, in which there is a presumption of innocence until one is proven guilty? Why can there not be an assumption that a parent is a good parent until they are proven not to be, given all the checks and balances in the courts, which this Bill will reinforce? Why would such a presumption undermine the welfare of the child?

**Vera Baird:** The explanation why such an approach would undermine the paramountcy principle is straightforward. In a situation in which it is not the child but the parents who are battling, the parents are obviously expressing what one might conjure up as the right of the child to have contact with dad, but it is dad who is fighting for that right, so it is his right. Once one makes that the presumption, the welfare of the child cannot be paramount, so the presumption must be ousted in some other way. In that case, one must bring to the surface the danger to the child in order to rebut the presumption, which self-evidently means that the presumption of paramountcy is not coming first. I would never agree to that proposal, which is not only technically nonsense, but wrong. It could be extremely dangerous, too, because it would oblige courts to give too many rights to bad parents, which is not what any of us want.

**Tim Loughton:** Why are they wrong in America, Australia, Canada and Italy? And how has that wrongness manifested itself in gross harm to the welfare of children, because I am not aware of the evidence on that point?

**Vera Baird:** The hon. Gentleman is not comparing like with like. I am unaware of any legal system that includes a legal presumption of the type to which he has referred. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) discussed the ability to put a presumption into the welfare checklist, but that is not a legal presumption. Most family law systems in societies resembling ours will be based on such a presumption, which is not a legally binding presumption of the kind mentioned by the hon. Member for East Worthing and Shoreham—I hope that he eventually gets why he is wrong.

Child contact is a child-protection issue, and there are dangers. This Government, more than any previous Government, have recognised domestic violence as a serious issue that has been hidden for many years, that is very hard to get the measure of and that is seriously under-reported. That point applies to male domestic violence, too, which the hon. Member for East Worthing and Shoreham and I have discussed before. I talk about domestic violence against women because the vast majority of domestic violence involves women, but there is domestic violence by brother on brother, father on brother, brother on father, gay partner on gay partner and women on men. In every situation it is a hidden problem that needs teasing out, because, as it is wrapped up in a relationship, it is not easy to speak freely about it.

In this connection, though, it mostly concerns women. The statistics suggest that 750,000 children witness domestic violence annually. Seventy-five per cent. of children who are on the at-risk register for their own safety live with domestic violence, and up to 66 per cent. of children suffer physical violence from a perpetrator who is attacking the mother but also at some point attacks the child. In the criminal justice system, the point where the parties separate is now well recognised as being one of enhanced danger when the violence tends to increase because the perpetrator appreciates that he is losing his grip and tries to use even greater force to bring the person back into the fold. However, that is not half as well recognised in the family sector. When domestic violence is recognised in family courts, it is generally regarded as having come to an end when the couple has split, not as a continuing issue. It is often undervalued because it is perceived as a tactic in a fight.

The hon. Member for East Worthing and Shoreham, whom I know does not think as his words suggest, talked about the need to be rigorous and punitive about false allegations in court. Everybody agrees with that, but he cited only false allegations of domestic violence.

*[Vera Baird]*

That is a slightly partisan view. Of course, in heated situations where there is a child to play for, more unscrupulous parents make all sorts of allegations against one another, but there is not a high incidence of false allegations about domestic violence, although there is a great deal of it.

Those of us who sat on the Joint Committee that scrutinised the draft Bill had the benefit of the scrutiny unit statistician's figures about a whole range of related issues. In the year for which he gave us figures—I think that it must have been 2003–04—out of 40,000 contested custody cases, 13,000 concerned issues of safety, of which 5,500, or nearly half, concerned child abuse or neglect and the other 7,000 or so domestic violence. It is therefore utterly vital that the child's welfare is paramount and that that cannot be changed. I am pleased that the Government cling to that position and will continue to do so. The question is whether the Bill goes far enough to guarantee the safety of the large number of vulnerable children and domestic violence victims who are present in the statistics.

The Government would say that those worries are adequately addressed by the welfare checklist in the Children Act 1989, the extension of the definition of "harm" to include impairment due to seeing or hearing ill-treatment of another, and the new family court application forms that try to ensure that domestic violence is put at the top of the list so that cases can be verified and dealt with at the outset. However, the joint charities grouping, which consists of a large number of pressure groups concerned with children, including the NSPCC, suggests that there is no clear requirement to ensure that contact is safe. We recommended—

**Mr. Deputy Speaker (Sir Michael Lord):** Order. I am not sure that the hon. and learned Lady's microphone is working. Until we are sure that it is, perhaps she would like to speak up a little.

**Vera Baird:** I am sorry. It is rare for me to be accused of not speaking loudly enough. I referred to and commended two recommendations that we made in Committee. They consist of checking the safety of the child at every stage. I mentioned the thematic review, which showed that CAFCASS paid

"a worrying lack of attention to safety planning in almost all the observed sessions".

I was pleased that the Minister said that CAFCASS is now receiving plenty of resources. It will have to change its culture if it is to move from report writing to active solution seeking. It needs beefing up.

The thematic review makes the point that if we have existed with a family court system in which the stars representing the social workers, the sense of both sides to a dispute and the expertise acquired has never paid sufficient attention to safety planning, that speaks volumes about keeping children's safety paramount. Even the officers charged with the task of recommending welfare outcomes have not had that requirement as high on their agenda as they should.

My second concern about the Bill is the absence of the paramountcy principle from the provisions that deal with enforcement against a recalcitrant parent. Clearly, the point is to enforce, but orders for contact can only be prospective. The judge works out the likely way in which it will happen but events can call safety into question. For example, something could alarm the mother or make the child afraid so that it does not want to go, and she says, "I won't go through with it." At that point, enforcement is directed at dealing with her. If the paramountcy of the interest of the child is lost then, we lose a good deal of the point of the Bill. That is deeply worrying.

An individual needs to be punished but that should not undermine the paramountcy of the child. We are back to the point that the Bill is intended to tackle. The courts do not easily send a primary carer to prison because that is bad for the child and we are trying to get away from that model. The courts might express concern that, if they make someone do unpaid work at a time when they would otherwise take the child to a football match or do something nice, it undermines the welfare of the child. However, I believe that we could give the courts a strong steer and emphasise using reasonably civilised means to enforce an order, which the court remains assured is in the interests of the child. That model is compatible with the paramountcy of the welfare of the child. If that does not remain at the top of the agenda, we are worried that punishing the person will be put first and the child's welfare will be lost along the way. I hope that those who serve on the Committee can ensure that the paramountcy principle is included in the relevant provisions.

Section 122 of the Adoption and Children Act 2002 about representation for children has been mentioned. It has not been implemented and I understand some of the criticism from Conservative Back Benchers. There is no doubt that all the joint charities believe that it is crucial that the courts hear and understand the child's wishes and feelings about the circumstances to help them decide what would be safe for the child, yet the Bill neither implements section 122 nor orders separate representation when there is risk.

The lobby groups say that separate representation should be considered in all cases where there is a risk and that courts should ascertain children's views in all cases. In principle, I agree strongly. However, I ask a question that I hope will be considered in a broader context than simply that of the Bill. How do we do that?

In cases involving an older child, we can get the kid to give evidence if we have to, although that is not necessarily desirable. Such evidence could certainly feed into a social worker's report in some way. But what about the younger children? And what about the 5,500 out of every 40,000 who are subject to the threat of child abuse or a lack of safety? They need to be able to make an input into the question of contact, and they need to be able to articulate what has happened to put their safety in danger. That can be hugely difficult.

That question is reflected in the criminal justice system, where case after case is brought involving allegations of abuse of young children, usually as a result of physical evidence, which might not be totally compelling, or concerns about the child not thriving. In other cases, a sibling might have said something, or the child might have said something to mum or dad to cause

real concern. But how can a child be facilitated to express what has happened to them, and to give that kind of evidence, which is highly material to a prosecution but equally material to the tortured issue of contact where there might have been child abuse?

There is a provision in the Youth Justice and Criminal Evidence Act 1999 for intermediaries to be supplied to help people who cannot communicate in the normal way to put their evidence before a court. That is used for a variety of vulnerable groups. I had the privilege a few weeks ago of visiting the Barnardo's Bridgeway project in Redcar. The project deals with what it calls troubled children. These are children who are suspected to have been abused. Its primary role is to unearth what has really happened, in order to help the child to deal with it and to give them counselling. It is that unearthing of what has happened, by using very clever methods, and then being satisfied as a professional that is has indeed happened, so as to know how to tackle it through the right kind of counselling, that offers a potential medium for getting complaints of child sex abuse before the courts.

I had a pretty limited opportunity to get to the depths of how those professionals work. Through the use of toys, books and pictures of a specific kind, they try to get the child to go back through the experience, to see whether they respond to anything that registers that they have had an abusive experience. For instance, rather than asking a child a complex question such as, "How did you feel when that happened to you?", they have puppets that represent different emotions. This is just one example of how ingenious these methods are and the potential that they hold. The child would be asked which puppet was there at the time of the experience, and they might hold up the sad puppet or the angry puppet to show that that was how they felt. Or they might hold up the happy puppet, which would show that there was nothing to worry about.

I am not suggesting that we use puppets in court—I think that my colleagues in the legal profession might be a bit worried about that. However, I am suggesting that we all have a big responsibility, in confronting the inability to get children's testimony in these cases, to consider how those kids are not being protected because their testimony cannot be brought forward, and to examine some of these very clever methods, including those being used in the Barnardo's Bridgeway project. We need to acknowledge that, if they represent a well researched and methodologically sound way of getting reliable information about child abuse out of a child, so that an expert can then report it in court, that could be a way forward. I do not blame the Government for not introducing that part of the earlier Bill. It is easy to say that there should be separate representation in all circumstances, but a lot of questions remain about how exactly that should be achieved.

I welcome the Bill immensely. My only reservation is whether we have put safety sufficiently at a premium. Let us cleave to the paramountcy principle at every stage, and let us not lose sight of the opportunity that the Bill offers us to open the door into the world in which some children—not all, but a substantial proportion, as the figures show—suffer from abuse and from the spin-offs of domestic violence. Let us give serious thought to how we can, from now on, try harder to get children's voices properly heard.

4.4 pm

**Mr. Eric Pickles** (Brentwood and Ongar) (Con): I am grateful for the opportunity to make a modest contribution to the debate. It is a particular pleasure to follow the hon. and learned Member for Redcar (Vera Baird). I hope she will forgive me if I do not pursue some of her excellent points, as I want to concentrate on a narrower aspect of the Bill, namely adoption. I want to say something about the secrecy of the family court. I think that some of the general rules on adoption concerning foreign nations are relevant to our own system. A particularly sad case in which I have been involved over the last few months has a direct bearing on how adoption works in practice, especially forced adoption, the most extreme of the many issues that we must consider.

My hon. Friend the Member for Peterborough (Mr. Jackson) described the Under-Secretary of State as sparky. I am not sure that I can follow him down that avenue, but I want to record my enormous appreciation for the courtesy that she has shown me in connection with that case and my concerns about adoption. We have had three formal meetings and many more informal meetings. The Under-Secretary has changed my views on a number of important issues. She has also reinforced some of my prejudices, which is a nice feeling—but I am genuinely grateful to her, and grief-stricken by the fact that she is plainly suffering from a heavy cold. I wish her a quick recovery.

As I have said, I am concerned about the secrecy of the family court. I tabled an early-day motion on the subject. Looking around the Chamber earlier, I noted that almost every Member present, apart from Ministers and, obviously, the occupant of the Chair, had signed it. Early-day motion 869, entitled "Workings of the Children Act 2004", stated:

> "That this House urges the Government to remove the veil of secrecy from the workings of the Children Act 2004; considers that the closed door policy of the family courts breeds suspicion and a culture of secrecy which does nothing to instil confidence in those using them, which affects not just the courts but the social services departments of local authorities; and believes that it is possible to preserve the anonymity of children involved in the proceedings without the cumbersome rules which obstruct parents from receiving advice and support, which in particular works to the disadvantage of parents with special learning difficulty."

The hon. and learned Member for Redcar spoke about the concept of the rights of the child being paramount. Her explanation was a good deal clearer than some that I have received from social services departments. However, I am less concerned with the effect on the courts than with the effect on social services. There is almost a process of Chinese whispers, whereby that noble concept becomes bastardised into an unwillingness to disclose, to justify, to listen to arguments, or even to see a need to explain decisions. The law was changed because of Members' difficulties in obtaining information from social services departments. At one time, they were threatened with contempt proceedings and prosecutions for pursuing constituency cases. Since the beginning of April last year, however, we have been able to look at case files and discuss the issues. I may be wrong but I think that I was the first Member of Parliament to take advantage of that, after a constituent who was going through the process brought it to my attention in the early part of April last year.

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The change in the law seems to have wholly passed by Essex social services department. Despite the will of the House and the change in the law, it led me through quite an elaborate dance when I wanted to get some basic information from it. At one point, it insisted that I went to court to get special permission, when by Act of Parliament I already had that right. Had it not been for my noble Friend Lord Hanningfield, who happens to be the leader of Essex county council, I do not think that I would have been able to pursue the case to the full.

I cannot go into the details of the case, but I can talk about it in the abstract and discuss the way it affects the law. It concerned the decision by Essex social services to remove two children from a family because they considered the mother to be stupid and incapable of bringing up the children because of her lack of intellect. The mother had an IQ of around 60. Social services sought to present her as stupid to the point of being unable to understand maternal feelings. In my view, she was a little slow but someone who clearly loved her two children. She was faced with an unending stream of social workers dealing with her case—at one point, I counted 16—who were pushing her in different directions. She was left bewildered and unable adequately to rebut social services' allegations. I want to say a few things about people with learning difficulties and then move to the general question of social services. I want to stay firmly within the terms of the Bill.

A problem has been identified recently with the Meadow case. I do not want to go down that route but it illustrates the fact that, sometimes, proceedings have been initiated because hospital consultants or social workers have been a little over-zealous. It is typical for the person who initiates proceedings to see the complaint through. There is a need for a separation of powers between those who take the decision to initiate an investigation and those who actually conduct it. I am worried—I will come to this a little later—about the targets for adoption and the obvious financial benefits that accrue.

The principal problem is that social services departments cannot be entirely non-partisan in the way in which they identify the issues. Few people who initiate a serious chain of events are likely to admit it when it goes wrong. The temptation is to tailor evidence to fit the complaint. That should be resisted.

I can give a few brief examples of how that happens. As I said, I think that I was almost certainly the first MP to go through the process of wading through a social services file concerned with a forced adoption. It was thick, repetitive and at times confusing. I have talked to the Minister about that. I speak as a former chairman of a social services department and was used to seeing that kind of thing. I was shocked at the sloppiness of record keeping, the shoddiness of the process and the basic injustice. In that file—this is directly relevant—there was misinformation, embellishment and inappropriate assigning of motives.

I shall give just two examples, which illustrate the general problem. In the first example, the husband did not have learning difficulties but was, by mistake, described as having them. The mistake was recognised and corrected in the file but subsequently, such allegations continued to be made, as though it was a proven fact. More seriously, it was suggested that the child had witnessed domestic violence. It became clear that this was a single incident in which the husband, in a moment of pique, had picked up his slippers and thrown them against the wall. He is a gentle and passive man and at no time were the slippers aimed at anybody; nor was any damage caused, except, perhaps, for a slight mark on the wall. However, the file on that family states that the female child

"has witnessed domestic violence and this will have an impact towards her development".

Following close scrutiny on my part, social workers told me that there was no evidence of any violence toward either child in the family. No doctors or casualty departments had expressed concern, and there was no evidence of repeated accidents involving the children. Yet the allegation remained on the file.

An allegation was also made of poor parenting and I asked for various examples. I was given two. First, the female child had been given sandwiches and a packet of crisps for her lunch, and because she chose to eat the crisps first, she was too full to eat her sandwiches. That was deemed sufficiently important to be regarded as an example of poor parenting. The second example—we should bear in mind that at this point, I was pressing for another such example—involved allowing one of the children to stay up late at night to watch television. I asked whether "late" meant 10 o'clock at night, or perhaps 9 o'clock. I was told that she was allowed to stay up until 8 o'clock to watch the end of "EastEnders" or "Coronation Street". I have many middle-class friends with children of a similar age who are allowed to have crisps and to stay up until 8 o'clock. None of them is subject to a care order.

I turn to the issue of stories being embellished. By this point, the social worker was finding me a tad provocative. He said that the mother had screwed up a baby-wipe tightly in her fist and had repeatedly rubbed it against the genitals of the young male child, to the extent that they were "red raw." However, the report actually said that the mother had used heavy pressure, and that the genitals were flattened and "very red". There is a world of difference between "red raw" and discoloured.

I found distressing the way in which motives were ascribed in the report, without any obvious discipline. The father was criticised because he had refused to leave his job of some 23 years to become the full-time carer. It was said that that showed a lack of commitment. I believe that holding down a job—in his case, a humble job—for 23 years and putting bread on the table week in, week out sets a fine example to one's children. The social workers wanted the father to live off benefits. That might have been a solution, but if someone can set an example to their children by working hard, that is something to be proud of.

I want to return to the way in which the primacy rule can be bastardised. I confess that by this time I was beginning to irritate people, although I am sure that hon. Members will find that hard to believe. I found myself being lectured by a very senior person whom I shall not name, as that would be embarrassing. He said, "We have to consider the welfare of the child. That is absolutely paramount; whatever is best for the child is what we do."

I replied, "OK, but if that rule is applied generally, let's apply it to your children. If I arranged for them to live in the house of Mr. Bill Gates, they would get enormous intellectual stimulation—probably more than you can offer—and they would certainly enjoy much greater financial well-being." The very senior person did not seem to like that, which made me glad that I had not used my second choice of example—Michael Jackson.

I have talked these matters through with people who really understand them. They have said, "Look, Eric, what about the guardian? The guardian is there to look after the interests of children and to be impartial in the process."

I put that approach to various leading counsel with an interest in the matter. Although some guardians may exist who are prepared to stand up to social services departments and act as bastions of freedom, they are very hard to find. Generally speaking, guardians act as cheerleaders for social services departments. They are entirely compliant, and seem incapable of doing more than being a cheering section.

I had the opportunity last night to speak about such problems to the Under-Secretary and I shall give one example of the role of guardians. A leading counsel on these matters—who, by the nature of things, acts sometimes for the local authority and sometimes for parents—told me about one occasion when he was acting for the local authority. Just before proceedings began, people started to gather round the table. He was not paying attention to who came through the door, and was about to begin his contribution when he noticed that the guardian was sitting in the room. "What are you doing here?" he asked, to which the guardian replied, "Well, you know, I'm here as part of the team."

That person should not have been in the room, because the guardian's presence could demonstrate partiality. The system needs to make sure that the different strands of the process can be separated.

I was enormously surprised to find that there is no national system for the regulation or disciplining of social workers. No royal charter exists that sets out professional standards or disciplinary procedures and thus allows peer judgment to take place. The social work profession needs to address that defect. The solution does not need to be elaborate, but peer evaluation among social workers on relevant matters is important. Without that, there is enormous variation between authorities, which can be as slack as the one involved in the Climbié case, or as tough as Rochdale in the face of ridiculous accusations of satanism.

I shall quote briefly from Andrew Scott, an admittedly newly qualified barrister who deals with these matters on a daily basis. I suspect that he may be known to some hon. Members, as he has made quite a reputation for himself. He said:

"I don't think the public appreciates how low the threshold is. When children are taken from their parents, it is not because there is a certainty of future harm or even that, on the balance of probabilities, those children could be harmed. It is enough that there will be a possibility of future harm. If there is a 70 per cent. risk of a child being harmed and every child with that risk was taken into care then, in 100 such cases, 30 children would be taken from families where they would come to no harm. Sometimes, I wonder whether children are being protected, or whether it is social workers' careers."

Those are wise words. There may be a temptation for local authorities, possibly because of the financial advantage, to move towards adoption when other solutions may be possible.

Mr. Scott goes on to say:

"There's an unspoken fear that children from poor backgrounds are being freed up for middle-class adopters."

I would like to give an illustration which, of all the features of the case, has really chilled me. It is about the question of duty of care. In the April before the children were finally taken with a view to an enforced adoption, there was a case conference. The second child had not yet been born. The conference was considering whether to put the child on the at-risk register. The daughter was already on it. On the basis of the facts before it, the conference decided that it was not necessary to put the young boy on the register and furthermore that it was appropriate to take the young girl off it. Somebody at that conference, notably the chairman, did not like that decision. There was no change of circumstances and no other substantial incidents had taken place. Yet the same circumstances were seen as making it appropriate to put the children into care with a view to permanent adoption.

Let me say what I think needs to be done. Those who investigate a complaint must be independent of those who initiate it and those who may in due course be called on to care for the children. A proper code of conduct for social workers is long overdue. I certainly believe that those with special learning difficulties deserve special care. We are told that in 1 per cent. of all families one partner or the other has learning difficulties. We are also told that 20 per cent. of children in care have one parent with learning difficulties. There is some dispute over the figures, but whether they are precisely right or not, they demonstrate a problem.

The secrecy of the family courts needs to be opened up. We wait for the consultation document. I believe that there is a strong case for judgments to be published and that they can be published while retaining the anonymity of the child. I have one additional suggestion. It goes back to the Meadow case. There is a question whether the professional witnesses should be identified. If the Government take the decision that they should, I will generally support that. Once you become involved in a case you get e-mails from all over the country. Some are heartbreaking, but they all have strong emotion running through them. Very normal people sometimes become irrational. I recognise that there might be a problem obtaining witnesses if they are routinely named.

As an absolute minimum, each professional witness should be given a unique identifying number. I think that that is important—I suspect that hon. Members understand—because we need to establish a pattern so that if we get a problem with the veracity of a witness we can have another look at them.

We need to change the rules with regard to advice. Parents are put in the dreadful position of being unable to seek advice. They cannot talk to their county council or unitary authority; they cannot talk to friends or members of their family. Only recently could they come and talk to us. I can give examples of where there is a

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problem. In care or adoption proceedings it is understandable that parents want to take a fair amount of time off. Under the existing rules, parents cannot tell their employer why they are absent from work without going back to the court. Psychiatric evaluations are also often necessary in such proceedings, but people cannot make full disclosure without first going back to the court. We have to find ways to solve those problems, and I wholeheartedly endorse the Committee's recommendations for greater transparency.

It might be slightly controversial to say so, but some cases resemble attempts to make bricks without straw. Once the facts have been established, the courts are reluctant to revisit those facts or their interpretation. However, if adoption has resulted from fraud or seriously erroneous evidence, we should have a procedure to enable that adoption to be overturned, although the period in which that could be done should be limited. In care proceedings, any carer who is accused of abuse should have an automatic entitlement to legal aid; the opportunity to instruct an expert of their choosing; a right of appeal against any findings; and legal aid for any appeal.

I am grateful for the opportunity to raise these issues, but I wish to make one final point. I hope to be a Member of Parliament for many years to come—[HON. MEMBERS: "Hear, hear."] Well, that is marvellous and makes me feel wonderful. However, the case I have described will haunt me, because a grave injustice has been done and the system has let those people down. Those two young people now live in my constituency in a flat that is spotlessly clean and well maintained, with a bedroom full of toys that their children will never see. The beds are made up and presents are waiting for them. While there will be an attempt to overturn the original care proceedings, everyone understands that the likelihood of reversal is not great. When the state intervenes in people's lives, we must ensure that it does so fairly. In the case that I have dealt with over the past few months, that intervention was "intervention beyond the humane."

4.33 pm

**Mr. David Kidney** (Stafford) (Lab): Child contact disputes can be tremendously painful and affect everyone involved in them. They can leave long-lasting damage in their wake, so it is in everyone's interest to keep them to a minimum. For families, it is a deeply personal and private decision whether parents should live together or separate, and, if they separate, what arrangements should be made for caring for their children. We—as the decision makers—and the agencies and courts that affect those people's lives should be very aware of the difficulties that people have in engaging with the state when they have to make those private decisions.

I have often wondered about the preparations that we make for having children. I cannot recall going on a parenting course and I have never had any help with the tricky questions that have arisen from time to time as I have raised my children. People have expected that I will naturally know what to do because I am a parent. That is the case for many people.

As we consider how, through the Bill, we can reduce the number of painful disputes and the severity of those that we cannot eliminate, the starting point for our deliberations should be much further back. The Bill may not be able to cover some of my interests, such as a universal parenting support service, but we should remember that services for parents in difficulty are woefully inadequate. There is some preparation. The external assessment process for adopting and foster parents may prepare them for what is to come. Some people attend marriage preparation courses, during which they may give some thought to their future duties and responsibilities as parents.

I want to draw the House's attention to a little-celebrated change in the law eight years ago, whereby unmarried parents who jointly register the birth of their child both acquire the joint parental responsibility automatically accorded to married parents under the Children Act 1989. Many people have overlooked that change. I asked my local register office why we could not have a ceremony to mark the registration of a birth and was told that there was one but not many people asked for it. Such a ceremony could be an occasion for parents not only to celebrate the joy and pleasure that they will derive from parenthood, but to learn a little about their duties and responsibilities, which is relevant to our debate about parents' responsibilities for the welfare of their child when they are in dispute.

The Children Act is that rare bird—a good law passed by a Conservative Government. We should recognise the success of a long lasting, wise law. The concept of joint parental responsibility, much overlooked in today's debate, has been extremely successful. The statistic has become hackneyed in our debate today, but in nine out of 10 cases parents who separate come to their own agreement about the future care of their children, because they exercise their joint parental responsibility. Most of our focus has been on some of the cases in the other 10 per cent. The existing law is sound, but some of the practices about which we have heard today are unacceptable. We need to give thought to them in designing legislation to improve the situation.

When parents separate, children benefit from a continuing relationship with both of them, provided that it is safe. The Children Act makes the welfare of the child rather than the rights of the parent the paramount consideration for the family courts. Both parents have equal status and equal value in the eyes of the court. When I was involved in such a case as a lawyer, the court was certainly gender-neutral.

**Mr. Simon Burns** (West Chelmsford) (Con): Will the hon. Gentleman give way?

**Mr. Kidney:** I am happy to give way to the newcomer to the debate.

**Mr. Burns:** I am grateful to the hon. Gentleman, although I am not that much of a newcomer as I have been in the Chamber for almost an hour.

There is a slight problem with the hon. Gentleman's use of the word "equal". When people separate and try to set up arrangements for their children, under existing law—whatever lawyers may say—it is in fact the mother who has care of the children and will decide when the

father sees them. That is why many agreements are made without problem. Fathers fully understand that they cannot fight in the court for a 50:50 arrangement because the court will not give it to them.

**Mr. Kidney:** I respect the hon. Gentleman's opinion, if what he has just said is his opinion. However, I profoundly disagree with everything that he says about the assumptions that fathers and courts make. I think that he is wrong on both counts.

**Mr. Burns:** I do not know the hon. Gentleman's background and whether he has ever been put in such a position, but may I tell him that, for most fathers who have found themselves in that position and have had to negotiate a deal, what I have said in my earlier intervention is, in fact, the case?

**Mr. Kidney:** I do not want to extend this discussion, but for 20 years I was a practising solicitor in the family courts and dealt with a great many cases that involved divorce and the care of children. My experience in those 20 years was that the two situations that the hon. Gentleman describes were very infrequently relevant factors in the cases in which I was involved.

The law is clear, but the current systems for resolving disputes must be improved, which is what we set out to achieve with the Bill. There is clearly a need for specialist family services to provide support as part of the overall system with which I want to deal, and even for compulsory family services for some families, such as those in conflict, those with addictions and, perhaps, mental health difficulties, and certainly in cases of family violence.

In general, in cases where disputes that involve children occur during the breakdown of a relationship between the parents, the first port of call should be mediation. We need not wait for a breakdown in communication before mediation takes place. It is a structured process, whereby a couple are helped by an impartial third party—the mediator—to negotiate their own decisions for the long-term benefit of their children.

Research has shown that five hours of mediation can promote sustained contact and an ongoing relationship between parents and their children. A long-term study of outcomes in the USA was referred to in a briefing that we have received from National Family Mediation and which resulted in a book called, "The Truth about Children and Divorce" by Robert Emery, who says that, 12 years after the event, 30 per cent. of parents who had attended mediation were still in weekly contact with their children, as against just 7 per cent. who had been through litigation.

Mediation should be, in the words of National Family Mediation, the routine method for resolving child contact disputes early if the family have not already reached their own agreement. I agree with the Grandparents Association that mediation should also be available to grandparents and other relatives who have been involved in children's care.

I asked a question earlier about the funding of mediation, because that is relevant if there are barriers to something that could be successful and save costs downstream. Publicly funded solicitors' clients are required to consider mediation unless it is unsafe—for example, because of an allegation of domestic violence—before they can go on to receive further legal help with their court cases. In the past, they may have received legal aid. For those clients, mediation is free. No contribution is required from them, and there is no suggestion of a statutory charge being placed on their property after the case has finished.

**Andrew Selous:** In the hon. Gentleman's experience of cases where such matters come to court, do the courts sufficiently take into account the importance to the child of grandparental and other extended family relationships, or are they not considered sufficiently seriously by the courts?

**Mr. Kidney:** The point that I want to pursue in a little while is that the enemies of dissatisfied parents, grandparents and wider family members are usually obstacles that are nothing to do with what the court would decide if it had a fair opportunity to make the decision. Those obstacles are things such as cost, which I am about to mention, and whether those people can get into the proceedings.

Delay in the court process is also an obstacle. By the time that a judge makes the final decision some way down the line, circumstances may have changed so much that what everyone thought would be a fair outcome a year earlier no longer seems appropriate. I want to talk about how to sweep away the obstacles of cost and delay to get a fair outcome. It is my experience that if grandparents can get themselves in front of the court, their argument gets a fair hearing.

I was explaining how a person with legal assistance gets all the mediation for free, but a person who does not qualify for legal aid gets none of it for free. A person who already thinks that that is unfair and that, if the mediation does not work, lawyers in the court case will have to be paid, will worry that mediation involves a wasted cost and will be reluctant to incur that in the first place. The first thing to address is: if mediation is such a successful route and might save lots of costs later, is it not worth investing something in the mediation process for both parties to make it an attractive solution for the early resolution of disputes?

I would need to be in the position of the Minister and her officials and have the budget in front of me to make an assessment on the actual design. There are a number of choices. We could continue to load the cost on to the parents with a system of assistance from public funds, depending on how low the parents' income was, or we could have a publicly funded system, but with contributions from some parents, in the way in which NHS dental contracts now require contributions from some patients. Either way, we need to remove the obstacle.

If mediation has not been tried or has been tried and failed, the courts will be involved. The Children Act 1989 states clearly, very early on, that any delay is likely to prejudice the welfare of the child. It is my experience that that is definitely so and, unfortunately, that that happens too often. The Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for

*[Mr. Kidney]*

Lewisham, East (Bridget Prentice), in answer to a question from me, wrote that Government-commissioned research shows that

"almost a quarter of cases lasted over a year or arose following previous proceedings".

She continued:

"almost a quarter of cases have two or more repeat applications and about a third of these are the result of enforcement issues, while over a half are ... driven by the need to have a previous order updated."—[*Official Report*, 28 November 2005; Vol. 440, c. 170W.]

My central argument is that such delay distorts the decisions that judges can make at the end of the case because new situations might develop in the time that it takes to get there. Sometimes the delay in effect decides for the judge what the outcome can be. That does not seem like the fair solution that people thought that they would get when they started court proceedings much earlier.

What does the Bill do to reduce delay? On its own, it is silent about that, but it introduces a new power to direct parties to undertake a contact activity—information sessions, classes and counselling. It is possible that that could be the first thing that a court orders immediately after somebody applies for a decision. In that instance, if something comes of the information sessions, classes and counselling, it might bring about an early resolution of the dispute and achieve a satisfactory outcome for both parties. That will depend on the order being used and resourced so that things happen quickly, as well as whether the parties feel that they get sufficient help through that route to resolve their dispute. Clearly, the approach will not work if parties retain hardened attitudes.

On the resources to make the approach work, it has been mentioned in the debate that, in some parts of the country, there are contact centres and admirable voluntary schemes where such work is undertaken very well. Mention has also been made of the Children and Family Court Advisory and Support Service. I hesitate to say that CAFCASS will make that approach work because we have also heard that it has to carry out the new risk assessments, administer the reformed family assistance orders, presumably carry on its current role regarding inquiries and reports to courts and, hopefully, fully resource its public law cases, which are an important priority for it.

I do not know how many other Members have received a briefing from the probation officers' trade union—the National Association of Probation Officers—that describes a budget crisis at CAFCASS last summer, management cuts this year and a stand-still budget next year. That does not sound like the basis for CAFCASS being in a position to help us to make a success of the new orders and thereby reduce the delay that is causing so much harm in some cases. If delay continues, the current dissatisfaction, of which we are all well aware, will grow.

Some say that there is an alternative in the approach of early interventions. I found the explanation for early interventions in an article in the *Family Law Journal*, family law 455. It refers to a report of a seminar in London in April 2003 called "Early Interventions—Towards a Pilot Project". It contains many references to the presentation that day from the Florida judge, John Lendermann, under the title "How and Why Most American States Changed to Early Interventions". His article describes how it was based on a statutory requirement for frequent and continuing contact founded on child development research. He said that children did better when both parents were kept in their lives. He added that the basis of the whole scheme is well publicised in parenting plans setting out cycles of contact in the average case.

I have some difficulty with the concept of the average case. The problem with these few cases is how highly individualised they are in terms of the needs and demands of the parties to them. Nevertheless, the judge said that the combination meant that American parents knew what sort of orders the courts might make in the absence of exceptional circumstances, and that by implication they concentrated more on making a success of the alternative. It is clear from that description, as it should be in this country, that allegations of domestic violence should be taken out of the process immediately and dealt with separately by courts.

In the judge's scheme in Florida, the remaining cases are streamed through a two-stage process. The first is that separated parents are mandated—I think that that means that they are made—to go to group parent educational classes where their post-separation responsibilities to their children and each other are explained to them. They are given the opportunity to agree a parenting plan and exit system. For the remainder—what the judge describes as resistant parents—he says that they are obliged to attend a single session of contact-focused mediation. He says also that Florida has a standard standing temporary order, which is issued in every case, binding the parties to maintain contact prior to the first hearing. The judge describes in his article that therefore only a minority of cases, mostly involving serious issues, need further intervention. Florida's overall caseload was up and costs were down. Enforcement was a rarity and delay was negligible. Most disputes were resolved within a few weeks.

There are some difficulties in what is described. When the hon. Member for East Worthing and Shoreham (Tim Loughton), who spoke from the Opposition Front Bench, gave the House his presentation, I thought that he was trying to move towards a situation in this country where costs would be down, enforcement a rarity and delay negligible. That is an outcome that I would like very much to achieve with him. However, I do not think that the Bill will achieve all of those things. We need to consider what more might be needed.

As a summary of my view, I think that there should be robust systems for screening for domestic violence. There should be specific procedures to deal with those cases once they are identified. We should hear the families' views, including the children's views. We should certainly consider the separate representation of children in appropriate cases. We need to identify those cases where continuing contact has already been shown to be in the beginning of the case in the child's best interests, and there is a danger that that continuing contact will cease unless something is done at the early stage of the case and not at the end of it. That was the point that I wanted to raise.

The more that I listen to this debate, the more I appreciate how crucial the new amendment in the other place could be for risk assessment, which will be undertaken if clause 7 becomes part of the Act. I have described both domestic violence cases and cases in which contact should clearly be maintained during court proceedings, otherwise it would be lost and a decision made against the court's wishes. All those things can be identified in a robust risk assessment and targeted approaches designed as a result, and I hope that that will happen in future. Children's welfare certainly includes protection from physical and psychological harm, so our systems of dispute resolution must be vigilant so that they can detect cases of domestic violence. It is important not to put parents in danger, even at the early stage, as I mentioned, of mediation, and certainly not during the proceedings. It is important not to put children at risk of harm through contact before the risk assessment is made.

The new family court application forms will protect children from domestic violence, as will the extension of the definition of harm to include impairment due to seeing or hearing ill-treatment of another. Following the amendment that was made in the House of Lords, we have gone further in the Bill and introduced risk assessments. We have made attendance on domestic violence perpetrator programmes a possible condition of contact, but we still need to ensure that there is an assessment before every step of the proceedings and that we act on the result, so that there is clear reporting and prioritising of cases.

We have limited enforcement powers, including fines and imprisonment for contempt of court, but those powers are not often used, for the reasons that hon. Members have given. The courts will be able to order community-based enforcement, unpaid work and financial compensation paid by one party to another, but there are many uncertainties about the new powers, some of which we have discussed. While I support the extension of enforcement powers, those uncertainties reinforce my strong view that we must sweep away obstacles that arise early in the process, such as delay and cost, so that we can deal with more disputes more effectively.

Part 2 deals with adoption. The Joint Committee that considered the draft Bill and the Joint Committee on Human Rights both recommended that the Bill should require the Secretary of State to pay particular regard to the United Nations convention on the rights of the child when deciding whether to impose special restrictions suspending inter-country adoptions from a particular country. I very much agree with that suggestion, which would provide an important safeguard to ensure that the power to issue special restrictions is exercised in conformity with, and in support of, the convention.

The Bill is necessary because of the difficulties relating to some contact disputes, as we well know. It goes in the right direction, as most speakers have said. It has been improved in the other place and, in my view, it could be improved still further in the House. My strong wish is that we continue this debate in Committee and hammer out a position from those that have been articulated today to make the Bill much better and much more effective in reducing those disputes.

4.58 pm

**Andrew Selous** (South-West Bedfordshire) (Con): May I begin by commending the Minister for Children and Families, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), who spoke on behalf of the official Opposition and, indeed, all hon. Members on the tone and manner of their contributions? These are emotional issues and there are many different perspectives on them, but everyone who has spoken today has made a considered contribution. Indeed, I am heartened by the extent of consensus in the Chamber. We are all united in wanting children to be safe, both in their own home with the parent who has custody of them, and with non-resident parents. We are united as well in agreeing that it is in children's interests to have ongoing contact with both their mother and their father, although there will be some exceptions where that is not in the best interests of the child.

The first aspect that I shall consider is prevention, which is not specifically dealt with in the Bill. Again, I commend my hon. Friend the Member for East Worthing and Shoreham, who touched on trying to prevent couples from splitting up. I also commend the hon. Members for Mid-Dorset and North Poole (Annette Brooke), who referred to that, and the hon. Member for Stafford (Mr. Kidney) who mentioned the important topic of marriage preparation. We miss that all the time. It is not something for which we can or should legislate, but it is a matter of political will and a matter for greater funding priority than it is currently given.

Is it possible to reduce the workload of the family courts and of CAFCASS, which we have been hearing about? I would argue that it is. There is a growing body of evidence around the world that that is the case. Let us start in America. The community marriage policies that have sprung up there have halved—yes, halved—the divorce rate in some cities. Modesto in California and Austin in Texas are two examples. The university of Texas has undertaken independent corroboration of the effect of community marriage policies across America and estimates that they have prevented some 31,000 divorces and that the divorce rate across all those community marriage policy areas is significantly lower than in areas without it.

In Australia, there is a concerted effort to tackle the problem. We heard briefly from some hon. Friends about the family relationship centres in Australia, which play a role in making sure that the arrangements are correct for children when parents have separated. They also do important preventive work beforehand to try and help couples stay together and make marriages successful. Those organisations are not run by the state but receive some support from it. Given that the Government are considering reform of the Child Support Agency, it is interesting that the Australian child support agency is involved in helping non-resident parents to be good parents and provides materials to enable them to do that. That is a good example of the way in which, cross-departmentally, across all the agencies of Government, we could do better in this country. In Singapore and Malaysia, both Governments are taking the matter seriously. Similarly, Dubai in the middle east came to my attention recently.

*[Andrew Selous]*

I am trying to set up a project in my constituency. Last week, we launched our own community marriage policy and, in time, I hope to develop two community family trusts. I know that the hon. Member for Mid-Dorset and North Poole has an excellent one in her constituency doing very good work in schools. I am envious of that, and want the same in my constituency. I hope that all hon. Members might take more of an interest in such projects, so that we can reduce the flow of parents and children coming into the family court system and reduce the demands on CAFCASS. We have heard from almost everyone who has spoken today that CAFCASS will have great difficulty in coping with the extra demands placed upon it by the Bill.

**Mr. Kidney:** Does the hon. Gentleman remember that a couple of hon. Members spoke about the new children's centres that are planned for many parts of the country as being places where contact can take place? Does he agree that they could also make admirable focuses for parent support services? In my constituency, Stafford, I have an ambition to get Home Start to be the front-of-house service for supporting parents.

**Andrew Selous:** The hon. Gentleman is right that children's centres are good forums for support centres for parents, but I am discussing support for couples, which is a slightly different point. Support for parents is important, but almost the most important thing that parents can do for their children is to be kind to each other. If parents do that, it sets a wonderful example to their children and helps them to stay together, which benefits their children.

I am particularly interested in the point that my hon. Friend the Member for East Worthing and Shoreham made about the contribution of social workers in Kent. Neither the voluntary sector nor social services have a monopoly in that area, but much more could be achieved through working together.

**Mr. Stewart Jackson:** Does my hon. Friend support the work of the charity Parent Talk? Last week, I attended an event specifically designed to help parents cope with the difficult job of parenting that that charity put on in a primary school in one of the most deprived areas in my constituency. Support includes videos and booklets to help keep together families which are sometimes in difficult financial circumstances.

**Andrew Selous:** I do not know that particular charity, but it sounds excellent and I happy to commend it, given what my hon. Friend has just said about its work.

When I mentioned the work of community family trusts to the Prime Minister on the Floor of the House on 7 December, he was full of praise for their work, but the projected budgets for them across the country have been released since then, and, as the hon. Member for Mid-Dorset and North Poole said, they are not good, which concerns me. When the Under-Secretary of State for Education and Skills, the hon. Member for Liverpool, Garston (Maria Eagle) and I debated fatherhood in Westminster Hall, she agreed to ask her officials to examine best practice around the world. The Government could do so much more.

**Annette Brooke:** I am sure that the hon. Gentleman will not be surprised to hear that, despite the excellence of the community family trust in Poole, plans are being made to close the office because, although some grants have been achieved from outside bodies, the funding is not sufficient to maintain the current excellent service.

**Andrew Selous:** I am sorry to hear that. The onus is on local community family trusts to try to raise as much money as they can. Some of the central support for the work of community family trusts has been cut and I hope that today's debate will enable Ministers to review some of those decisions. As the hon. Member for Stafford and others said, it is right that the focus should be on mediation, avoiding cases going to court in the first place and early intervention.

I, too, have examined the situation in Florida, which is also mentioned in the Department for Education and Skills publication, "Children's needs, parents' responsibilities":

> "Schemes to divert parents away from court have been developing, including the scheme led by Judge John Lendermann in Florida whereby parents are given information about the damaging impact of their conflict on their children and invited to work out a parenting plan with the help of a mediator. Other programmes are being developed to help and support parents by teaching about their new roles as collaborative mothers and fathers after separation."

We should be going in that direction in the United Kingdom, and I share the concerns expressed by the hon. Member for Stafford that the Bill does not explicitly state how we can do so and whether sufficient funds are available.

Clause 4 deals with the enforcement of court orders, which remains an area of great concern to me. Over the past four and a half years, several constituents have come to me to complain about this. Typically, they are good, concerned fathers who regularly pay their child support as they should, month by month. Some of them have been back to the court 30 or 40 times to try to get their disputes resolved and to have enforced the contact that they have been granted by the court after it has weighed up all the considerations. They have come to me and said that neither the court nor the police have been interested in ensuring that the contact that they were granted is enforced.

That was graphically illustrated to me in my constituency surgery about two weeks ago, when a serving company sergeant-major came to see me. He sat down in front of me and took off the fleece that he was wearing, and right in the middle of his chest was the symbol of his office as a warrant officer in the Army—a large crown. He said, "I don't believe in the antics of Fathers 4 Justice"—who, it is worth remembering, have physically changed the shape of this Chamber since we last debated these issues. He went on, "I stand for what this country stands for. I am a serving soldier and I have done everything right. I pay all the money that I am required to. I have a court order that has stamped on it the same crown that I wear as the badge of my office, yet it is not worth the paper it is written on in terms of my ability to see my children." That is an absolutely

scandalous state of affairs for a good, caring father who has every right to see his children, and whose children will be missing out on the input of a good and dedicated father. The tragedy is that the gentleman who came to see me is one of 7,000 non-resident parents every year who find that the court orders that have been granted to enable them to see their children are being breached.

My worry is that it is not sufficiently clear exactly what will happen if these contact orders continue to be breached. When I intervened on the Minister during her opening speech, she said, properly, that the matter would be left to the courts. However, as Members of Parliament, we collectively represent the High Court of Parliament. It is important that we make it absolutely clear that, where people have acted properly, the court has duly considered all the information, the non-resident father clearly has no history of domestic violence or anything similar, and the court has said that contact must happen, that contact is in the best interests of the child and we must ensure as a Parliament that it happens. That is fundamental.

If the constituent whom I spoke about, or any other such constituent, comes back to see me after the Bill has passed into law, I will feel that I have failed him if the contact that the court has said that he should have with his children, and his children with him, is not being granted. I am sure that the Minister understands the seriousness of this. We have to ensure that the law has teeth and that where contact has been ordered it really does happen.

The difficulty will centre on what series of escalating steps—my hon. Friend the Member for East Worthing and Shoreham mentioned this—is put in place by the courts to bring that about. It is clearly sensible to have parenting intervention programmes to try to convince parents to do the right thing. I like the idea of giving compensatory time. We could also consider fines going from one parent to the other so that the child does not lose out, with perhaps some mechanism to ensure that that money is indeed spent on the child. It is a vital issue. Many non-resident parents—often fathers—give up their house and the day-to-day care of their children. In many cases, another man moves into their house and lives with their children for most of the time. If the one thing that they have been given—a right by a court to see their children—is flouted, it is a massive injustice for the children and the non-resident parents.

I echo all the points that have been made about grandparents, but why confine the comments to grandparents? Uncles, aunts, cousins and the extended family generally are vital for the development of our nation's children. Many of us have benefited from close relationships with all members of our extended family. Our view of the family is much too nuclear in this country and in several European countries. We could greatly benefit from a more southern European approach. Contact and enforcement is important not only for the non-resident parent but for all those who have loved and cared for children. For many grandparents, uncles and aunts, the children whom they will not see have been an incredibly important part of their lives. We must ensure that the matter is taken seriously for their sake, too.

I want to raise a practical point. We cannot legislate for it, so it properly does not appear in the Bill, but it concerns me and I should like to consider it. When non-resident parents travel some way from their homes to see their children, there may not be a contact centre in which to see them. Supervised visits have to take place in a contact centre, but if the visits are unsupervised and there is no contact centre, where do they go? There is an expression, "McDads". In the summer, it may not be so bad—perhaps there is a park or another place outside on a warm day—but where, physically, do we expect non-resident parents to spend any quality time with their children? I am not looking for state provision from the Minister but I am trying to think of solutions.

Perhaps charities can help. We have heard much about children's charities today. Perhaps the NSPCC or other charities that have been slightly criticised may like to consider the problem. Perhaps churches, faith groups or anyone in a community who has space in their home and a heart for such matters could help. Perhaps arrangements could be made to put non-resident parents and their children with people who would like to open their homes to them. The non-resident parents could relax and play with their children in a familiar, family environment. That would have to be done by agreement and negotiation, but it is an important matter that some of my constituents who are non-resident parents—and non-resident grandparents—who have to travel some way have raised with me. I do not look to the Government for an answer—it is properly not within their remit—so Ministers can relax. However, I hope that they at least agree that it is an important matter to consider in the context of the care of children with non-resident parents.

Other hon. Members have mentioned delay. "Justice delayed is justice denied" is a common saying about the law. That is nowhere more true than when children are involved. Childhood is finite and crucial. If a parent misses specific stages of a child's development, they are gone for ever. That is a tragedy. Speed is therefore important. Of course, we must get things right but speed is also vital and I hope that that will be taken fully into account.

5.19 pm

**Mrs. Maria Miller** (Basingstoke) (Con): We have had a full and wide-ranging debate. We have heard that children everywhere must cope with increasingly complex and difficult family relationships. Every year, 150,000 children have to deal with the distress and upset of divorce. One in five children are likely to go through their parents' separation or divorce before they reach the age of 16. That is difficult for any child.

Indeed, parental divorce is seen by children as one of their biggest concerns and fears. We need to bear that in mind as we discuss the Bill. We have heard that great importance is put on children maintaining a relationship with both parents after separation or divorce, and that has been accepted by all speakers on both sides of the House. However, the harsh reality is that after only two short years of separation, 40 per cent. of non-resident divorced and separated parents lose contact with their children. That should set alarm bells ringing for all of us.

We have also heard arguments on both sides of the House that reinforce the fact that the Bill does not grasp the full magnitude of the social problems faced by children growing up in this country today. We must not miss the opportunity to get to the heart of the problem, because we face many challenges as we consider this very difficult and sometimes apparently intractable problem.

*[Mrs. Maria Miller]*

There needs to be a change in the way in which family law deals with establishing and maintaining contact between non-resident parents and their children, and a change in the way in which we ensure that the law is put into practice. We have heard today that many other countries are considering new and different ways of doing that, and it seems entirely appropriate that we should examine those options in more detail in Committee, to see whether we can learn anything from them. Those countries' legal systems are not dissimilar to our own, so I hope that that would not be a difficult challenge for us to undertake.

There is also common ground between the Government and the official Opposition on these matters. The Government's Green Paper clearly states:

"After separation, both parents should have responsibility for, and a meaningful relationship with, their children, so long as it is safe."

The document goes on to say:

"It is in the interests of the child to have a meaningful ongoing relationship with both parents".

That is important.

It should not be the role of the Government to dictate the relationship between parents and their children, but it is their role to ensure that systems are in place to provide guidance when it is needed. The Bill lacks explicit guidance on the important role that both parents can play in ensuring the well-being of their children. The Green Paper was more explicit about such provisions, but the Bill is not.

As I have said, there is common ground between the Government and the Opposition. We all agree that the child's welfare is of paramount importance, and we must ensure that any legislation designed to support children has that at its heart. We need to debate these matters as they appear to children. I am not a lawyer, and perhaps Members of Parliament should try to speak not as lawyers but as Members of Parliament. I am married to a lawyer, and I know that it is sometimes difficult for lawyers to get out of the habit of speaking as lawyers, but that is an important challenge for us.

First and foremost, we should focus on the everyday, practical problems that children face. We should then let the judiciary decide how they are dealt with, when it comes within its remit to do so. Indeed, the judiciary itself says that family law does not fit easily into the judicial system, and some of the problems that we have discussed today suggest that that perspective is correct.

We have all agreed today that parents play a pivotal role in achieving the best outcomes for children. We have also agreed that the vast majority of non-resident parents want to stay in contact with their children, and we need to keep in the forefront of our minds that, in 90 per cent. of cases, it is perfectly safe for them to do so. However, anyone reading the transcript of today's debate might find that somewhat surprising.

The Bill attempts to encourage contact and to make the sanctions that are in place workable. We cannot help feeling, however, that it merely tinkers at the edges of a more deeply rooted problem. There is a general feeling that a lack of confidence in the family court system has resulted in many parents settling for less contact, or unreasonable contact time, as legal fees and court time make it difficult or even impossible for non-resident parents to dispute cases. I have encountered many such instances in my constituency, and most Members who are present can probably think of one or two in theirs.

All too often, as others have said, even when parents have not had to resort to the courts, non-resident parents find it difficult to secure the time with their children that they need in order to maintain and develop the parent-child relationship. Difficult situations are often compounded by non-resident parents' living in accommodation that is not suitable for their children to visit, let alone stay in. My hon. Friend the Member for South-West Bedfordshire (Andrew Selous) made that point. A parent who has had to leave the family home may well be living in bed-and-breakfast accommodation, or other accommodation that is deeply unsuitable for a child to visit.

Lengthy and costly judicial process only serves to exacerbate the problem. As we heard earlier, the Government's own research shows that one in four contact and residence cases lasts more than a year, and a quarter of all cases involve multiple applications resulting from enforcement problems. The system often fuels existing tensions between parents, and a feeling of marginalisation for non-resident parents. Clearly none of that is in a child's best interests.

The law should make clear that we value the contribution of both parents to the future welfare of a child whenever that is safe—and, as I have said, it is safe in the vast majority of cases. If a child's relationship with his or her parent is to flourish and not wither on the vine, time is needed. We must examine ways in which the legal system can become more accessible, and can work better to bring about successful outcomes for children rather than fuelling conflict in already difficult and emotionally charged circumstances. That is why we will seek fundamental amendments to the Bill, including a legal presumption of co-parenting and an explicit statement of reasonable contact, backed up by early intervention and mediation.

We have heard a great many speeches today, which will give us some interesting topics to think about before the Committee stage. My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) made a powerful case for some of the changes that I have talked about. That led to a useful discussion on many issues, including co-parenting and children's safety. I am sure that we shall return to them in Committee.

My hon. Friend the Member for Peterborough (Mr. Jackson) made a number of interventions as well as his speech. He made an important point about the invaluable role of extended families, particularly grandparents. As we all know, they have a noted role in child care. I expect that we shall hear more of that next week. I agree that it is important for us to understand grandparents' role in children's lives. We must also ensure that the legal approach, which at present can seem rather hostile to that group of people, is amended so that we can support them more. Perhaps we should take a leaf out of the book of Canada, the home country of one set of my own children's grandparents. I am sure that I shall gain some useful input from them in the next few days.

My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) focused on adoption, which is an important element of the Bill and should not be

overshadowed by the debate on part 1. He drew extensively from his constituency experience, broadening the debate in a useful and helpful way. My hon. Friend the Member for South-West Bedfordshire raised the issue of preventing marriage breakdown, which I agree should be given more priority, and cited a number of examples in the United States. Divorce rates have been significantly reduced there because the importance of supporting marriage has been acknowledged. My hon. Friend the Member for East Worthing and Shoreham made an important point about not automatically assuming that a non-resident parent would be an inferior parent.

Labour Members raised issues that were raised by my hon. Friends. The hon. Member for Stafford (Mr. Kidney) talked about helping parents to be better prepared for the responsibilities of parenthood, and made a strong case for increasing mediation. Importantly, he questioned the Bill's silence on the issue of delays in court proceedings, which can be corrosive and destructive during the separation and divorce process. We should pick up on that matter in Committee.

The hon. and learned Member for Redcar (Vera Baird) talked about a number of aspects of the Bill, including CAFCASS's capacity to meet the requirements of the Bill as regards risk assessments. Importantly, she touched on the issue of safety and the hidden aspects of domestic violence, of which we should all be aware when we discuss the Bill. It is an important issue.

The hon. Member for Luton, South (Margaret Moran), who made a considered contribution, raised the important issue of domestic violence and child care and various other aspects of the Bill, including the importance of clause 7. The hon. Member for Stockport (Ann Coffey) touched on the importance of mothers and fathers and the fact they have responsibilities, which, again, we should keep to the fore.

As my hon. Friend the Member for East Worthing and Shoreham pointed out, there is a fair amount of agreement in principle on the issue of inter-country adoption, although we have some concerns about the fashioning of the new procedures and will consider that in a little more detail in Committee. We feel strongly that it is perfectly legitimate to consider overseas adoption but we share the Government's concerns about the cases of child trafficking in recent months. However, we must be vigilant that restrictions do not lead to a growth in private adoption.

In Committee, the official Opposition will seek to challenge and to encourage the Government to face head on the scale of change needed to achieve a better result for children, who are all too often caught in the middle of their parents' separation or divorce. We will encourage the Government to be bolder in the Bill to achieve those ends. We know that the Government often have regretted not having the courage to be bolder when seeking solutions to the important problems that are faced by our country. I can reassure Ministers that we will do all we can to ensure that that is not the case in this instance.

5.33 pm

**The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle):** I agree with the hon. Member for Basingstoke (Mrs. Miller) that we have had a very interesting and constructive debate. I congratulate her on what I think is her first effort at the Dispatch Box, which was extremely accomplished.

**Dr. Julian Lewis** (New Forest, East) (Con): The first of many.

**Maria Eagle:** No doubt it is but that is not a matter for me to decide.

I congratulate hon. Members on both sides of the House who have participated in an extremely stimulating, wide-ranging and well-argued debate. It is apparent from their speeches that they approach the issue with a passionate commitment to try to ensure that children caught up in the divorce or separation of couples, and the bitterness that sometimes results, are not harmed too much by that experience. There is no doubt that that commitment was apparent even if it was also apparent that there may be one or two slightly different approaches to how best to achieve that. That is no different from the tone adopted when the Bill was debated in another place and during later proceedings on it. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) was right to say that proceedings on the Bill have been going on for some time. That lengthy deliberation is only correct because we need to get things right; the future of the children whom we are trying to assist depends on our doing so.

The debate did occasionally descend into slightly bad temper and we had a couple of somewhat vehement spats between the hon. Members for East Worthing and Shoreham (Tim Loughton) and for Mid-Dorset and North Poole. There was also a spat involving the hon. Gentleman and the NSPCC, which was of course unable to defend itself. However, it will doubtless find an opportunity to do so when the debate is over.

I want to sort out what I believe to have been a genuine misunderstanding—it does not happen very often—between the usual channels. The hon. Member for East Worthing and Shoreham suggested that the Government are trying to avoid giving the Opposition the time that they want for consideration in Committee, but I assure him that that is not the case. There has been a genuine misunderstanding, in that the usual channels on our side gave what was asked for, but I assure him that the Government intend to be flexible and to provide more time in Committee if required.

I shall deal with some of the points and broad themes that were raised, although I will not have time to deal with them all, given that most Members spoke at great length. It is clear that contact with both parents is in the interests of the child if it can be done in safety; indeed, there is general agreement in all parts of the House on that point. I would argue—as my hon. and learned Friend the Member for Redcar (Vera Baird) argued, perhaps more eloquently than I ever could—that case law already suggests that the courts start from the position that contact between a child and their parents is generally in the child's best interests.

The different perspectives expressed on the Floor of the House disagreed on the question whether such contact compromises the safety of the child in some instances, or the paramount interest of the child's welfare, given that such contact often breaks down. The Children Act 1989 does of course contain the

*[Maria Eagle]*

paramountcy principle, and the Government and I believe it incredibly important that that principle, which was established with the support of Members in all parts of the House, be retained. We heard from my hon. and learned Friend the Member for Redcar an excellent exposition on what changing the presumptions would mean in legal terms. It is undoubtedly true that many fathers are unable to spend the time with their children that they would like to spend, and it is right that we offer them support and encourage a positive relationship between children and both parents after separation. The Bill attempts to ensure that we do just that by providing the courts with more flexibility in enforcing contacts that they have ordered, on the basis that they are in the interest of the child. That is what the Bill is about.

However, we need to be clear that any presumption—even if couched as a principle in the absence of evidence to the contrary—represents a different legal model from the one enshrined in the 1989 Act. To place something else on a level with that which is supposed to constitute paramountcy is incompatible with the paramountcy principle. I am certain that we will continue to have legalistic and non-legalistic arguments on this issue—from lawyers and non-lawyers—as the Bill proceeds through the House, but the Government do not want to do anything to compromise the paramountcy principle.

In the main, Members in all parts of the House had something positive to say about mediation. The issue was raised of whether voluntary mediation is best, or whether mediation could—or even should—be compulsory. It is clear that voluntary mediation is best: one can lead a horse to water, but one cannot make it drink. Can we really expect people to be forced to mediate if they are not in the mood? Requiring mediation before a case can proceed, for example, could simply result in further unnecessary delay if the parties are already well-entrenched in their respective positions and are in no fit state to see that mediation might actually help. However, the Joint Committee considering the draft Bill recommended that the court should be able to direct people to attend an initial meeting with a mediator, and I think that that would be appropriate.

The hon. Member for Mid-Dorset and North Poole asked whether information about mediation was available other than in the form of leaflets. She asked whether a video was available, and I can tell her that the Government are even more modern than that, having produced a DVD on the subject. We are moving into the modern world, and the courts will have to do the same.

The hon. Member for Basingstoke said that some 40 per cent. of non-resident parents lose contact with their children within two years of separation. I have heard that figure before, but I am not sure of its provenance. I hope that the hon. Lady will be able to let me know, perhaps during the Committee stage. However, the omnibus survey by the Office for National Statistics suggests that about three quarters of non-resident parents who have been separated for between two and three years have contact with their children at least once a week, and that fewer than 10 per cent. of them have no contact at all. In respect of longer separations, the survey suggests that about 20 per cent. of children have no contact with a non-resident parent after two years. That is still far too many, but it is fewer than the hon. Lady suggested, and we might have to return to the matter in Committee.

I am glad that hon. Members on all sides of the House mentioned the positive role played by grandparents and other members of the extended family. I agree completely with that, and note that the Bill can apply not only to resident or non-resident parents but to grandparents as well. It is not restricted to parents, so I hope that it will assist in all of these matters.

The question of resources for CAFCASS and the courts was raised. I can understand that, but the Government have always made it clear that they should have adequate funding so that they can fulfil their responsibilities under part 1 of the Bill. My right hon. Friend the former Minister for Children, who is now Minister for Employment and Welfare Reform, said as much in evidence to the Joint Committee. She stressed that the Bill's provisions will be implemented only when we are satisfied that appropriate resources are available.

My hon. Friend the Member for Stafford (Mr. Kidney) and the hon. Member for South-West Bedfordshire (Andrew Selous) both spoke about how the work loads of the family courts and of CAFCASS could be reduced. We have high hopes that the Bill will enable us to shift resources from too much report writing to more proactive and helpful interventions. I know that CAFCASS is very committed to ensuring that that happens.

The hon. Member for Brentwood and Ongar (Mr. Pickles) was extremely ingenious in managing to talk about public law and domestic adoption in connection with a Bill that deals with private law and inter-country adoption. I congratulate him on that, and I am, of course, aware of the case that he raised. I would take an extremely dim view if any local authority sought to remove children from parents simply because they were learning disabled. Some of the legislation for which I had the honour to be responsible in the previous Parliament will come into force in December, and make it even more difficult for public authorities to behave in that way than is currently the case. There is an increased awareness of these matters, and I am sure that the hon. Gentleman will continue the campaigns on behalf of his constituents for which he is known.

In conclusion, it is clear that we will have a lot more to say in Committee. We might even have a little more time in which to say it, given the accidental error in the programme motion that meant that only four sittings were originally provided for. I look forward to that discussion, as I believe that hon. Members of all parties have a genuine interest in making things better for the children of divorcing and separating couples.

That is certainly true of the Government. If every child in this country is to matter, we must make sure that those whose families separate do not suffer the consequences—that is, lack of development and self-esteem, and an inability to do their very best in future life. We are all in favour of that, and I commend the Bill to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

## Children and Adoption Bill [*Lords*] (Programme)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the following provisions shall apply to the Children and Adoption Bill [*Lords*].

*Committal*

1. The Bill shall be committed to a Standing Committee.

*Proceedings in Standing Committee*

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 16th March 2006.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.—*[Mr. Heppell.]*

*Question agreed to.*

## CHILDREN AND ADOPTION BILL [*LORDS*] [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),*

That, for the purposes of any Act resulting from the Children and Adoption Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to the Act in the sums payable out of money so provided under any other Act.—*[Mr. Heppell.]*

*Question agreed to.*

## EUROPEAN UNION DOCUMENT

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

EXCHANGE OF INFORMATION BETWEEN LAW ENFORCEMENT AUTHORITIES

That this House takes note of European Union Document No. 13413/05 and ADD 1, Draft Framework Decision on the exchange of information under the principle of availability; and supports the Government in welcoming the general application of the principle of availability to the exchange of information between law enforcement authorities, subject to detailed consideration of the adequacy of data protection and other safeguards and of the cost and technical feasibility of specific proposals. —*[Mr. Heppell.]*

*Question agreed to.*

## PETITION

## Vodafone Site (Felpham)

5.45 pm

**Mr. Nick Gibb** (Bognor Regis and Littlehampton) (Con): I have pleasure in presenting a petition signed by more than 400 residents of Middleton and Felpham in my constituency. It expresses opposition to the proposal to install a 14 m high telephone mast in the middle of the village. The planning authority, Arundel district council, refused planning permission, following which Vodafone appealed to the Deputy Prime Minister. I am grateful to Mandy Brown and all those who have worked to collect the signatures and who have organised protests against the mast.

The petition reads:

"The Petition of residents of Middleton, Felpham, Bognor Regis and others,

Declares that there is a proposal for a Vodafone base station site at the Southern Water compound, Middleton Road, Felpham, Bognor Regis, West Sussex. The petitioners strongly object to the positioning of a Vodafone mast close to Bishop Tufnell Schools, the Health Centre and at the heart of a residential area.

The Petitioners therefore request that the House of Commons urge the Deputy Prime Minister to reject the proposal.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Child Psychiatry Services

*Motion made, and Question proposed,* That this House do now adjourn.— *[Mr. Heppell.]*

5.47 pm

**Mr. Edward Vaizey** (Wantage) (Con): I am extremely grateful for the opportunity this evening to debate the important subject of child psychiatry, indeed, to continue the theme of this afternoon and talk about services for children. I begin by making a few general remarks about mental health in this country. It is a matter of common agreement that mental health services are often seen as the Cinderella of the health service. It always seems to me that mental health services are last in the queue for funding and first in line for cuts. It is particularly difficult because in recent years we have grown to understand more and more about mental health issues and problems. In this country, for example, it is now known that up to 10 per cent. of young people between the ages of five and 16 experience significant mental health problems such as depression, self-harm, obsessional disorder, anorexia or anxiety. What is less well known perhaps is that 40 per cent. of those children have no contact at all with any kind of mental health service.

In fact in *The Independent* today an article on this very subject highlights the problem. It points out that children with mental health problems are being put at severe risk by long waiting lists to see a psychiatrist. It claims that there is now an average wait of six months and increasing reliance on inappropriate drug treatment. Adrian Worrall, of the Royal College of Psychiatrists, is quoted as saying:

"All too often, children are not being picked up, are not receiving fast access to treatment or appropriate treatment when they do get it. This will have long-term consequences for everyone."

The article quotes a survey of 1,300 GPs by the medical magazine *Pulse* which found that the average wait for a child psychiatrist appointment was 188 days. Children have to wait 79 days before an initial assessment is made by the child and adolescent mental health service, and a further 102 days before they receive treatment. Some 93 per cent of family doctors—in effect, almost all GPs—admit that they prescribe antidepressants to children because of a lack of alternative therapies, despite safety concerns surrounding the use of drug treatments.

The article concluded with a quote from the editor of *Pulse*, Phil Johnson. He says:

"It is a scandal that some of the most vulnerable patients in the country are left languishing on waiting lists because apparently mental health is not seen as a priority."

That sets the general scene of mental health services for children and young people, but I want to concentrate this evening on a specific aspect of that care—that is, care for children, and even more specifically, in-patient care for these children. I should stress that I am talking about children, not adolescents, for whom care can often be very different. Many of the children about whom I will talk have specialist and complex needs. Some have neuro-psychiatric disorders that do not respond to out-patient treatment and most of them come from families that need a huge amount of support. Apart from the simple humanitarian need to give those children the best possible care at the earliest possible stage, it is clear that children left untreated continue to have a poor quality of life into adolescence and adulthood and sometimes cause wider problems in society.

In-patient treatment for children can have a spectacularly beneficial effect. The children and young persons in-patient evaluation study, commissioned by the Department of Health and published in 2004, showed that substantial improvements could be achieved in the mental health of children admitted to in-patient child psychiatry services. The study made it clear that the subsequent needs of children who had benefited from in-patient treatment were reduced, to the extent that they could usually be treated in a child and adolescent mental health—CAMHS—community tier 3 service. Further, the improvements in those children were sustained one year after in-patient admission, often with very little further community service provision. So there is little doubt that in-patient services are vital for the small numbers of children who require complex treatment. I have been told by practitioners, especially in child law, that they have seen remarkable results from such in-patient units, including swift turnarounds and remarkable outcomes.

Despite that evidence, the availability of in-patient child psychiatric services seems suddenly to be in precipitate decline. In 2001, the national in-patient child and adolescent psychiatry study showed that in 1999 there were 103 beds in 12 children's units and 46 beds in five general CAMHS units. In 2003, there had been a slight increase to 110 beds. But since then, four children's in-patient services have closed. Shirle Hill in Sheffield no longer provides in-patient care. Stepping Stones in Sutton, Surrey, has closed completely. Larchwood in Haywards Heath now has only two beds as part of an adolescent ward, and an outreach service. Red Oak in Lancaster has closed with a loss of 12 beds, but it may reopen in 2007 although only as an adolescent unit for 12 to 17-year-olds. A bed recount is underway and it is likely to show a reduction in beds to levels substantially below the 1999 figure.

Those closures are bad enough, but three more in-patient services are under imminent—I stress the word imminent—threat of closure, including the Park hospital in Oxford; the ward in Birmingham children's hospital; and the West End children's unit in Hull, which currently runs only a skeleton service anyway. If those services close, it will mean a dramatic reduction of about a third in the number of units specialising in that work for children and their families.

This evening, I want to concentrate on one unit in particular which serves my constituents in Oxfordshire and acts a case study of what is happening across the country. The Park hospital in Oxford has provided in-patient care for children for some 50 years. It provides a general service with a strong neuro-psychiatric leaning and highly valued national epilepsy services, based on skills that have been built up over many years. Child psychiatry is a highly specialised area of clinical practice. The closure of the Park is not simply the closure of a hospital—although that would be bad enough—but also risks severely damaging, and probably losing altogether, one of Britain's leading centres for training, research and treatment of child psychiatric disorders.

What makes the threat of closure even harder to understand is that the child psychiatry service in Oxford and nationally is set to be enhanced by the provision of a specialist scanner, at a cost of some £2.7 million, at the Warneford Hospital in Headington. Its major clinical use will be the investigation of complex epilepsy and the pre-surgical investigation of patients with intractable seizures. Together with the new in-patient facilities that have been promised for so many years, it would have provided the country with an important world-class resource for the management of children with complex interactions between behaviour and epilepsy.

As I said, in-patient child psychiatry is not a service that can be seen merely as an add-on; it cannot suddenly be set up at short notice. It takes years and years to build up the highly specialised expertise that exists at the Park, which must be preserved at all costs. For example, higher specialist training in child psychiatry requires at least six months' full-time experience working in a children's in-patient service, often with a year's follow-up specialist training. There are already unfilled consultant posts across the UK, so the closure of the Park would further reduce training for doctors and other mental health professionals. The possible closure of the Park, which is being carried with little consultation—as anyone in the House would understand it—highlights general concerns about the resourcing of child psychiatric services nationwide.

First, it is clear to me that the reason behind the potential closure is undoubtedly financial, although it is being dressed up as a clinical decision. The local mental health trust says that it is inappropriate these days to admit children to hospital, although there is no clinical evidence for that claim. Indeed, I have already mentioned a study that shows that that is not the case. Of course, specialist clinicians will do all they can to avoid admitting children to hospital but in some cases it is unavoidable and is clearly beneficial.

**Angela Browning** (Tiverton and Honiton) (Con): I am sure that my hon. Friend shares the concern of many of us that if the Park closed, there would be no children's in-patient service in a triangle bounded by London, Manchester and Dublin. The consequence would be that children admitted to hospital would have to travel huge distances, which would have a clinical impact on their treatment.

**Mr. Vaizey:** I absolutely share my hon. Friend's concern. It is incredibly important that families can visit their very young children when they are in unfamiliar surroundings. The more units that close—especially if we lose the Park—the longer the distances that families will have to travel and the more time that they will have to spend apart, which will have a further devastating impact.

It is said that low bed occupancy at the Park illustrates the point that fewer children are being admitted to hospital as part of clinical practice. However, I submit that low occupancy rates are a symptom not of a clinical decision but of contractual complexity. It is well known that many specialist services across the country would like to make use of the Park and Oxford's facilities, but—as I understand it—the trust has not pursued those case-by-case contracts.

The dilemma faced by the Park is a clear example of how local commissioning falls down. The Park is a national as well as a local service, yet it is suffering the severe side-effects of the local financial crisis that affects Oxfordshire's health services across the board. For example, Oxfordshire's supporting people budget, which helps adults with learning difficulties lead independent lives, has been severely cut. The mental health trust faces cuts of £1 million this year and a further £5 million over the next five years. Nursing and psychiatric posts are being cut. The Barnes unit at the John Radcliffe hospital, which provides psychiatric services to those admitted to the accident and emergency department after a suicide attempt or self-harm, is also under threat of closure. Day services are being closed, including the Ridgeway day centre at Didcot in my constituency. Local financial pressures are leading to the potential closure of a national specialist service.

I have been in correspondence with the Department of Health about mental health and local health issues since July last year—they were some of the first issues that crossed my desk after I was elected—and I have been greeted throughout by the Department's mantra:

"It is for PCTs, with the support of the Strategic Health Authority if required, to plan and develop services in line with national priorities and in context of local need within the financial resources available to them".

With the best will in the world—

*It being Six o'clock the motion for the Adjournment of the House lapsed, without Question put.*

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Heppell.]*

**Mr. Vaizey:** What was just said was not meaningless verbiage—it was a very important procedural point of the House—but to return to the meaningless verbiage to which I was referring from the Department of Health, it is effectively passing the buck. Partly because I am currently a member of the armed forces parliamentary scheme and have recently been attached to the Royal Marines, the analogy occurred to me that allowing a local mental health trust to decide the fate of the Park would be a bit like asking Devon county council to decide the fate the Royal Marines.

Although I believe in local commissioning and local accountability, at some point the Government must recognise where they have a national resource that must have national backing. For example, a local primary care trust will admit a child to an in-patient unit less than once a year on average. So why on earth would a local mental health trust be charged solely with the responsibility for the Park? When the local mental health trust writes that the trust

"is not able to continue to host tier 4 in-patient services for children under 11 as the future withdrawal of local contracts leaves us without any secure income",

it is saying that it has been left holding the baby. Given that situation, it is further saying that it is going to sell the cot—the land on which the hospital stands.

Since it became more widely known that I would hold this Adjournment debate, things have moved somewhat. I was told this week by the mental health trust that

"for the foreseeable future, services will remain at the Park and we are in discussion with the PCTs about how the services will look in future and where in-patient facilities will be available".

*[Mr. Vaizey]*

Again, I am not at all sure what that means. Certainly, the people whom I have been speaking to do not believe that the Park has been saved from closure. Certainly, the mental health community believes that the Park will close. Has there been a failure of communication or a failure of consultation? How long is the foreseeable future? Where will in-patient services be available? Until the recent crisis, the intention had always been to close the Park, but to reopen a new in-patient facility.

The Government seem to be refusing to take responsibility for a national service. That is why I have chosen to raise this subject at a national level, in the House this evening. Managers, removed from the clinical chalk face, push through changes—or perhaps they are forced to push them through—that the professionals counsel against, whether in respect of special needs education or specialist clinical services, such as child psychiatry.

This, though, is not, and should not be, a matter for party politics. It is genuinely an issue of national concern, and if we do not act, it will be a matter of national shame. The Park, and other units, shine as beacons of national excellence throughout the world. Moreover, they shine as beacons of hope for many vulnerable and disadvantaged children and their families. With little notice and even less justification, those beacons are being snuffed out one by one.

As my hon. Friend the Member for Tiverton and Honiton (Angela Browning) reminded the House, that will mean longer journey times for children and their families; more time spent apart; the inappropriate use of adolescent and even adult services for children; a greater cost to the community, because of the need to provide longer-term treatment; and the loss of a specialist service built up over many years.

As a House, we cannot sit idly by and let that happen. I am sure that the Minister, who has listened very carefully to what I have said this evening, will not let it happen. I know that, tonight, the Minister will say that the Park must be saved and that we must retain and enhance the national specialist child psychiatry services that we still have—just—in this country.

6.4 pm

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** I congratulate the hon. Member for Wantage (Mr. Vaizey) on securing the debate. We have not had a chance to debate with each other before, but, through various channels, his reputation preceded him and this evening he has shown that that reputation is richly deserved.

The hon. Gentleman made a number of local points in the context of a broader national debate. This is a rare opportunity to debate child and adolescent mental health services, so I hope that the House will permit me to widen my remarks to the national picture before addressing the important local points. He singled out child psychiatric services, but we cannot consider that issue on its own; we must consider child and adolescent mental health services across the board. I pay tribute to the outstanding hard work of all staff who work in that area in the NHS and in other related services up and down the country. They provide important services, often under difficult conditions, to our children and young people.

The hon. Gentleman helpfully started with some facts and figures to set the context for the debate. He is right that last year the Office for National Statistics reported on the prevalence of mental disorders among five to 16-year-olds and found that one in 10 children had a clinically diagnosed mental disorder, 4 per cent. had an emotional disorder such as anxiety or depression, and 6 per cent. had a conduct disorder such as oppositional defiant disorder or hyperactivity. The prevalence in 2004 remained broadly unchanged from that found by the previous survey that was conducted in 1999.

To address those needs, we need to make sure that we improve the life outcomes of children with mental health problems by ensuring that all patients who need it have access to a comprehensive child and adolescent mental health service, and not just to child psychiatric services. We attach enormous importance to this matter and the hon. Gentleman was not correct to say that we do not regard it as a priority. The Government have set themselves a public service agreement target with the Treasury for the Department of Health. The way in which we achieve that vision is extremely important and our way of doing so was set out in the children's national service framework, which was published in September 2004. Quite rightly, it was recognised around the world as a leading example of how such services can be specified for children. Full implementation of the principles set out in the national service framework will not happen overnight, which is why it was given a 10-year timetable.

Quite rightly, there has been, and continues to be, significant additional investment to ensure that the important targets attached to our CAMHS work can be delivered. In the three years up to and including the current financial year, £300 million has been made available to the NHS and local authorities. Dedicated teams of CAMHS workers are advising commissioners up and down the country to help them to understand the best local strategies for improving services. The hon. Gentleman is right to say that aspects of those services have national significance and it is important that we recognise that.

All that activity is beginning to have an effect. We track our progress on CAMHS work through an annual mapping exercise. The latest results that we have relate to late 2004 and show encouraging signs of progress. The hon. Gentleman is right to say that there is an enormous amount still to do, but, between 2002 and 2004, the number of CAMHS staff—both professional and non-professional—increased by 20 per cent. The number of cases dealt with increased by 30 per cent. One of the biggest worries is the length of the wait before seeing a specialist, but, here too, the CAMHS mapping work shows that there is cause for optimism. In 2002, only 24 per cent. of new cases were seen in four weeks; by 2004, that figure had risen to 50 per cent. As the hon. Gentleman says, there is an enormous amount still to do, but the direction of travel is encouraging. Similarly, the number of cases waiting for more than 13 weeks has reduced from a little more than 50 per cent. and is now down to just over 30 per cent. Again, there is an enormous amount to do but there are some encouraging signs of progress.

The debate is about the future rather than the past. There are important elements that we need to get right if we are to make serious progress on this agenda, and I want to highlight them. The first is our ability in every part of the country to provide access to 24-hour services to meet urgent needs. I am pleased to say that emergency coverage of this sort is now available in 80 per cent. of primary care trusts. It has increased from about 57 per cent. in 2003.

The second area is the provision of CAMH services to people who have a learning disability. It has been of some interest to many right hon. and hon. Members. The availability of this type of service has increased from about a third in 2003 to more than 50 per cent. of PCTs now. The third area is the provision of CAMH services to 16 and 17-year-olds. I know that the hon. Gentleman centred the debate not on adolescents but on children, but that is an important area because as young people reach maturity and independence at different ages, CAMH services should be structured to take account of that.

Young people may wish to decide whether their care is managed within CAMHS or within adult mental health services. We think that it is important that CAMHS should be available for young people up to and including the age of 17. In 2003, half of local services were able so to deliver. The figure has now increased to three quarters. There are signs of progress although there are a number of important hurdles that we still need to leap over, as it were.

The first issue is that of staffing. It is an important part of the set of challenges that the hon. Gentleman has outlined. There is some good news to report in that the number of consultant child psychiatrists working in hospitals has increased from about 390 in 1997 by nearly 25 per cent. to nearly 500 in 2004. That is the last year for which figures are available. The rate of progress on staffing appears to be accelerating not only in the case of child psychiatrists but in other staff sectors as well. For example, in England the total number of staff employed in CAMHS teams in 2004 was nearly 9,000. That is up by 15 per cent. compared with the previous year. That is quite a rate of growth in the space of a year, given how long many of these professionals need to spend in training.

Over the same year, the number of clinical child psychologists increased from nearly 1,000 by nearly a third to 1,320. Over the same period, the number of CAMHS nurses increased from 2,000 to nearly 2,500. That is quite a rate of growth in such a short period.

The second big hurdle that we need to confront lies with the criminal justice system. We are tackling the mental health provision that is available to young people in contact with the CJS. That is a considerable issue for children in the CJS. Services that are now available include mental health screening for young people in court. There are joint appointments between CAMHS and youth offending teams—dedicated teams—that are providing in-reach to secure units and young offender institutions.

Our basic principle on this aspect of CAMHS is that a child or young person who is in contact with the CJS, whether they are in custody or in the community, should have the same sort of access to the comprehensive service as any other child or young person within the general population.

The third issue is that of adult psychiatric wards, a subject that has been of some interest to right hon. and hon. Members. The national service framework recognised that, for the majority of 16 and 17-year-olds for whom admission becomes necessary, admission to a young people's unit is the appropriate and preferred option. For some young people who are living away from the family home, or those with certain types of clinical need, an adult facility may be more appropriate. Our plans to increase CAMHS provision will reduce the incidence of placing children and young people inappropriately. As a contingency measure, NHS trusts should identify wards or settings in adult units that would be appropriate.

The issues raised by the hon. Gentleman related to his local facility of the Park hospital. I know that there have been provisional plans to close in-patient facilities there. I am advised by officials that the Park building has been deemed inappropriate for in-patient over-night care of young children. There has always been, and continues to be, an intention to develop new facilities to provide appropriate modern community and extended day services for children with a mental health problem to help the hon. Gentleman's local health community to achieve the ambitions set out in the national service framework. It is worth underlining the fact that that framework is not optional for the national health service—it is mandatory. It is spread over an extended time horizon, because of the scale of the ambition that it expresses. I understand that, because of concerns that have been voiced locally, not least by the hon. Gentleman, the plans are being further considered. I do not have a precise update on those considerations but, once I do, I would be more than happy to write to him with full information.

**Dr. John Pugh** (Southport) (LD): A fundamental point made by the hon. Gentleman was that we cannot expect a national facility such as the one that he described to be funded purely or mostly by local commissioning. Does the Minister agree with that basic point?

**Mr. Byrne:** In many services, it is inappropriate for local facilities to be funded exclusively by local sources. That is right, but that is why there are national arrangements for some forms of specialised commissioning. My noble Friend Lord Warner is overseeing a review of specialised commissioning, and the Department of Health makes substantial provision in central budgets for moneys that have been identified to support specialised commissioning where appropriate.

**Mr. Vaizey:** The Minister said that the plans were designed to create modern community child psychiatric facilities. Everyone agrees that the building at the Park is inadequate, but it was always understood that it would be replaced. The phrase, "modern community facilities", does not include the word, "in-patient". Can the Minister be more specific, and say whether the facility will be replaced with in-patient services?

**Mr. Byrne:** I regret that I do not have the precise details of the plans that are being developed for the Park hospital. I understand that they are under further consideration so, as soon as I have information on the latest consideration, I am happy to write to the hon. Gentleman.

*[Mr. Byrne]*

In conclusion, I would like to advertise something that is very important to CAMHS—the annual positive practice awards. I was pleased to attend this year's awards in November, and they highlight some of the ways in which CAMHS teams across the country are delivering new and better services. The number and range of entries showed the enormous diversity of initiatives, and I pay tribute to the hard work and vision of all the staff who developed and delivered those service improvements. In my correspondence with the hon. Gentleman, I will include information about recipients of this year's awards. If, as I hope, he takes a long and continued interest in the years ahead in child psychiatric services and CAMHS more generally, many of those awards will be of great interest to him.

*Question put and agreed to.*

*Adjourned accordingly at eighteen minutes past Six o'clock.*

# House of Commons

*Friday 3 March 2006*

*The House met at half-past Nine o'clock*

## PRAYERS

THE FIRST DEPUTY CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

9.34 am

**Mr. Andrew Dismore** (Hendon) (Lab): On a point of order, Mr. Deputy Speaker. I beg to move, That the House sit in private.

*Question put forthwith, pursuant to Standing Order No. 163 (Motions to sit in private):—*

*The House divided:* Ayes 0, Noes 38.

**Division No. 184]** **[9.34 am**

**AYES**

**Tellers for the Ayes:**
**Mr. Andrew Dismore and**
**Barbara Keeley**

**NOES**

| | |
|---|---|
| Anderson, Janet | McGovern, Mr. Jim |
| Arbuthnot, rh Mr. James | Miller, Mrs. Maria |
| Breed, Mr. Colin | Oaten, Mr. Mark |
| Burt, Lorely | Pound, Stephen |
| Carmichael, Mr. Alistair | Randall, Mr. John |
| Curry, rh Mr. David | Roy, Mr. Frank |
| Dowd, Jim | Skinner, Mr. Dennis |
| Ellwood, Mr. Tobias | Stunell, Andrew |
| Fitzpatrick, Jim | Thornberry, Emily |
| Forth, rh Mr. Eric | Usher, Kitty |
| Foster, Mr. Don | Waltho, Lynda |
| Harris, Dr. Evan | Ward, Claire |
| Heath, Mr. David | Watkinson, Angela |
| Heppell, Mr. John | Williams, rh Mr. Alan |
| Herbert, Nick | Willis, Mr. Phil |
| Iddon, Dr. Brian | Young, rh Sir George |
| Johnson, Mr. Boris | Younger-Ross, Richard |
| Keen, Ann | |
| Kennedy, rh Jane | **Tellers for the Noes:** |
| Kidney, Mr. David | **Mr. Adrian Bailey and** |
| Mactaggart, Fiona | **Nia Griffith** |

*Question accordingly negatived.*

# Orders of the Day

## Emergency Workers (Protection) Bill

*Order for Second Reading read.*

9.45 am

**Mr. Alan Williams** (Swansea, West) (Lab): I beg to move, That the Bill be now read a Second time.

I do not know what the statistical odds are, but this is the first time in more than 41 years that I have drawn one of the first seven slots in the ballot for private Members' Bills. Although I got such a Bill through in the past, it was on the back-of-the-Chair principle whereby all I had to say was, "Today". That was how persuasive my arguments had to be.

I hope that we can all agree at least about the Bill's objectives; it is up to individuals to decide whether they agree about the details. There is unanimity that emergency workers attending emergencies should be neither impeded nor assaulted. If that happens, the victims of the emergency that they are attending will be put at risk. An assault on an emergency officer is therefore a double assault. Often, the emergency services operate in a team of police, ambulance and fire brigade. Anything that impedes part of the team impedes the whole team.

The scale of the problem is difficult to establish because there are no national statistics. For example, Manchester fire service estimated that 200 attacks or attempts to impede its workers occurred in a year, yet Government figures suggest only nine incidents in nine months in the same year. There are no reliable statistics. That is worrying and should be remedied. If one does not know the magnitude of a problem, one cannot know what priority to give it.

It is alarming that the mindless arrogance and vandalism behind the attacks is spread throughout the country. Numerous brigades report attempts to cut off water supplies, cutting hoses and stoning ambulances, fire engines and, indeed, firemen. Scaffold poles have been driven through windscreens, risking impaling the drivers. Even more warped is the fact that many fires are deliberately started to lure the services into ambushes. I could not believe some of the things that I was told when I started looking into the matter. What grotesque, bent mind would think of putting razor blades under a banister to catch firemen hauling heavy equipment up the stairs?

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): I am sorry for interrupting the right hon. Gentleman so early but I hope that he will reassure those of us who are worried that the Bill risks gilding a lily. Why is existing law unable to cover the dreadful events that he is describing? Why does he believe that the Bill is essential? I am more than happy to support it if I am persuaded that existing law cannot cover the events. However, I would be unhappy if we introduced a new Act simply because we were not prepared or able to implement existing Acts.

**Mr. Williams:** One of our greatest missions in life is to make the right hon. Gentleman happy. I think he will leave the Chamber slightly, if not entirely, reassured.

*[Mr. Williams]*

I gave the example of razor blades and a banister. Further examples include a live electricity cable fixed to the inside of a door handle so that the firemen have no warning of what awaits them, and, even more grotesque, holes in floors covered with mats or other material, so that as the firemen go into a first or second storey room, they are unaware that they are about to step into a hole. In the past year, a fireman was shot in Borehamwood, and there was the tragic case in Scotland of a young baby who was killed by someone firing at the fire brigade attending an incident. It is thought that one bullet missed the firemen and killed the poor young child.

I shall quote from a letter from Des Prichard, the chief fire officer of East Sussex. Writing on behalf of all the fire chiefs throughout England, Wales and Northern Ireland, he states:

"Attacks do not impact only on firefighters, they ultimately impact on communities. If equipment or vehicles are damaged, they are unavailable for duty."

But the more important point is this:

"If, in certain areas, attacks occur regularly, crews have to wait until escorts are available to accompany them"—

so they are delayed waiting for the police, who otherwise would not need to be there, to take them to the incident. He continues:

"Ultimately, if we are prevented from carrying out our jobs because of attacks, there is no doubt that our operational response will be affected and we may have to reconsider the types of incidents we attend."

**Mr. Jim McGovern** (Dundee, West) (Lab): I congratulate my right hon. Friend on coming so high in the ballot and introducing such a worthwhile Bill. He mentioned the tragic incident that happened in Scotland. The young lad's name was Andrew Morton. Is my right hon. Friend aware that legislation of the type that he proposes already exists in Scotland and is regarded as successful?

**Mr. Williams:** Being a non-lawyer and being instinctively lazy, having discovered that there was a working and workable Act in Scotland, I asked for the help of the Clerks of the House to transpose the Scottish Act—

**Mr. Forth:** Good for you!

**Mr. Williams:** Rest assured—the Scottish experience has been very much taken into account.

The chief fire officer suggests that across the country the fire brigade may have to reconsider the types of incident it attends. He continues:

"To have to take this action would be tragic and also affect community safety."

I am sure we all agree with that and are alarmed by the prospect. The question is how we deal with it.

I was trying to transpose a Scottish Act to existing legislation in England and Wales. I have agreed that, in Committee, I will propose separating the impeding offence from the offence of assault, and the Government have agreed that they will support an offence of

"impeding an emergency worker responding to an emergency".

That is welcomed by the fire services and especially by the ambulance service—I spoke to its representatives yesterday—because at present it has no such protection at all. There will be a penalty of £1,000, which the Minister, with whom I have been liaising throughout, assures me is the same amount that a similar level of offence would incur in relation to action against the police.

The Bill will be backed by a series of other measures. There will be a package of measures particularly geared to dealing with the problem of juvenile offenders, many of whom are very young. Some are young yobs, and some, although they are not too young to be called yobs, are even below the age of 10.

**Mr. David Kidney** (Stafford) (Lab): My right hon. Friend mentioned the impeding offence. Is that not the assurance that the right hon. Member for Bromley and Chislehurst (Mr. Forth) was seeking? Whereas there is a law of assault that could apply in any case, the police have protection against assault and obstruction in the course of their duty. The loophole in our law is that there is no offence of obstructing the ambulance or fire service on the way to deal with an emergency. Is that not a loophole that the Bill plugs?

**Mr. Williams:** Yes, and an important one. The emergency services welcome the Bill as an important addition to their protection. Fines do not deal effectively deal with juveniles because they either cannot pay them or do not pay them, or both. That is where the package of support measures will help. That can come only from Government and will be set out by my hon. Friend the Minister.

**Mr. Phil Willis** (Harrogate and Knaresborough) (LD): I am interested, too, in the point made by the right hon. Member for Bromley and Chislehurst (Mr. Forth). Section 21 of the Fire and Rescue Services Act 2004 makes clear provision to achieve the same aim, provided the Government introduce a statutory instrument to include offences in secondary legislation. Has the right hon. Gentleman explored that and the provisions of the Police Act 1996 with the Government?

**Mr. Williams:** The Bill gives us an immediate vehicle to achieve the desired result, so that ceases to be necessary.

The Bill, as I said, will be backed by measures to be announced by the Government. It has been welcomed by Barry Dixon of Manchester on behalf of chief fire officers.

**Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): May I bring to my right hon. Friend's attention an incident that occurred in the west midlands? A young boy impaled himself on his bicycle. Other young people stood around and, to use that perverse phrase, indulged in happy slapping—that is, taking photographs on their mobile phones of his pain and discomfiture. The emergency services arrived and the young people surrounding the lad obstructed them and prevented them from giving the young lad the attention he desperately needed. Can my right hon. Friend assure me that the Bill and the supporting measures from the Government will address such incidents?

**Mr. Williams:** The aim is to address such incidents when they happen, and, more importantly, to stop them

happening in the first place. That is much more difficult and requires a major educative programme, which I would ask the Government to introduce. I hope the Minister will give some reassurances on that.

Where the Government and I differed—here I shall delight the right hon. Member for Bromley and Chislehurst (Mr. Forth), who finds himself in an unusual alliance—was on the issue of assault. I accept that there is legislation that should and would provide for the same penalties as the Bill envisages. The problem is that it is used either rarely or not at all. The other emergency services see that the police have separate legislation embodying the same sentences and that cases involving the police are taken through to successful prosecution and sentencing, whereas the fire brigades and ambulance services have difficulty with such cases. That is why we are asking for a separate Act.

This is where I shall destroy the weekend of the right hon. Gentleman. The Government and I had discussions, and they made it clear that there is a sticking point for them, so enamoured are they of the argument made by the right hon. Gentleman. There is a sticking point to the extent that I could have lost the whole Bill—

**Mr. Forth:** Oh!

**Mr. Williams:** The right hon. Gentleman says "Oh!", but he said he supports the Bill. The choice I had to make, which also had to be made by fire brigades officers, the Fire Brigades Union and the ambulance workers, was over whether they wanted to lose their new defence of taking action against impeding in order to go down fighting for legislation that would almost certainly be lost due to means that we all well understand in this place—being talked out either today or, most certainly, on Report, which is the death ground of so many private Members' Bills.

Instead—not with enthusiasm, but in the hope that the good will is genuine in respect of what has been offered in return—I have agreed that in Committee we shall remove the repetitious element dealing with assault. I want my Bill to go through, so I am willing to rely on the written guarantees I have received, which the Minister has undertaken to reiterate today. She has particularly assured me that she will try to ensure that there are measures to achieve more prosecutions under existing law—it seems to be the will and machinery that are lacking—and that the Government will try to improve the sentencing guidelines. In that respect, they envisage assault on an emergency worker being treated as an aggravated offence. It would therefore involve a higher sentence.

**Mr. Forth:** I thought I heard the right hon. Gentleman say that the Minister has given him an undertaking that measures will be taken to ensure that there are more prosecutions. I would be interested if he explained that further, because I had always understood that a great alibi of this Government, and indeed of the previous one, was that prosecutions were entirely a matter for the Crown Prosecution Service, so how would the Government deliver on that undertaking?

**Mr. Williams:** With respect, the right hon. Gentleman has anticipated what I was about to say. I wonder how impartiality could be retained in that context, but Ministers indicated that that is what they are willing to try to do. I do not understand how the Home Office works—very few people do—and I look forward to an exposition from the Minister.

**Mr. McGovern:** My right hon. Friend mentioned protection for emergency workers. I am intrigued by whether community support officers are included in the Bill's definition of a constable. If they are not, would they be excluded from that protection?

**Mr. Williams:** I honestly do not know the answer, although I shall try to establish it. My hon. Friend the Minister, who is more of an expert in those legal matters, might deal with that on behalf of the Government.

**Richard Younger-Ross** (Teignbridge) (LD): I wonder whether the Government pointed out in their discussions with the right hon. Gentleman the fact that, by taking action in the health service, they have been able to increase the number of prosecutions by ensuring that instances are pursued, properly reported to the police and looked into, rather than disregarded, as can sometimes happen in Government services.

**Mr. Williams:** I am grateful to the hon. Gentleman for that intervention. The advantage of dialogue between Ministers and Back Benchers was shown on this occasion, because I was able to enlighten the Minister on the activities of NHS security management and the seventeenfold increase in the number of prosecutions it has brought. That shows the value of a catalyst, as well as the inadequacies of the CPS, which are equally worrying. One is bound to wonder how someone other than the CPS can show a will to enforce legislation, over which the CPS sometimes seems dilatory.

In relation to the points made by the Minister about sentencing guidelines—we all know how those work—my doubt, which I put to her, is this: if she can do this now that I have introduced my Bill, why on earth has she not done it already? Months ago, in the House of Lords, Baroness Scotland was making the same argument—we can get the Sentencing Guidelines Council to alter its guidelines to the courts—yet, as far as I can establish, up to the time of my consultations with the Minister there had been no progress in that respect.

It is not my intention to labour the issue; the case is made. I have said that I would substantially amend the Bill in the House of Lords—gosh, that would be an achievement. I am due to retire at the end of this Parliament, but I assure the House that no one has made any offers to me at this stage. At the moment, I should confine myself to a Committee Room Upstairs, inadequate as it may be.

May I make it clear to the Minister that, while I accept her assurances, which I genuinely believe were made in good faith—I have a high regard and respect for her—she has to realise that the Members of Parliament sitting here, our colleagues who are unable to be present, the emergency services and the press will monitor performance against the commitments given today? Now it is up to the Government.

10.8 am

**Angela Watkinson** (Upminster) (Con): I commend the right hon. Member for Swansea, West (Mr. Williams) on his good intentions in introducing the Bill, and I am sure there is consensus across the House that attacks on emergency services workers are disgraceful and abhorrent. However, my concern is that the existing law should be able to protect emergency workers from attacks of all sorts made during the execution of their duty. That will be the thrust of my brief comments.

The right hon. Gentleman mentioned genuine emergencies in which emergency services—whether the police, ambulance crews or fire service personnel—deal with victims, such as members of the public whom they are attempting to help. However, there are additional victims when the emergency services come under attack. Such attacks impede them as they attempt to provide assistance to the victims of a road accident, a fire or whatever it happens to be, thereby exacerbating the effect of those attacks.

Matt Wrack, general secretary of the Fire Brigades Union, has warned about the increase, in communities across the country, in what he describes as "recreational attacks" carried out by young people for their amusement. He says:

"Many attacks are in deprived areas with poor youth facilities and poor housing".

There might well be poor youth facilities and housing in those areas, but that is not an excuse. I would like to see parents brought to book to answer for the bad behaviour of their unsupervised children. If those young people are below the age of criminal responsibility, the parent should be held responsible. Parents should know where their children are and what they are doing while they are outside the home. If children cannot be trusted to behave in an acceptable way, parents should entertain them in their homes, and teach them the difference between right and wrong.

Fire service personnel in particular are victims of hurled insults and spitting, a particularly nasty habit. Such actions do not cause permanent injury but are exceedingly demoralising, and such seriously antisocial behaviour affects the way in which fire crews are able to go about their duties. I would like legislation to cover that, if it is not covered already.

I concur absolutely that these are serious offences that must be dealt with. I have two caveats, however, about what the right hon. Gentleman is trying to do. First, I feel that the existing law should and could deal with all the offences that he has mentioned. The Offences Against the Person Act 1861 and sentencing guidelines ought to be able to deal with all those serious offences. There is no doubt that they need to be dealt with, and that there should be more prosecutions, but I remain to be convinced that existing law does not allow the police to bring that about.

**Mr. Forth:** I follow my hon. Friend's argument about assault, and I think that the right hon. Member for Swansea, West (Mr. Williams) covered that matter in his comments and in his conversation with the Minister. Is my hon. Friend equally satisfied, however, about the issue of impeding? The right hon. Gentleman correctly laid a lot of emphasis on making sure that the definition of impeding actions should be made absolutely clear and explicit and that there should be a mechanism to deal with them. Do my hon. Friend's reservations extend to that, or is she happy, as I think that I am now, that the right hon. Gentleman is focusing in on that element of the Bill?

**Angela Watkinson:** I thank my right hon. Friend for that intervention, as that was going to be my next point. Not having a comprehensive knowledge or understanding of all the legislation on the statute books, I want to hear more about whether existing law allows the offence of impeding to be covered, or whether we need an additional law. Of course, the way in which the impeding is done has a large bearing on this. I would be surprised, for example, if the act of putting a large missile across a road to prevent access by a fire tender was not covered by existing law. Impeding could take a wide range of forms, and I am sure that people might find imaginative ways of doing it. Do we need a separate law simply to cover a loophole in relation to impeding emergency workers attending accident scenes?

My other caveat is about where we draw the line. Who is an "emergency worker"? Were the law extended to include ambulance and fire crews, should it also include nurses and doctors in accident and emergency wards, who, as we know, have to deal with violent and unpleasant people, particularly on Friday and Saturday nights when there has been a lot of binge drinking? Should we include council workers on the council tax desk, in the emergency housing service or in the reception area of a town hall, where people get extremely angry? The hapless council worker who cannot resolve such people's problems is in the front line and often subject to attacks. Should we include social workers who attend people's homes in difficult circumstances, who could be open to violence, insults and attacks? Should we include teachers in schools? Should we include MPs in their surgeries? How far will we let the legislation extend?

I want to be convinced on two points. First, does the law as it stand cover all those eventualities, including the offence of impeding emergency services attending accident scenes?

**Andrew Stunell** (Hazel Grove) (LD): I was following the hon. Lady's remarks carefully, and I was interested in her comments about Members of Parliament. Is it her experience that many constituents make recreational visits to MPs?

**Angela Watkinson:** As the hon. Gentleman knows, a large proportion of visits to MPs' surgeries are recreational, but do not involve insults or violence. I regard such visits as part of the job, and I am happy to deal with them all.

I hope that the Minister will say whether the existing law covers all those offences, and also whether it should. If it does, why are they not being dealt with more seriously?

**Mr. Bailey:** I have listened carefully to the hon. Lady's argument, and she has made legitimate and valid points. Does she agree, however, that one of the benefits of the Bill is that it publicly highlights the issue of assaults on public servants across the board, and gives

an incentive to all the law enforcement agencies involved to consider measures to protect those who are subject to abuse in carrying out their public duties, irrespective of whether they are technically classified as emergency workers?

**Angela Watkinson:** I thank the hon. Gentleman for that intervention. How far the employer can be responsible for the unquantifiable number of likely attacks on employees is an interesting point.It is incumbent on employers to ensure every possible safeguard for their employees, but some attacks are completely unexpected and executed in more and more imaginative ways. The fallback is that there must be protection in law. We must define the offence of impeding and the groups of people who would be covered. We must also decide which groups of employees would be covered by additional legal safeguards over and above those which every member of the community already enjoys—if that is the right word. Any member of the public who is assaulted has had an offence committed against them. If emergency workers who are assaulted are protected by a special law, will that raise the threshold of proof? Will there have to be additional evidence? If so, I am slightly worried that introducing a special offence might make securing a conviction more difficult.

We all intend, I hope, to ensure that emergency workers are protected in law, that the laws are workable, and that cases can be brought to a satisfactory conclusion in the courts.

10.19 am

**Ann Keen** (Brentford and Isleworth) (Lab): I congratulate my right hon. Friend the Member for Swansea, West (Mr. Williams) on coming so high in the ballot, and on his wisdom in choosing this subject.

I am particularly pleased to be able to support the Bill, because I am a former nurse who often worked in the accident and emergency service and greatly valued the teamwork of fire and ambulance crews. We have heard some shocking things from Members today, and the material from the Library contains further shocking information. Reading press releases issued over the past few months, I have been struck by the horror of incidents that had occurred throughout the United Kingdom. I was particularly struck by the fact that ambulance and fire personnel had gone into schools and asked young people to put their hands up if they had ever thrown stones, been abusive or planned attacks on our valued public services. The question was asked without prejudice, so that the young people would feel that they could confess to such actions. As I was not there, I cannot say how it went, but I think we should adopt that approach of confronting the perpetrators.

I believe that the Government's respect agenda will allow us, as Members of Parliament, to go into our communities, meet ambulance and fire personnel and establish what we can do to help them in our constituencies. We should work as a team, which of course we are if we are part of the public sector. Our police are protected, and rightly so, but we unintentionally instil in other "blue light" public servants a sense of being undervalued if we do not afford them the same protection.

I am thinking of people who must work in quite unbelievable circumstances. There was a time, many years ago, when ambulance personnel were thought of as glorified taxi drivers, but people know different now. Our ambulance personnel are extremely well-trained paramedics, with the skill to save our lives and keep us alive while they take us to accident and emergency departments.

I accept what the hon. Member for Upminster (Angela Watkinson) said about nursing and other staff in A and E departments in the spirit in which she meant it, but being in a department is very different from being at the roadside dealing with an incident, and having to be on the scene from the start. Of course, many nurses and doctors will accompany ambulance crews to incidents that require an entire team. Our fire officers do not just fight fires; they may be on the scene to deal with road accidents and other traumatic injuries. If the Bill is passed, our pride in our public servants will be reinforced by the Government and, if we achieve consensus—as I hope we will—by the House.

The "Not Alone" guide, which provides protection for NHS workers, is a step forward. The NHS security management services recognise that training is paramount for those who work alone. I worked as a district nurse for some years, and I worked alone in houses. Finding a house or block of flats and then going in, a district nurse is never entirely sure what awaits her, and may feel very vulnerable. Having a mobile phone may not be enough, because there may be no one back at the centre to take the call at that time of night. The system must become more sophisticated. We have tracking devices now. We have technology that enables us to protect all those who are working to make our lives better, and to help us and our communities through crises.

I want to work with the Government on the respect agenda, and I think that all of us, as Members of Parliament, have a duty to take that agenda into our constituencies. The reason why so many of us are here today to support the Bill is that we have a responsibility to find out what is happening in our areas and what we can do about it, and to pass legislation that will benefit everyone. If we do that, there will come a day when it will no longer be necessary for us to come to the House on Fridays to discuss how we can protect ambulance personnel and firefighters who work for the greater good of us all. We must send the message today that we value all those workers equally.

10.26 am

**Richard Younger-Ross** (Teignbridge) (LD): I congratulate the right hon. Member for Swansea, West (Mr. Williams). As he knows, this issue has been dear to me for a long time. A number of Members on both sides of the House signed early-day motions that I tabled in the last Parliament and in this one, which called for protection for emergency workers in line with that provided in Scotland.

**Mr. Alan Williams:** I am grateful to the hon. Gentleman for informing me, when I took the Bill on, that work was in progress to transpose the Scottish legislation to a possible Bill, and I confirm his long-standing interest and support.

**Richard Younger-Ross:** I thank the right hon. Gentleman for his recognition. It gives me great

*[Richard Younger-Ross]*

pleasure that we are discussing the Bill today, and it gives me even more pleasure to learn that the right hon. Gentleman has reached a compromise with the Government enabling the Bill to proceed at least in part, if not in total.

I know that any Member who moves the Second Reading of a Bill—such as the hon. Member for Ealing, North (Stephen Pound), who is sitting behind the Minister—must compromise on certain clauses if the Bill is to proceed. That does not mean that others cannot argue that the original intent is worthy of consideration, and challenge the Government to justify the changes that they seek. What must also be justified today, however, is the contention that the offences specified in the Bill cannot be dealt with by existing legislation. That was raised by the hon. Member for Upminster (Angela Watkinson) and by the right hon. Member for Bromley and Chislehurst (Mr. Forth), who I am sure will enlighten us further should he be lucky enough to catch your eye, Mr. Deputy Speaker. I agree with the right hon. Gentleman that if the offences could be dealt with by existing legislation, this debate would be a waste of time and we would do better to press the Government to enforce that legislation. It has become clear to me, however, that the existing law is not working, and is not adequate to deal with the growing number of assaults and cases of services being impeded.

In the last Parliament, I had the pleasure of being part of the Liberal Democrat team shadowing the Office of the Deputy Prime Minister. I had special responsibility for the fire and rescue services, and was a member of the Standing Committee considering the Bill that became the Fire and Rescue Services Act 2004. That Bill was generally welcomed, and was supported by all three parties in principle if not always in detail. As the party spokesman, I visited different parts of the country to speak to fire crews. I was horrified that, wherever I went, I heard tales of assaults on crews. I visited the Strathclyde control room, which it is particularly worth looking at because the Government plan to reproduce that model across the rest of the United Kingdom. The stories staff told me were similar to those I had heard from the rest of the country. I heard about fire crews not just being attacked but being deliberately set up, with a call being made and an ambush laid across the road. Perhaps a car would be set on fire, or crews would be called to a dead end, pull in, find their way blocked and be stoned and attacked by youths.Such tales will be familiar to ambulance and fire crews in Northern Ireland, but to find that people are doing that for kicks, in a part of the UK where there is not such civil disruption, is a serious and dangerous trend.

The growing number of attacks on nurses in hospitals is again well documented, but, as I acknowledged in an intervention, the Government have taken action to deal with that. When I asked questions about that matter previously, I was told that the Government believed that this legislation was unnecessary because they had already taken steps to deal with the problem, and I accept that a lot of work has been done.

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): The incidents that I have been made aware of are to do with binge-drinking, or drink-related violence in hospitals. While the Bill is focusing on protecting workers, as the right hon. Member for Swansea, West (Mr. Williams) said, a similar amount of work must be done to educate people to realise what they are doing. Does the hon. Gentleman agree that the 24-hour licensing laws have exacerbated the current problem?

**Richard Younger-Ross:** The hon. Gentleman is taking us into a different area, which I do not think is the subject of today's debate. As far as I am aware, in my area, 24-hour licensing has not had a significantly detrimental effect. We will have to wait a while before any proper evidence suggests whether there has been such an effect.

**Jim Dowd** (Lewisham, West) (Lab): Will the hon. Gentleman give way?

**Richard Younger-Ross:** I will but I do not want to go too far down that route.

**Jim Dowd:** I just wondered whether the hon. Gentleman was aware that the managing director of the Wetherspoon's chain was on the radio this morning confirming that since the laws have been revised, the situation has improved, not got worse.

**Richard Younger-Ross** *rose—*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I assure the hon. Gentleman that I will endeavour to ensure that we do not go too far down that diversionary path.

**Richard Younger-Ross:** I thank you for your direction, Mr. Deputy Speaker. I was not aware that Tim Martin had said that. He is a constituent of mine—*[Interruption.]* I stand corrected. Tim has now moved on; he used to be director of that company. The new director made those comments.

I come back to the legislation under discussion. I hope that the Minister will say, and be able to prove in Committee, should we get that far, exactly why the Government wish the assault provisions to be stripped out of the Bill, why they feel that that matter is adequately covered and why the Bill does not aid existing legislation. What is sought, and what I sought in my campaign, is to ensure that emergency workers have equity with the police, who are already offered protection under their own legislation. That comes back to the comments by the hon. Member for Upminster about whether this Bill is creating separate legislation. As I said, such legislation already exists for the police. The Bill extends that protection to other emergency workers who are going about their duty.

When we were brought up in the 1950s and 1960s—and the 1970s and 1980s—the issue was not so important and emergency workers did not require such protection because, to be blunt, assaults were not committed. Times have changed. When times change, it is for us as legislators to ensure that we keep up. That is why I believe that this is an important Bill.

The hon. Lady mentioned the categories of people listed in the Bill. They include members of the Royal National Lifeboat Institution. I have a lifeboat station

in my constituency and I am told by members of its crew that, occasionally, people try to impede them and that they have been assaulted when they have been going about their duty. Also included are social workers—there was some cross-Bench chat about that earlier, when some concern was expressed. The right hon. Member for Bromley and Chislehurst seemed to be saying that MPs act as social workers. Occasionally, perhaps we do, but not in the context of an emergency.

The Bill clearly defines that a social worker would be protected under the legislation when taking action

"required or permitted by

(i) a care order;

(ii) a supervision order;

(iii) a child assessment order;

(iv) or emergency protection order".

Also covered are approved social workers within the meaning of section 145(1) of the Mental Health Act 1983, chapter 20. There are specific cases where social workers have been attacked, or impeded in going about their duties, which can be deemed, in terms of child care or mental health, to be an emergency within the meaning of the Bill. Measures to protect social workers were added to the Scottish legislation after a Lib Dem amendment was accepted by the Scottish Executive. I am very pleased that they are included in this Bill.

I believe that enough of a case has been made for the Government to answer questions on how they are responding to attacks on emergency workers, and for the Bill to go to Committee stage to be considered in greater detail. If the right hon. Gentleman and other Members are not convinced, they will have an opportunity at a later stage to reject or to vote against the legislation. I urge them at this stage to support the Bill. It should move on to Committee, Report and eventually Third Reading. It is worthy and well supported across the country.

10.37 am

**Mr. Andrew Dismore** (Hendon) (Lab): I congratulate my right hon. Friend the Member for Swansea, West (Mr. Williams) on having the perspicacity and good fortune to choose this as a subject for the Bill and on coming high in the ballot. I also congratulate him on his good fortune in having asked me to be one of its sponsors. It means that I am very much in favour of it and will trouble the House only with relatively brief remarks today.

**Stephen Pound** (Ealing, North) (Lab): Three hours it is then.

**Mr. Dismore:** As my hon. Friend says, three hours it is then.

I am chair of the Fire Brigades Union parliamentary group. In that capacity, I have had discussions with the Fire Brigades Union, which wholeheartedly supports the Bill. Before coming to the House, I was the solicitor for the Fire Brigades Union for almost 20 years. In that capacity, I saw many cases of firefighters who were injured as a result of arson or assault. Some injuries were career threatening. Some firefighters even had to retire as a result of what happened to them. For that reason, I strongly welcome the additional protections afforded by the Bill and, in particular, the Government's assurances as to how such offences should be treated in future.

The Fire Brigades Union recently published research showing that attacks on UK fire crews were running at some 40 a week and that the problem was getting worse. The research found that under-reporting meant that the figure could be as high as 120 attacks a week. In some parts of the country, fire crews are served a daily diet of bricks, bottles and missiles as they attempt to fight fires. In other incidents, ambushes have been set for firefighters. The attacks include scaffolding poles being thrown through the windscreens of fire engines. That not only impedes, puts at risk and injures the firefighters but puts the fire engine out of action not only for that fire call but potentially for many other fire incidents that it would otherwise have attended. Crews have been attacked with concrete blocks, bricks and bottles. They have been shot at and spat at. There have been direct physical assaults them. Equipment has been tampered with, stolen or even urinated on. The number and ferocity of the attacks seem to be getting worse. It can never be part of anyone's job to get a brick or bottle in the head as they are simply doing their duty.

Many attacks take place in deprived areas with poor youth facilities and poor housing, where bored young people turn to drugs and alcohol. In some areas there seems to be a culture of recreational violence with fire crews as the targets, often when dealing with fires that those vandals have set themselves to bring the firefighters into the trap that they have created.

**Jim Dowd:** My hon. Friend said that some 40 attacks happen every week and that that figure could be as high as 120 as a result of under-reporting. Does he think that creating the offence in the Bill would increase the level of reporting to the higher figure, and does he agree that there is currently under-reporting because action is rarely taken?

**Mr. Dismore:** My hon. Friend makes an important point. We know that if people have little confidence in the legal system they are less likely to report a crime, whether it be an assault on a firefighter, or other emergency worker, or domestic violence. Domestic violence is now treated much more seriously. The statistics have gone up, not because there is more domestic violence but because women know that if they are subject to it, it will be taken more seriously by the police. Similarly, if we send out the clear message from the House by allowing this Bill to pass through Parliament that we, as parliamentarians, are standing up for our emergency service workers and will not tolerate this, people will report offences more and the legal system will treat them far more seriously.

If firefighters cannot carry out their jobs because of violent assaults, the communities in which those assaults are being committed are being put at risk. Fire crews welcome the Bill because it complements the package of measures that are being put in place to tackle the underlying problem. The FBU hopes that it will get widespread support.

Some important points have been made in the debate about the position of public service workers generally. The Government's position is that the Sentencing

*[Mr. Dismore]*

Guidelines Council can put forward clearer recommendations to judges and that sentencing can be sufficiently flexible to embrace not only emergency service workers such as fire crews and ambulance staff but public sector workers generally. It cannot be right that anybody serving the public, whether as an emergency worker or more generally—I am thinking of the examples given by the hon. Member for Upminster (Angela Watkinson)—should be subject to assault or abuse. Everybody doing such a job is entitled to be treated with respect and dignity and to have their customers treat them as the customers would expect to be treated by public service workers.

The proposed new offence of impeding an emergency worker would plug a significant gap in the law, as we have learned from discussions with the fire service. The current law is somewhat vague. The hon. Lady mentioned road blocks. A road block may well be an offence, but there is a world of difference between creating an obstruction on the public highway and obstructing a fire engine or an ambulance on its way to an emergency call. One is potentially a relatively trivial offence that is unlikely to be the subject of prosecution, whereas, under the Bill, the other would be subject to prosecution with, it is to be hoped, a severe sentence as a result.

The new offence would also deal with the problem of traps. My right hon. Friend gave graphic examples of the kinds of traps that can be set. Whether or not such a trap amounted to an assault, it would certainly impede an emergency worker.

**Angela Watkinson:** When fire service personnel are injured as a result of an attack, that has a career-threatening effect on them because they need to have a high level of fitness and ability. Once that is lowered, it often means the end of their career in that service, as well as possibly reducing their opportunities for further employment; and they could be a very long way from retirement age.

**Mr. Dismore:** The hon. Lady makes an important point. When I was a solicitor for the FBU, I handled many compensation cases on behalf of firefighters who had been injured in such circumstances, some of whom had indeed been unable to continue in their chosen careers.

The proposed impeding offence goes beyond the question of assault. If a fire engine on the way to a fire call is impeded and slowed down, that could result in the loss of valuable minutes in attending that call. Although nobody in the fire crew may have been hurt or directly assaulted, the people depending on that emergency response may find that they have suffered as a result through greater destruction of property, or possibly even injury or loss of life. The new offence would do a great service not only to fire crews and ambulance workers but to the general public as a whole, who may otherwise have their emergency response delayed.

I am pleased that the Ambulance Service Association, which wrote to me the other day, also backs the proposals. It said that

"in 2004/05 more than 1300 ambulance staff in England suffered a physical assault from a patient or a patient's carer, relative or friend. The 2004 NHS staff survey shows that nearly half of all ambulance staff had been threatened with assault or subjected to verbal abuse whilst at work in the preceding 12 month period."

That sort of behaviour is wrong and must not only be condemned in this House and by the public at large but treated seriously by our legal system. We must give the courts, the Crown Prosecution Service and the police the tools that they need to do the job, and I believe that the Bill would go a long way towards achieving that.

10.47 am

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): The right hon. Member for Swansea, West (Mr. Williams) said that he had waited 41 years for the chance to promote a private Member's Bill. He may well have set a record. I wish that most colleagues had to wait equally long, but that is probably too much to hope for.

I, too, welcome the right hon. Gentleman's Bill. As has already become clear, it seeks to deal with a problem of which we are all becoming increasingly aware. I suppose that we are entitled to ask why something has not been done before, but that is often the case when we think about legislating in this place. I believe that the Bill seeks to deal with a genuine and urgent problem. However, the right hon. Gentleman himself says that it is not quite right. I wish that more Members would admit that on Second Reading, but they are usually reluctant to do so.

I hope that the way in which the Bill proposes to import elements of Scots law into English law will not set a precedent because, given what I hear about what goes on north of the border in that rather eccentric little Parliament that we unfortunately set up, I hope that we have no intention of following what it does, which seems to be increasingly socialistic, regulatory and eccentric, to say the least. I would rather that we avoided as much of that as possible. Nevertheless, it may be that it very occasionally does something moderately sensible and we should follow its example.

The right hon. Gentleman was, typically, very open with us. I was intrigued to hear that he conducted negotiations with the Minister and her Department, as is sensible with any private Member's Bill, and that they had together rapidly concluded that the Bill in its current form probably should not go on to the statute book. It is not unusual for that negotiation to take place, but rather unusual for it to be so openly described. We are in the odd position of being asked to give a Second Reading to a Bill that is not in the form in which even its promoter wants it to get on to the statute book. He is saying to us, "Trust me, trust the Minister: when the Bill emerges from Committee, it really will be one that you will all want to support." Normally, I would be very reluctant to do anything of the kind, but since it is the right hon. Gentleman and the Minister whom we are talking about, on this occasion the House should be prepared to give them a degree of latitude. As has been pointed out, not least by the hon. Member for Hendon (Mr. Dismore), we can of course pause during subsequent stages and consider the Bill in detail and at leisure, just to make absolutely sure that what the right hon. Gentleman has said today—and what the Minister will doubtless say subsequently—comes to pass.

It is therefore not quite as odd as it may seem that we can look at the Bill's thrust and purpose—and at the objectives as set out by the right hon. Gentleman, and elaborated on today—make our judgment on that basis and agree that there is a real problem to be dealt with, that there is a real necessity for a Bill, and that this Bill is the vehicle to allow us to deal with it. Once we have listened to the Minister and the Bill has gone into Committee, we can look at it again on Report and Third Reading, and I hope, if I may say so helpfully to the right hon. Gentleman, that he does not leave that process too late or allow it to take too long. Time runs out rather quickly in the private Member's Bill process, so he should look at the calendar and bear it in mind that the other place will have to consider the Bill, as well. If it gets a Second Reading today—I am very confident that it will—I urge him to try to see it through Committee as quickly as possible and to bring it back here in good time, so that the House can consider it and get it into shape.

All in all, this is an auspicious day. I again congratulate the right hon. Gentleman and I hope that he does not have to wait quite so long for his next private Member's Bill.

10.52 am

**Kitty Usher** (Burnley) (Lab): I, too, begin by congratulating my right hon. Friend the Member for Swansea, West (Mr. Williams) not only on coming so high up in the ballot, but on seeking to legislate on such an important subject. I have the greatest respect for him, not least because of the help and support that he has given to me as an extremely new member of the Public Accounts Committee. He has considerable experience as a member of that Committee, and I thank him for his help.

I am pleased to be here to support my right hon. Friend's Bill this morning. It is the first time since I was elected last May that I have remained in Parliament on a Friday; I shall be back in my constituency tonight. I am actually here to support the next Bill on the Order Paper—I promised a group my constituents who are extremely exercised by the issue of planning permission for mobile phone masts that I would do so. However, it is a pleasure to support, in passing, my right hon. Friend. I shall keep my remarks extremely brief in my desire to enable him to secure a Second Reading.

I share my right hon. Friend's outrage at the instances of assault on emergency workers. These people have dedicated their lives to public service—a fact that the public should respect in the way that they treat them. I am therefore glad that, thanks to the work of my right hon. Friend and other hon. Friends, Ministers have a renewed focus on the need to ensure that sentencing guidelines for the existing offence of assault take account to the greatest possible extent of the fact that the victims of such assaults work in the public services. Indeed, we have a manifesto commitment to do that, and I am all in favour of manifesto commitments being delivered on as soon as possible. I hope that the negotiations that my right hon. Friend and others have held with the Department on this issue will lead to that commitment being realised sooner, rather than later. I also hope that the Bill will have a deterrent effect on those who seek to perpetrate such horrible offences.

I note, however, that the number of such offences is falling. I am told that the figure is down from 37,776 in 2003–04 to 11,482 in 2004–05, the last year for which data are available. My hon. Friend the Member for Hendon (Mr. Dismore) said that much of such crime is unreported, but I hope that this downward trend can nevertheless continue.

There is no doubt that the influence of alcohol plays an important part in such assaults, as others have pointed out this morning. In my constituency, there is a significant problem with assaults in the accident and emergency department of Burnley general hospital. I cannot imagine anything worse than sitting there in some pain while delays are caused by altercations and acts of aggression against hospital and ambulance staff.

I want to raise a particular issue, to which I hope the Minister can respond. Sometimes assaults are racially motivated, and I have certainly heard of such incidents occurring in my constituency. I find it absolutely abhorrent that some members of the public—under the influence of alcohol or otherwise—assault hard-working public service workers simply because they are from a different ethnic group from their own. I hope that the Minister can reassure me that the double whammy of racially aggravated assault against emergency workers will be dealt with extremely severely, and that she is negotiating with the Sentencing Guidelines Council to ensure that that happens.

I welcome my right hon. Friend's pragmatic decision to amend the Bill to close a loophole, so that those who impede emergency workers can be dealt with with the severity that such an offence deserves. I hope that, in the light of that amendment, all Members will ensure that the Bill proceeds to the next stage.

10.56 am

**Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): I congratulate my right hon. Friend the Member for Swansea, West (Mr. Williams) on introducing this Bill, on having responded to pressure from representatives of emergency service workers, and on the transparent and accommodating way in which he has worked with the Government in order to make progress on this issue.

There clearly is a problem, in that although existing legislation deals in theory with a range of such crimes, it demonstrably is not as effective as it should be. It is obvious from the Government's response and from negotiations with the Sentencing Guidelines Council that steps are being taken to ensure that the failure of legislation to deal with the problem will be addressed. None the less, it is also obvious that a range of offences are being perpetrated against emergency workers that are not covered by existing legislation. I welcome my right hon. Friend's recognition of that fact, and his willingness to abandon elements of his proposals that might have complicated existing legislation, so that the Bill can make progress.

The Bill will do a number of things to assist in dealing with the problem. For a start, it will go some way toward addressing what must be a demoralising experience for emergency service workers. How often do we read newspaper headlines lauding to the skies the efforts of fire service workers and ambulance crews? Any straw poll of the public would show that emergency workers number among the most highly rated people in this

*[Mr. Adrian Bailey]*

country. One can only try to understand how demoralising it must be for them to be confronted with the violence and obstruction that seems to form part of their daily lives in pursuing their duties. To date, the Government, and even the wider public, have not focused on this problem sufficiently. The Bill will perhaps help to raise such workers' morale, and help them to feel that the Government and the public are concerned and are going to do something about this problem.

The Bill is important in another way. If people are not confident that action will be taken when they report a criminal offence, their inclination is not to bother to report it. By drawing public attention to the issue and demonstrating that action is being taken, the Bill will—I hope—encourage people, not only in the emergency services but in other public services, to report such attacks. That will put pressure on employers and law enforcement agencies to do something about the problem.

**Andrew Stunell:** The hon. Gentleman will be aware that the Fire Brigades Union and many firefighters say that many incidents are not reported for exactly the reasons he gives. Fire brigade officers and staff in my constituency in Greater Manchester are very concerned that the issue is not taken seriously enough because of that under-reporting.

**Mr. Bailey:** The hon. Gentleman's evidence accords with my personal experience and other reports from elsewhere. The irony is that the enactment of the Bill might prompt a surge in the number of offences, but that might misrepresent what is happening. It is because it would be apparent that we are doing something about the problem that the reporting of offences might increase.

My right hon. Friend described a range of incidents that he had uncovered in his work on the Bill, and they are probably reflected in the experience of many other hon. Members. I have several examples from the west midlands. I intervened on my right hon. Friend to describe a bizarre, so-called happy slapping incident, and the Bill might offer a potential way to deal with such incidents. A couple of years ago, there was an incident at West Bromwich bus station when two female ambulance service personnel answered a distress call. On arriving, they found someone who was drunk and who proceeded to assault them physically. As if that were not bad enough, some more drunken young people weighed in on the assault, although it might have been thought that those two ladies would have enjoyed the support of the public in that critical situation. Not only was the assault a disturbing and traumatic experience for those two young ladies, but their services were lost to the ambulance service for a considerable time. It is an appalling reflection on our society that such assaults should go unprosecuted.

We have also heard about incidents involving the fire service. In the west midlands, in 2004 there were 76 attacks on firefighters, and in 2005 there were no fewer than 143. We should be cautious about the use of such statistics, because they may reflect an increase in reporting and a greater awareness of the problem, but one incident in Coventry stands out, in which someone tried to drop a car battery on a firefighter from the 16th floor of a tower block. Happily, it missed, but one can only wonder at the vicious mindlessness of someone who is prepared to perpetrate such an attack. Public service workers who have to run such risks in carrying out their duties deserve our sympathy and support.

My right hon. Friend has described the incidents in Manchester and Merseyside, so I shall not repeat them. Many of the incidents are a result of drink or drugs—mainly drink. We have discussed the potential impact of the changes in licensing laws on the problem and I happen to believe that dealing with such incidents is not only a matter of legislating to prevent them, but of legislating against antisocial behaviour in a range of areas. Although it is too early to make any definitive pronouncements, there is some evidence that the changes in licensing laws are having an impact, and that will need to be carefully monitored to see whether any amendment to the law is needed to prevent such incidents.

The Government must also consider diversionary activities, especially for young people. My hon. Friend the Member for Brentford and Isleworth (Ann Keen) commented on the attempts made by firefighters to visit schools to talk to young people. That could be taken further. If we could show young people how the emergency services work—within the health and safety requirements—it might provide a bonding effect in communities that could prevent some of the incidents that we have heard about today.

**Mr. Ellwood:** Does the hon. Gentleman agree that there is some irony in what he has just said? For many years as I was growing up, I wanted to be a fireman—

**Stephen Pound:** Firefighter.

**Mr. Ellwood:** Well, I am a man, so I would have been a fireman. We now have a generation who do not want to be firefighters, but instead want to cause them harm. That is why we need an emphasis on education.

**Mr. Bailey:** The hon. Gentleman makes a valid point, although many areas have long waiting lists for becoming firefighters. Many people still recognise that firefighting is an important, valid and rewarding occupation. However, I agree that it is ironic that a small minority of people appear to be prepared to act in such a profoundly antisocial way for no obvious or logical reason.

**Richard Younger-Ross:** At the opening of the new fire station in Teignmouth, I was told that there is now a waiting list for the Teign fire crews. The hon. Gentleman mentions the fact that fire brigades are working with young people, but is he aware that some sadly feel constrained in doing so because the new legislation does not contain a duty of well-being for the combined fire services that now stand alone, outside the auspices of local authority control? The Government could consider providing those fire services with a duty of well-being that would allow them to do more of the work to which the hon. Gentleman refers.

**Mr. Bailey:** The hon. Gentleman makes an important point, although I cannot comment on the details about

his constituency. In general, we need to take a fresh look at the legislative and regulatory approach so that we can encourage our young people to engage with our public services and understand just how they operate. We need to think outside the box. Changes in legislation that may not appear to have immediate relevance to the issue will in fact have an impact on it and we need to be aware of that.

The Bill will encourage a more proactive engagement of all the public services, especially the police, with the fire brigades and ambulance services, with better co-ordination to ensure that there are more prosecutions. As was pointed out earlier, there is a lack of prosecutions under existing law, so by focusing public attention on the issue the Bill will go some way towards ensuring that all the agencies establish procedures to provide more evidence and an extra incentive for the Crown Prosecution Service to undertake more prosecutions.

The antisocial behaviour order agenda could be a way of restricting the activities of certain antisocial young people who try to perpetrate vicious ambushes and stunts on the emergency services. In a small but significant number of areas, there seems to be a culture in which violence against members of the public services is part of a game designed for kicks—a sort of video nasty that is not on video. We must break that culture, and although the legislation cannot deal with all the social and psychological problems that lie behind that pattern of activity, it will undoubtedly be part of our armoury in taking action against it.

I welcome the Bill. It cannot solve the problem alone, but by making it easier to prosecute people who deliberately impede those who carry out vital emergency services it will go some way towards addressing the problem. A secondary impact of the Bill, which may be more profound in the long run, is that it will focus attention on the issue and may stimulate other action to address the problem.

11.13 am

**Emily Thornberry** (Islington, South and Finsbury) (Lab): I congratulate my right hon. Friend the Member for Swansea, West (Mr. Williams) on the Bill and thank him for asking me to be one of its sponsors. I have enjoyed working with him and learned much from his experience, as we negotiated with the Home Office and representatives of the emergency services, who gave us the benefit of their wisdom and experience. I certainly hope that the Bill will become law and that it will protect emergency service personnel who need and deserve our protection.

It is one of the most wicked things that people think it is funny deliberately to try to entice into a trap and set upon people with a sense of public service who attend because it is their job to protect the public. It is a waste of resources. It wastes the time of emergency workers. It is dangerous and it undermines the ethos of public services that we should support and develop. I will support anything that tackles that. The Bill is one step among other measures, including the respect agenda, which is an important aspect.

In my constituency, a gang of boys on the Bemerton estate regularly call out the emergency services, especially the fire brigade. When the firefighters arrive, the boys throw stones at them. Things are getting worse and I am concerned that they will get out of hand. The Bill recognises the seriousness of the offence and will cut into criminal behaviour at a certain level, so that it can be dealt with before it spirals out of control.

The Bill is well judged and it has my support. I am grateful to my right hon. Friend for his wisdom in choosing this matter to bring before the House. It keys in excellently with our respect agenda. The Bill has my full support and I wish it well—as I do the next Bill, so I shall keep my contribution as short as possible so that it, too, can get through.

11.16 am

**Nia Griffith** (Llanelli) (Lab): I congratulate my right hon. Friend the Member for Swansea, West (Mr. Williams), first, on securing the opportunity to present a Bill and, secondly, on choosing such an important topic, which is close to all our hearts.

It is important to remember that although 99.9 per cent. of the population, and indeed 99.9 per cent. of our young people, always show the utmost respect to our emergency workers—as they sincerely deserve—a number of people, unfortunately, do not. That small number of individuals takes up a disproportionate amount of the time and attention of the emergency services. Their behaviour is completely reprehensible and we need to send them a clear message: not only is impeding or assaulting emergency workers unacceptable in itself, it also delays them and prevents them from dealing effectively and efficiently with the victims of an emergency, with possibly tragic consequences.

I know only too well from my career as a teacher and schools inspector that we have to spell out the law clearly. We must make it absolutely clear that any form of insulting, impeding or assaulting emergency workers is wholly unacceptable. We must give the highest possible level of protection to our firefighters, our ambulance staff, our coastguards, our prison officers, our social workers and the staff in our hospitals, who frequently deal with extremely difficult and dangerous circumstances.

Whether we like it or not, our young people, and the population in general, are more fearful of, and thus more respectful towards, police officers than they are of emergency workers. The Bill will send a clear message that emergency workers must be given the same respect as the police. It must be backed by continuing efforts in schools to drive home the message that we will not tolerate any attack, whether verbal or physical, on emergency workers. It will be much easier to get that message across if teachers can tell young people that impeding or assaulting an emergency worker is as serious an offence as impeding or assaulting a police officer.

We must also send out a clear message that being under the influence of alcohol is not an excuse to be rude, unco-operative or aggressive towards any emergency worker. Perhaps all bottles and cans of alcohol should carry the warning: "Alcohol can cause people to indulge in behaviour that they subsequently regret. Being under the influence of alcohol is no excuse in law"—although another Member may be able phrase it more simply. We might also consider doubling the penalties for any offence committed under the influence of alcohol.

*[Nia Griffith]*

It is high time that we, the overwhelming, law-abiding majority, showed our support for our emergency workers, and made it absolutely clear to the small despicable minority that we shall tolerate no form of assault, aggression or verbal abuse towards any member of our very valuable emergency services.

11.19 am

**Barbara Keeley** (Worsley) (Lab): I too welcome the Bill introduced by my right hon. Friend the Member for Swansea, West (Mr. Williams) and I congratulate him on his campaign to raise the issues it addresses. These are important issues affecting our emergency workers; we have heard today how they suffer from the modern scourge of unwarranted assaults while they are trying to save lives.

Although the measures in the Bill would evidently attract support from Members on both sides of the House, my support stems from the fact that Greater Manchester has one of the worst records for attacks on firefighters, so I shall focus on that branch of the emergency services. There have, unfortunately, been some 350 attacks on firefighters in Greater Manchester in the past two years. The *Manchester Evening News* has run an effective campaign to focus attention on the issue, and I commend the paper and its reporter, Neal Keeling, for doing so.

It is clear that within Greater Manchester, Salford, which is one of the two local authorities covered by my Worsley constituency, has a technical problem with assaults and attacks on firefighters—a record that Salford's MPs would like to lose as soon as we can. A recent example from Salford highlighted in the *Manchester Evening News* concerned a fire engine being vandalised and burgled as the fire crew worked to rescue a woman and her 12-year-old son from their burning home. To damage a fire engine while the fire crew is working to save lives is seriously to risk loss of human life.

Hon. Members will have read the articles and briefings cataloguing the increasingly severe nature of attacks on firefighters, involving, as we have heard today, many cases of arson and the setting of deliberate traps for fire crews. Yesterday, Councillor Fred Walker, chair of the Greater Manchester fire authority, told me of the problems encountered by our fire crews. Fires have been deliberately set at the bottom of a terrace in a cul-de-sac. Fire crews raced to the scene and found that they had been cornered—bricks and other objects were thrown at them while they tried to put out fires. Also of great concern to Councillor Walker is the trend, described by my right hon. Friend, of causing fires in abandoned buildings after laying traps specifically to hurt firefighters attending the scene.

I find the callous and deliberate nature of those attacks absolutely chilling. It is vital that both our fire services and the police treat each incident of attacks and assaults on firefighters with the seriousness that the incidents deserve.

As I have mentioned, Greater Manchester comes out badly in the statistics compiled by the Office of the Deputy Prime Minister, as do Merseyside and the west midlands. However, other areas such as London record a very low number of incidents, and there seems to be an issue of under-reporting.

The fire service and elected Members serving in fire authorities also want to see attacks and assaults on fire crews treated seriously following prosecutions. There is seen to be a difficulty when a fine is imposed, given that most offenders are juveniles who do not have the means to pay a fine. It is welcome that antisocial behaviour orders are increasingly used to deal with those who attack firefighters; given that most of those concerned are juveniles, parenting orders also have a role to play.

Councillor Walker told me that he would also like the courts to make increasing use of community penalties. There are a number of worthwhile community schemes, jointly run by the fire service and organisations such as the Prince's Trust. Greater Manchester fire service has a young firefighters scheme, which focuses on boys and young men in target areas where there is the most violence against crews. The aim is to work with the type of kids who are non-joiners—who do not engage with these services or with out-of-school activities. If those young people can understand the work of the fire services at a younger age, it can help dissuade them from getting involved in attacks on fire crews as they get older.

The Prince's Trust also has a 13-week scheme for young people, run in conjunction with the fire service and football clubs such as Manchester United. Young people completing the scheme get a certificate of attainment, which can improve their employment prospects as the scheme is highly regarded by employers. I commend the fire service and the Prince's Trust for their community schemes, because those can both help young people and develop better support for the fire service within the community.

Although I have focused on attacks on firefighters, attacks on doctors, nurses, paramedics and ambulance crews are of equal concern and I thank my hon. Friend the Member for Brentford and Isleworth (Ann Keen) for highlighting those concerns.

It is right and timely that we should focus on the issues faced by our emergency workers. The Government's respect agenda gives us an additional framework so that Members of Parliament and councillors can work with the police and emergency workers to deal with the problems in their area; I fully intend to do so in my constituency.

We also need better recording of incidents, and better follow-up of incidents by the police, resulting in prosecutions wherever possible. Finally, we need imaginative and appropriate sentencing to deter future attacks.

11.25 am

**Nick Herbert** (Arundel and South Downs) (Con): I think it is agreed across the House that we are discussing a very serious problem. Assaults on people at work in the emergency services and our public services are at an unacceptably high level. The latest figures show that in 2004–05 there were more than 11,000 physical assaults against national health service acute services staff. I know from just one of the NHS trusts serving my constituency that there were 163 physical assaults on staff in the last financial year, and 183 the year before.

That brings home to me the scale of the problem. There were more than 1,300 physical assaults on NHS ambulance staff across the country in 2004–05.

We also know that this is a growing problem. In my local ambulance service, violent incidents against staff increased from 221 in 2001–02 to 300 the following year. I am sure that hon. Members from both sides of the House will be able to relay the fact that this is not only an issue of great public concern but one that is clearly increasing, and therefore merits serious consideration of what further measures are necessary to tackle it.

Hon. Members have expressed some objections to the Bill and it is worth our reflecting on them. Whereas there seems to be a consensus across the House that a new offence of impeding an emergency service worker is needed, reservations have been expressed—I suspect that we may hear them from the Minister—about creating a new offence of assaulting an emergency services worker. It is contended, first, that existing legislation is adequate to deal with such assaults; and, secondly, that a specific offence of assaulting an emergency worker or somebody working in public services might make it harder to prosecute those offences. It is argued against those views that, as has been pointed out, there is already a separate offence in Scotland, giving protection specifically to emergency service workers, passed by the Scottish Parliament last year, and there is of course an existing separate offence of assaulting a police officer.

At one stage the Government did take the view that specific measures were necessary to deal with this problem. The Labour election manifesto said,

"we will introduce tougher sentences. . . for those convicted of assaulting workers serving the public."

But those tougher sentences did not feature in the Violent Crime Reduction Bill, and when my hon. Friend the Member for Hertsmere (Mr. Clappison) moved amendments to create an offence of violence against a public servant, addressing broadly the same problem that this Bill seeks to address, the Government rejected that approach, preferring to rely on sentencing guidelines as expressed by the Sentencing Guidelines Council, that assaults on people working in the public sector are aggravated. It is true that the number of convictions for attacking, for example, NHS staff has risen. However, we must consider whether Parliament needs to send a stronger signal both to express concern about assaults on emergency service workers and to deter people from committing such offences in future.

My judgment is that we need to send such a signal, partly because of the increase in the number of offences and the scale of the problem that exists and partly because, as has been pointed out, the effect of assaulting or impeding an emergency service worker could put the public at risk if those workers are taken out of action. So harm is being done not just to the people who work in the services, but to the public broadly. Therefore, on public policy grounds, a specific offence or an aggravated offence to stop that may well be justified.

I am not persuaded by what I have heard so far about the Government's reasons for rejecting a specific offence of assaulting an emergency services worker or, indeed, of creating some kind of aggravated offence, not least because Parliament has accepted already that certain offences should be considered as aggravated—for instance, racially motivated attacks—and it has proved perfectly possible to prosecute people for those offences. I am not sure whether the obstacles that people sometimes claim will be placed in the way of the specific offence are necessarily viable, but I will listen very carefully to what the Minister has to say.

After examining the Bill and listening to what the right hon. Member for Swansea, West (Mr. Williams) and other Members said, I share the consensus that these issues should be examined in Committee. People who work in public services do a vital job, often in difficult circumstances, and we all rely on them. The House should send a very clear signal that we believe that assaults on ambulance staff, firefighters, doctors and nurses are totally unacceptable. For that reason, we support the Bill. I hope that it will receive a Second Reading and that these detailed issues will be examined in Committee, so that the precise need for and wording of additional measures can be scrutinised. I very much hope that the Government will share what is clearly a great deal of support for the Bill on both sides of the House.

11.32 am

**The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart):** I start by thanking the Father of the House for giving us the opportunity to demonstrate the consensus that exists among hon. Members on both sides of the House in our admiration of and support for emergency services workers, who risk their lives for us all regularly. The emergency services represent a powerful statement of the way in which we in society care for one another. It is an important symbol of our civilisation that they provide a platform of security on which we can depend when we face an emergency, thus helping us to work better as a society and the individual members of society to feel more secure in facing the challenges that we face.

We have had a classic Second Reading debate. We have demonstrated broad consent about the issues. We have raised queries about the precise way in which the Bill might deal with the issues about which hon. Members are concerned. I hope to be able to deal fully with two fundamental issues—first, how we deal with assaults on emergency workers, and secondly, how we deal with those who impede emergency workers.

**Ann Keen:** Will my hon. Friend explain the current offence of impeding a firefighter, because it is still not quite clear to me?

**Fiona Mactaggart:** Certainly. That is an important part of the point that I was about to come to, which was raised by the hon. Member for Upminster (Angela Watkinson). Is there a gap in the law, and if so, where are the spaces? That is a perfectly proper question to address. We have an offence under section 44(3) of the Fire and Rescue Services Act 2004, which is in force and states:

"A person commits an offence if without reasonable excuse he obstructs or interferes with an employee of a fire and rescue authority taking action authorised under this section."

In practice, one of the frustrations for the fire services has been that it has sometimes proved quite difficult to fulfil all the requirements of section 44 for a specific

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offence, because a fire officer must show that he has been "authorised in writing" to do certain things. That can be a quite laborious process, and it seems to be one of the things that has occasionally inhibited the success of prosecutions.

The House is absolutely agreed: in every contribution, I have heard a belief that we should have an effective prosecutorial mechanism to protect emergency service workers from being obstructed. I am grateful to my right hon. Friend the Member for Swansea, West (Mr. Williams) for his willingness to use the Bill to create a simpler, more straightforward offence of impeding or obstructing that could perhaps fulfil all the specific requirements under the Fire and Rescue Services Act 2004. Of course there is no such offence in relation to ambulance workers, but he is trying to create a simple offence, whereby we could deal with the gap in the law for emergency service workers across the board.

**Mr. Bailey:** Perhaps the Minister will address this point in the fullness of time; but just in case, may I pre-emptively ask her what assessment has been made of how the Scottish legislation has worked so far? As we have a body of legislation that covers the offence of assault, what assessment has she made of why problems have arisen in bringing sufficient prosecutions to deter this form of activity?

**Fiona Mactaggart:** I hope that my hon. Friend will forgive me if I do not immediately respond to those questions, because I believe that what I will say later will answer them. If I do not fully answer them, I invite him to intervene on me again, but I hope that it will be easier for hon. Members to hear the response to those points later in my speech, because it will then make better sense to them.

I shall deal with the question of whether we need legislation on assault—I will refer to the Scottish experience—and with whether there are gaps in the offence of impeding. I have already addressed to a degree some of the defects in the existing legislation, but are there further gaps? If there is a gap in the law, who should be covered and what action should be taken? Is this all a matter for the courts—or, as some hon. Members have said, can it be dealt with by taking further action, including the work that we are already doing with the respect action plan and so on?

Assault is the most serious aspect, and following my assurances and explanations the Father of the House, who is promoting the Bill, has generously agreed to focus not on assault but on amendments to address a gap in the law. Comprehensive measures in our existing law already deal properly with assault and attacks in a wide range of circumstances. The offences include common assault, actual bodily harm, which is committed if a person's injuries are more than superficial, and grievous bodily harm, which is a very serious offence. Shockingly, emergency service workers have been the victims of those more serious forms of assault. A wide range of penalties can be imposed for the different criminal behaviours associated with assault and other violence. The sentence for common assault can be a maximum of six months' imprisonment or a fine of up to £5,000, and the sentence for grievous bodily harm, manslaughter or murder can be life imprisonment.

Those offences cover everyone, so we do not think that we need a specific offence of assault on emergency workers. Such a provision would add nothing to the existing law, and, as I was explaining to my hon. Friend the Member for Brentford and Isleworth (Ann Keen), a specific offence could cause complications because a person's specific circumstances at the time of the assault would have to be proved, which could have the unintentional effect of inhibiting a successful prosecution. I hope that we will be able to amend the Bill substantially in Committee. It would provide for a maximum penalty of six months' imprisonment for such an offence, but that is the same penalty as the maximum sentence for common assault. The provision would thus add nothing practical to the protection that the law already offers.

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): If an offence of common assault, actual bodily harm or grievous bodily harm were committed against a member of the emergency services, do sentencing guidelines say that the sentence should be weighted? Will the Minister comment on the position of the Sentencing Guidelines Council?

**Fiona Mactaggart:** I will explain fully the way in which the Sentencing Guidelines Council works later, but it may be helpful if I quote from the overarching principles that it issued in December 2004. Paragraph 1.23 identifies

"Factors indicating a more than usually serious degree of harm"

that must be taken into account when determining a sentence. One such factor is:

"Offence is committed against those working in the public sector or providing a service to the public".

It is obvious from the debate that Parliament takes seriously the problem affecting people who perform the special duty of providing emergency services. However, such people are already covered by a specific aspect of the guidance on seriousness, and we hope that the Sentencing Guidelines Council will consider the matter further.

**Richard Younger-Ross:** Does the Minister not accept that when dealing with assault, it is important to make it clear, to young people especially, that emergency workers are a special case because they save people's lives? That point is rather lost in the guidance of the Home Office and the courts on how things should be weighted. I do not know of many 16-year-olds who would say, "Oh, this is weighted, so I won't do it." If there were a clear red line to say that an assault on such workers would be an aggravated assault, they would be more likely to take account of that.

**Fiona Mactaggart:** We need to be honest about what influences 16-year-olds' behaviour. The hon. Gentleman is right that guidance from the Sentencing Guidelines Council does not tend to make much difference to them, but I am not convinced that the

existence of an aggravating factor does, either. Sentencing can have an impact if it has serious and clear consequences. It is important to use education and community sentences. We must ensure that the message that we have been sharing with each other during the debate is not kept in the confines of the Chamber, but spread more widely by campaigns such as the protect our heroes campaign, which was mentioned by my hon. Friend the Member for Worsley (Barbara Keeley) and is run by the *Manchester Evening News*, and the respect campaign. The message must go out to young people that emergency workers could save their mums, families, or friends. We must decide the most effective technique that will ensure that people who are tempted to commit such an offence are deterred—that is what all of us want—and that those who commit the offence are effectively prosecuted and convicted.

**Nick Herbert:** The Minister said that a specific additional offence would add nothing to the existing law, and expressed scepticism about whether aggravated offences add anything—so does she think that racially aggravated offences add nothing to the existing law?

**Fiona Mactaggart:** No, I am absolutely certain that they add a great deal to the law. Let me say why, and explain why the offence that we are talking about is different. We made a substantial change to the law to ensure that there was a specific aggravating factor for racially and religiously motivated offences of all kinds because of what happens when an offence is committed against a person in a category shared by many other people in the community. If a person is attacked because of their faith or race, other members of the same community are terrorised. Such an act should be a statutory aggravating offence because of the terrorising effect on those who share the person's characteristics. An assault on a person would not have the same terrorising effect on those who shared his or her profession. None the less, emergency workers need to be properly protected, so if I can make progress with my speech I will describe the actions that we will take to deliver that. There is consensus in the House about what we want to achieve. If hon. Members give me time to explain how we can do that, we can get consensus on that, too.

We all know about the vulnerability of private Members' legislation; indeed, the right hon. Member for Bromley and Chislehurst (Mr. Forth) mentioned it in a slightly guarded way. I hope that we can build consensus about the important lacunae that exist in the law and use this opportunity to deal with them. We should not try to move forward with private Members' legislation on too wide a front so as to put its progress at risk.

**Ann Keen:** Thank you for giving way. At the point of my intervention, you were describing quite rightly—

**Mr. Deputy Speaker:** As the hon. Lady has now committed the offence a second time, I must point out that when she says "you", she is referring to me. I am sure that that is not what she intends.

**Ann Keen:** My apologies, Mr. Deputy Speaker.

I spoke earlier about what is almost antisocial behaviour among young people and about the respect agenda. Will the Minister give any more information about how Government legislation on those matters can assist this Bill?

**Fiona Mactaggart:** Absolutely. I shall come on to that issue. As well as specific parts of the respect campaign that can make a positive contribution, we have developed some other important tools and techniques. We have developed antisocial behaviour orders and measures to deal with parenting, such as parenting orders, allowing us to intervene early and use schemes such as those mentioned by some hon. Members to educate and engage young people, perhaps with their local fire services, for example. All such measures can make a difference.

I think that our consensus is not only about catching, prosecuting and convicting those who are guilty of assaulting and obstructing emergency service workers, but about preventing such activities from happening. Having listened to the debate, I think that there is a very clear view that although catching, prosecuting and convicting are one very important tool in prevention, as has been shown by the work of the NHS security authority, education can also play a role. The respect agenda includes the possibility of providing such education.

I described why I felt it was unnecessary to include in the assault offence a statutory aggravating factor, which the hon. Member for Arundel and South Downs (Nick Herbert) mentioned. Indeed, I think that it is also unnecessary to have a wholly separate assault offence. As I said, assault is assault, and it is proper that we should deal effectively with all assaults and violent crime. We need to seek as far as possible to resist the temptation to over-complicate the law by creating very specific offences. As I said, such offences are often difficult to prove and act as another burden when matters are dealt with in court.

**Janet Anderson** (Rossendale and Darwen) (Lab): Does the Minister agree that the situation in Scotland is not really comparable? The Scots created a new offence partly to ensure that courts would sentence appropriately for such actions, whereas elsewhere we have the Sentencing Guidelines Council, which does not exist in Scotland.

**Fiona Mactaggart:** That is absolutely true. The Sentencing Guidelines Council provides a mechanism that can read across to all sorts of offences. For example, there are other at-risk groups: other public sector workers are rightly included in the present overarching principles, which also cover teachers who are beaten up by angry parents. Such issues should be a factor that is dealt with in sentencing. It is inappropriate that someone who is serving the public by teaching children should be more vulnerable because they are in that situation.

It is therefore wrong to try to over-complicate the law by slicing off little bits and creating legislative ghettos if we can deal with the problem properly under existing law. I hope to persuade hon. Members that we can do

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that within the scope of a single offence. That means better constructed, less complicated and clearer law and greater ease in securing prosecutions. I believe that we all agree that people need to understand the law. Some hon. Members suggested that adding bells and whistles to it will make it easier to understand but I do not accept that. The law needs to work well on the ground and creating different offences for different groups of people is a recipe for confusion.

**Mr. Ellwood:** If I understand the Under-Secretary correctly, she is not willing to give special treatment to people who expose themselves to danger far more than the rest of us. Is she aware of the success of such measures in America, where the extra powers to protect the police and the fire and ambulance services have acted as a deterrent to attacks on them?

**Fiona Mactaggart:** I am, of course, willing to give those people extra protection—the debate is about the most effective mechanism for doing that. If the hon. Gentleman has listened carefully, he will have heard my commitment to my right hon. Friend to work with the Sentencing Guidelines Council to ensure that the sentencing guidelines mechanism, which does not exist in Scotland, is used to ensure a more effective penalty.

Clear evidence exists to show that a separate offence does not necessarily produce lengthier sentences. There is a specific offence of assaulting a police officer in the execution of his duty, and in some ways it is common sense to have such an offence. Police are different from other emergency service workers because obstructing or assaulting a police officer is often part of a pattern of criminality. Someone who tries to impede a police officer might be trying to prevent their own capture and conviction and that is one of the reasons for the separate offence.

However, let us consider the sentencing for that offence, which carries the same maximum penalty as that suggested in the Bill. The penalty is the same as that for common assault. In the past two years, however, those sentenced to custody for assaulting a police officer have received slightly lower sentences than those convicted of common assault. In 2003, the average sentence for assaulting a police officer was 2.8 months as opposed to three months for common assault. In 2004, the average sentence for assaulting a police officer was 2.9 months compared with 3.1 months for common assault. I concede that the differences are not large but they show that a specific offence does not guarantee a more effective penalty.

Let us not split hairs—let us focus on what we agree about. Hon. Members from all parties want someone who is convicted of assault on an emergency service worker to receive a sentence that reflects the seriousness with which the House views such an offence. That is common ground.

**Mr. Bailey:** I fully understand my hon. Friend's point but I am worried about the statistics that she cited. It appears that the courts regard assaulting a policeman as less significant than assaulting a member of the public. Are discussions being held with the Sentencing Guidelines Council to assess why that is the case and whether anything is being done about it?

**Fiona Mactaggart:** I—

**Mr. Forth:** Just say no.

**Fiona Mactaggart:** I am having discussions. I had intended a little later in my remarks to describe how the Sentencing Guidelines Council operates, so I shall proceed to that if it helps hon. Members. I have mentioned the existing sentencing guidelines—the over-arching principle of seriousness. A consultation by the Sentencing Guidelines Council is under way, dealing with violent crime and specifically assault. We will work with the council to ensure that it is fully aware of the circumstances of emergency workers and the unique dangers that offences of assault or obstruction can involve when they are directed against emergency workers.

Let us be clear about the nature of the Sentencing Guidelines Council. It is not just a guidance council. It is an important body chaired by the Lord Chief Justice. It has seven judicial members, including a district judge and a lay justice, and four non-judicial members with experience of one or more of the following—policing, criminal prosecution, criminal defence and the interests of victims. In the process of producing guidelines, there is wide consultation and an opportunity for Ministers and Parliament through the Home Affairs Committee to contribute to consideration of what should be contained in the guidelines. The council is supported by the Sentencing Advisory Panel, an independent body originally set up to provide advice to the Court of Appeal.

**Mr. David Evennett** (Bexleyheath and Crayford) *rose—*

**Fiona Mactaggart:** I am trying to be generous in taking interventions, but the difficulty is that I could end up being confusing. I will, however, give way to the hon. Gentleman.

**Mr. Evennett:** I have listened with great interest to the Minister. Her approach is very worthy, but what is needed is action, not more consultation and talk. We want something done.

**Fiona Mactaggart:** As I have pointed out to the hon. Gentleman, we already have action in the overriding principles of December 2004. We are in the process of developing the sentencing guidelines on violent crime. The process has started. The hon. Gentleman is right to say that it is a slightly lengthy process, but I predict that it will come to a conclusion at about the time that we would be able to implement the offence proposed in the Bill. It is not an instant process. We are dealing with sentencing for crime so it is, rightly, a properly

elaborated process, but a powerful process. It is not vague. It has specific aspects, including a duty properly to consult, and I do not accept that that is a bad thing.

**Mr. Ellwood** *rose—*

**Fiona Mactaggart:** I am about to describe how the process will work with respect to violent crime, but I shall first give way to the hon. Gentleman.

**Mr. Ellwood:** I must go back to the statistics, which show how damaging the current system is. We want to move the level of protection for the fire service and the ambulance service up to that for the police, yet the statistics prove that even the police are not getting the protection that they want. Surely we should consider compiling a new set of laws that bring all three services up to the same standard.

**Fiona Mactaggart:** I am afraid the hon. Gentleman has not understood. I do not mean to patronise him, but I pointed out that introducing a separate offence does not guarantee the outcome that he and I both want—that a sentence for an assault on a worker who is protecting the public should reflect the seriousness with which Parliament views such assaults. We both agree on that.

The hon. Gentleman suggests that the way to achieve that is by creating a separate and specific offence. I have pointed out how the use of a separate and specific offence in relation to the police does not achieve that end. However, I am in the middle of describing—I will finish, and when I finish I hope the hon. Gentleman will accept the point that I am making—the way in which the sentencing guidelines procedure works, and the fact that the Sentencing Guidelines Council is in the process of consulting about how it should treat violent crimes, including assault.

**Jim Dowd:** On that point, part of the difficulty is that my hon. Friend has not outlined the full statistical position on assaulting a police officer compared with common assault because she has not told us either the difference in the number of prosecutions in each category or the conviction rates vis-à-vis both categories.

My hon. Friend has spent a lot of time talking about assault on individuals. What about attacks on vehicles being used by emergency services in their work? I am particularly minded of the recent FA cup match between Manchester United and Liverpool. A Manchester United player suffered an horrific injury and had to be taken from the ground in an ambulance, which was pelted with bottles and glasses by a scandalous minority, although I do not know whether they were Liverpool supporters or not. Would such disgraceful behaviour be covered by a separate offence of obstruction and impeding?

**Fiona Mactaggart:** It would, and the point my hon. Friend raises relates to the biggest gap in the law. There is no offence involving protection from being impeded or obstructed available to ambulance workers, and he has given a particularly gross example of impeding and obstructing. I am grateful to my right hon. Friend for his generous offer to ensure that the Bill could provide us with an opportunity to deal with that lacuna in the law, but I think I owe an explanation to hon. Members on both sides of the House who have asked how I can ensure that the seriousness of assaults on emergency services workers can properly be reflected through the sentencing guidelines procedure.

The Sentencing Advisory Panel has already started the consultation on draft guidelines covering sentencing for all violent crimes against the person, so, as I have already said, we are in the middle of that process. Sentencing guidelines will be issued in due course, following the consultation and consideration by the council. We expect them to reiterate that the victim being a public servant is a serious aggravating factor in any offence of violence and to explain that attacks on any victim who is serving the public can have a serious impact on the ability to deliver the public service. In this example, that specifically increases the seriousness of the offence.

**Nia Griffith:** Is my hon. Friend aware of how much support there is out there among the public for ensuring that we send a clear message that any form of assault or violent crime is unacceptable? Only recently in my constituency, 2,000 signatures were collected, asking for an increase in a sentence felt to be too lenient for, in this instance, deliberate manslaughter. I beg her to look carefully at sentencing for violent crimes, which is such an emotive issue in the public eye. It is important that we say clearly that no civilised society can ever tolerate any form of assault or violence against the person.

**Fiona Mactaggart:** My hon. Friend is right. That is one reason for this Government introducing powers to appeal against unduly lenient sentences, which were not previously available to the prosecution. That is an important way to build public confidence in our legal system.

I assure the House that we will work with the Sentencing Guidelines Council to ensure that, in formulating the relevant aggravating factors for offences of violence, the council is aware, specifically, of the harm that an attack on an emergency worker can do, and that in responding to an emergency, even a short delay can endanger the lives of emergency workers and specifically endanger also the lives of the people to whom they are responding—there may be only a few minutes in which to reach them. We will ensure that the Sentencing Guidelines Council is aware of the suggestion made many times in this debate—I am inclined to send it a copy of *Hansard*—that the guidelines should mention that specifically.

Let us be clear. If a sentencer intends to depart from a sentencing guideline, they must explain in open court why they are not taking that factor into account. This is not merely something that exists in a bench book—it is clear guidance that a sentencer needs to implement. If the specific nature of an emergency worker responding to an emergency is included as a particularly aggravating factor in the guidelines on violent crime—we want to encourage the Sentencing Guidelines Council to do that—the sentencer must reflect that aggravation in the sentence that they hand down. If they do not intend to do so, they need to explain why in court. I do not believe that all hon. Members were aware that

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the process works as specifically as that, and I think that they will be reassured. We all want to achieve the aim that sentencing properly reflects the seriousness of this matter.

**Mrs. Hodgson:** On that point, will the guidelines include a mandatory minimum sentence for assaults on emergency workers involving knives?

**Fiona Mactaggart:** We have some powerful minimum sentences and specific legislation for knife use. Those underpin the additional aggravating factors. The powers on knife crime apply to all people, but when the sentence is handed down the fact that the person involved was serving the public would be an additional factor. If we can persuade the Sentencing Guidelines Council to ensure that the specific circumstances of an emergency service worker are reflected, that factor could also be taken into account.

**Richard Younger-Ross:** I am trying to be helpful. What the Minister has just said is reassuring. However, I have still not heard enough about why an aggravated offence does not work, and why she is taking this line of argument. Rather than prolong this debate and that point, however, will she agree to meet me and the hon. Member for Arundel and South Downs (Nick Herbert) before the Committee stage—I hope that we get that far—to go through that argument? It is our intention to help the Government introduce this legislation, but we wish to test those arguments.

**Fiona Mactaggart:** We can do that in Committee, and I am happy to discuss the matter with the hon. Gentlemen. Having set up the Sentencing Guidelines Council, we should use it as effectively as we can, and I am happy to discuss with them how it works. It is a relatively new animal, and not everyone is completely familiar with it. In my view, the experience of the offence under the Fire and Rescue Services Act 2004 is significant. It is interesting that this debate has focused on the fire services, which currently have an offence that is quite complex and has recently been reiterated in law. There have been difficulties, however, in securing effective prosecutions. Part of the reason for that is the difficulty of demonstrating what constitutes an offence of this kind. We need a fairly simple definition of the offence, while also ensuring that it can be dealt with by means of a sentence.

**Jim Dowd:** Much has been made of sentencing—rightly—but if a conviction is not gained first, all the sentencing guidelines in the world will not make a blind bit of difference. During her discussions with my right hon. Friend the Member for Swansea, West (Mr. Williams) in Committee, my hon. Friend must ensure that one of the Bill's purposes is to make convictions as easy as possible to secure, consistent with the burden of proof and standards of evidence.

**Mr. Forth:** On a point of order, Mr. Deputy Speaker. Is there anything that you can do to protect the House and the Minister from the instruction that the Whip has just handed the Minister, very visibly? I fear that the Minister may have been told to sit down quickly, in which case she will not have an opportunity to answer Members' questions amply enough. Can you do anything to protect the Minister from harassment by her own Whip?

**Mr. Deputy Speaker:** Absolutely nothing.

**Fiona Mactaggart:** The Minister does not require the assistance or protection of the Chair. I can inform the House that the note passed to me was drawing my attention to the fact that my hon. Friend was trying to intervene, because I had not noticed. I shall be happy to pass the note to the right hon. Gentleman.

**Mr. Forth:** It will be in code.

**Fiona Mactaggart:** The right hon. Gentleman is one of the great conspiracy theorists of the House, but to suggest that "Take Jim Dowd" is code for "Hurry up and sit down" is pretty ridiculous.

My hon. Friend made an important point. We all agree that we want convictions for these offences, but the Government see two potential barriers. One relates to determination to proceed, on which action is being taken. The NHS security authority is one example. I am happy to give a commitment to the House; I have already spoken to the Attorney-General about the possibility of improving guidance to the Crown Prosecution Service.

The other barrier is the fact that proving the offence is being made more complicated. We have the opportunity to create a very simple offence of impeding. What we do not want is a series of narrow, specific offences involving aggravating factors, which will merely mean that more must be proved in court. We need a simple, straightforward definition. We all oppose assaults, whoever the victim may be. We all agree, however, that an assault on an emergency worker has a particular quality, which we want sentences to reflect. We do not want to have to prove more; we want an assault to be an assault to be an assault. Assaults on emergency workers nevertheless have that special quality.

I am finding it difficult to persuade the House of my view, but I hope that I shall be able to do so. It is an important point of principle that it is best to provide adequate guidelines on sentencing, rather than increasing the number of facts that the prosecution must prove in order to secure a conviction. The more factors that are added to the law, the more barriers the prosecution must hop over. It should be a straightforward process that an assault leads to conviction, but an assault in the circumstances specified in the Bill should have more serious consequences than an assault in other circumstances. However, we should not put extra burdens on the prosecution by adding to the things that it has to prove: the presence of an aggravating factor and other particular circumstances. I feel strongly about the matter. I am grateful to my right hon. Friend for his generosity in agreeing that we should focus on the big gap that exists and use the tools that we already have to deal with serious assault.

It was not possible to do that in Scotland. The reason is that Scotland does not have the Sentencing Guidelines Council. Scotland had to create specific offences. It has slightly different sentencing mechanisms. The way that our sentencing system is constructed means that the nine-month sentence is not available. We are trying to create simple, straightforward law—I am glad to have the endorsement of the right hon. Gentleman, who said that it is quite a good thing to try to be simple and straightforward—and to ensure that the seriousness of this particular offence is taken into account.

I hope that we can achieve consensus across the House. I think that we agree on the outcome that we want. I am prepared to spend time following this debate to explain and to discuss with Opposition Members the way in which the Sentencing Guidelines Council is capable of operating and the powers that it has, so that we can agree that that part of the Bill is not essential.

However, there is a part of the Bill that is essential. That is the measure to deal with obstructing or impeding an emergency service worker who is responding to an emergency. There are already offences of obstruction, just as there of assault, but they do not cover everyone or every activity; it is not necessary. I have referred to the firefighters offence. There is also a police officers offence, but there is no offence that covers obstruction of other emergency workers such as ambulance workers or members of the coastguard, who deal with emergencies offshore. We have identified that as a gap in the legislation that covers emergency workers. It is the only gap that we have identified. Other matters can be dealt with within the framework of existing legislation.

If hon. Members look at the respect action plan, they will see that we specifically identified the possible need for an offence of obstructing an ambulance worker. We said that we would consider introducing such an offence, so we specifically welcome that part of the Bill. We believe that it would be a step in the right direction to ensure that deliberately obstructing an ambulance worker is an offence. As I have outlined, the offence of obstructing a firefighter is not as simple and clear as it could be, so we think that making it simpler and easier to use would be an improvement. Therefore, the Bill has something to offer. I am grateful to my right hon. Friend for introducing it. I was glad that he said that he will table amendments in Committee to ensure that the issue of obstructing emergency workers responding to an emergency can become the core of the Bill. There are real benefits to be gained from that.

In addition to such an offence, we need to recognise that there is more to do. As well as having an offence of obstructing an emergency worker in responding to an emergency, we need to try to prevent that offence from occurring. We need to ensure that behaviour that often begins with exuberance and high spirits does not escalate into obstruction and violence. As we have heard during the debate, that has often happened.

**Barbara Keeley:** I am glad that my hon. Friend has come on to that point. Although it has been helpful to hear all that she has said about sentencing, at that stage an offence has been committed. It is important that we look also at prevention. I hope that she is coming to that. A number of hon. Members, me included, touched on the respect agenda. Perhaps she can say how we can send a strong message about the unacceptability of assaults or impeding emergency workers. That is important to the emergency workers involved.

**Fiona Mactaggart:** Yes, my hon. Friend is absolutely right. I have been struck by the fact that the fire service has welcomed not only the agreement that my right hon. Friend and I have reached as regards how to proceed with the Bill, but the elements of the respect action plan that are about dealing with the growing problem of antisocial behaviour, which can blight areas and make life very difficult for some people. The respect action plan sets out our goals and reiterates the need to tackle antisocial behaviour by dealing with disrespect in every walk of life. Tackling disrespect in general can often have a specific effect in a particular area. We need to focus not only on disrespect towards emergency workers but general issues such as school discipline and attendance. We must involve schools and parents in tackling disrespectful behaviour that results from truancy and inadequate supervision of excluded children.

We want to ensure that young people have an opportunity to make a positive impact on society. They might do things such as creating traps because they want adventure and to do bold and brave things. They do not usually have those opportunities, so they take these very antisocial measures. We as Government, and all of us, need to ensure that there are constructive, challenging activities for young people, with appropriate opportunities to get involved in sport or volunteering, for example, so that they feel that they can have an impact on society in a positive way, not by being destructive.

**Mr. Bailey:** I wholeheartedly and enthusiastically endorse the Minister's comments. Is the Home Office having discussions with public services to see how they could stimulate that sort of participation, and if not, will it?

**Fiona Mactaggart:** Yes, we are having discussions with a lot of people about the respect agenda. I have mentioned schools and parents. We must ensure that we help to support families who are in difficulty. The respect action plan establishes projects to work intensively with the most problematic families. The hon. Member for Upminster highlighted the role that parents have to play. Respect must be promoted right across Government. We must look at how every programme and funding or inspection regime contributes to dealing with the problem. Neighbourhoods must get the power to ensure that local services deal quickly and effectively with disrespectful behaviour by a minority—for example, by cleaning up graffiti. We must have speedy, visible reparative justice through measures that extend the powers available to deal with crime and antisocial behaviour by getting young people involved in sorting out the problems that they create.

The respect agenda is not only about the public services but about the public realm. My hon. Friend the Member for Worsley referred to the *Manchester Evening News* campaign. The media are an important part of the public realm. I applaud the protect our heroes campaign, which is promoting the respect agenda by highlighting destructive behaviour toward Manchester's

*[Fiona Mactaggart]*

firefighters. Through that campaign, the *Manchester Evening News* has done a substantial amount to help make the city's firefighters safer.

We should recognise that fire and rescue services have already introduced measures to tackle attacks on firefighters. We have spoken to them about this issue and they have been encouraged to report incidents, so that the police and prosecuting authorities can make prosecutions where appropriate. Her Majesty's fire service inspectorate requires fire and rescue services to complete a monthly return on the number of assaults, so that the figures can accurately reflect the problem on the ground. Members have indeed pointed out that we need better statistics to drive effective action. Fire and rescue services are also introducing measures such as video cameras in cabs of appliances in order to help identify offenders.

**Andrew Stunell:** I appreciate the Minister's giving way on the under-recording of offences, which is a matter of great concern to firefighters in my constituency, who are members of the Greater Manchester fire and rescue service. In what way will such initiatives produce practical benefits for firefighters in my constituency?

**Fiona Mactaggart:** Officials at the Office of the Deputy Prime Minister are working with the Association of Chief Police Officers to support the development of a memorandum of understanding between the fire and rescue services and ACPO, in order to develop a better working relationship between the two services, thereby leading to the more effective pursuit of prosecutions against those who would obstruct or assault firefighters. Such discussions are under way, so as well as improved reporting and the collecting of evidence through, for example, installing videos in cabs, ACPO and the fire and rescue services are working together on that memorandum of understanding.

In addition, the Chief and Assistant Chief Fire Officers Association has set up a "task and finish" group—the language used in such services sometimes differs from that used by others—which is being led by assistant chief fire officer Alan Richardson of the South Wales fire and rescue service. The group's task is to look at all matters relating to assaults on firefighters, with a view to making recommendations and promulgating best practice; it will report in April. Such measures and the better co-ordination of police and fire services will play a very important role in increasing the number of prosecutions and in improving the safety of our fire services.

Returning to young people and the respect agenda, we need to recognise that although young people can be responsible for thoughtless behaviour and do not always consider the consequences of their actions, they might not be able to pay a fine, which is the proposed penalty in such circumstances. I assure the House that we will also consider greater use of the early interventions now available to us, such as acceptable behaviour contracts and, where appropriate, parenting contracts and orders. A parenting order is available when, for example, a conviction has been secured in a court. So if one secures a conviction for obstruction in respect of a minor, who might not be able to pay a fine, one could attach to that a parenting order as part of the sentence.

We are also willing to use antisocial behaviour orders for all age groups to stop antisocial and potentially dangerous behaviour before it escalates. We will work to ensure that those measures are used consistently [redacted] we send a clear message about the serious nature [redacted] behaviour when aimed at emergency workers. My [redacted] Friend the Member for Islington, South and Finsbury (Emily Thornberry) described estates in her constituency where a culture had developed of entrapping and targeting firefighters. ASBOs and other orders can be more effective in areas where such a culture has developed to nip such behaviour in the bud and prevent inappropriate obstruction of the work of the emergency services from escalating into violence and assault.

We also need to encourage the courts to make greater use of community penalties where appropriate. For example, young people involved in incidents against members of the fire and rescue service might be required to become involved in the brigade's youth schemes, as hon. Members have mentioned. The Government encourage effective local partnerships of that sort, which can enable requirements of community sentences to be carried out by children and young people. There are a number of excellent schemes involving fire services across England and Wales, the aim of which is to help young offenders to understand the harm they have caused. There are similar schemes involving health workers. Workers in those services can be the most powerful advocates, because they can describe the possible consequences of that antisocial behaviour much more impressively and with greater intensity than a more formal court process. We need to make the most of that when tackling this issue in relation to young people. We also need to ensure that local youth offending teams, as well as fire brigades and health services, are aware of the good practices that have worked well in other areas. Expertise that has been built up around the country must be shared to encourage the adoption and adaptation of good practices in whatever way is best for an area.

We also need to encourage the police and the Crown Prosecution Service to adopt a more active policy on investigating and prosecuting incidents. Many hon. Members have pointed out that the health service has already made significant progress in that area and shown what can be done, especially with regard to incidents occurring within the hospital setting. However, with the emergency services, such offences can happen anywhere, and that can pose greater challenges. Nevertheless, placing our focus on the issue can produce significant results. I am glad that the health service and the fire and rescue service are looking at options, too.

I assure the House that I will actively encourage the emerging agreements and do whatever else I can to ensure that the CPS and the courts are aware of how dangerous incidents that involve the emergency services can be. As I have said, strong guidelines have been issued by the Sentencing Guidelines Council to ensure

that the fact that a victim of an assault was serving the public at the time is regarded as a substantial aggravating factor.

**Mrs. Hodgson:** Will my hon. Friend clarify whether the umbrella definition of emergency workers will include nurses and staff, such as porters, in accident and emergency and other hospital departments?

**Fiona Mactaggart:** Our aim is to try to construct a simple offence. I have described at length the difficulty if an offence is complicated; for example, where we say, "These people are in but those people are out." In Committee, I hope that we can amend the obstruction provisions so that an emergency service worker responding to an emergency will be covered by the obstruction offence. That is where there is a big gap. A nurse accompanying an emergency team would certainly be covered, but the offence would not be designed for circumstances inside a hospital where it is much easier to control the situation. However, we can examine that point in Committee.

People who go to emergencies to protect us are extremely vulnerable, as Members have made clear. That vulnerability is what we want to deal with; those workers are vulnerable to obstruction and the consequences of obstructing them can be serious. The resources available to workers attending an emergency are not as substantial as those for people treating patients in a hospital; for example, there may be security staff, although it is of course a great pity that most of our A and E departments require security staff. Teams responding to an emergency are very vulnerable and obstruction of them can have serious and substantial consequences. That is the main thing we have to deal with and I am grateful to my right hon. Friend for allowing us to use the Bill to protect people against that obstruction.

The *Manchester Evening News* campaign and other campaigns across the country show that there is a huge public appetite for dealing with the situation.

**Ann Keen:** Does my hon. Friend agree that the Bill will also send a message to the relatives of the work force—our heroes? Families know that when someone leaves for work they may be in a very vulnerable position. We are really saying thank you to the family members of emergency services personnel.

**Fiona Mactaggart:** Absolutely. It is a complete outrage that people who serve the public should be subject to the type of behaviour that has been described in the House today. I shall be proud to work with my right hon. Friend and, I hope, with Members on both sides of the House to make sure that our emergency workers are safer in future.

If we are clear about making a real difference where there is that gap in the law, if we do not over-complicate the issue and if we work with the tools that are already available, we can make those heroes—who save lives and on whom our society depends—safer. If we achieve that, we should all feel proud.

My speech has roamed far, partly because I wanted to be generous about taking interventions, for a particular reason. I hope that we can gain the consent of Members on both sides of the House to enable the Bill to deal with a gap in the law.

Our debate has highlighted the increasing and tragic dangers faced by our emergency workers, but we will do them no favours if we create a law that raises expectations but achieves little in practice because it is flawed. Let us be honest: that has happened before. The Government cannot therefore support the additional, not necessary, offence of assault. The law already exists to pursue a range of assault offences, and to create specific offences would make for complicated law, which risks having unintended consequences. Sentencing guidelines ensure that the courts must hand out tougher sentences for those whose victims are serving the public.

I have outlined the non-legislative measures whereby we can deal with these offences and, we hope, prevent them from happening in the first place. However, there is a gap in the law in relation to obstructing an emergency worker. There is no offence of obstruction in relation to ambulance workers, and I have been able to show the House that the present offence in relation to firefighters does not work as well as we would wish. I am therefore glad that my right hon. Friend has agreed that he will introduce amendments to deal with this issue in Committee and I look forward to working in Committee with him, and with Members across the House, to bring back on Report a Bill that deals with less but deals with it well. When we come to do that, we can all feel very proud of ourselves indeed and we can ensure that those people, those heroes, upon whom we depend for our lives, will be safer in future.

I am pleased to support the Bill.

12.46 pm

**Mr. Alan Williams:** With the leave of the House, Mr. Deputy Speaker, I shall make a few brief comments. First, I thank everyone who took part in this morning's debate for the very positive way in which it was conducted. I hope and believe that a clear message will go out from the speeches that, regardless of party, in all parts of the House there is enormous respect and regard for our emergency services, and a determination that they shall get the protection they need.

Secondly, it has been worth being here to be a witness to the most unexpected marriage of minds between the right hon. Member for Bromley and Chislehurst (Mr. Forth) and the Minister. I advise her not to be dazzled by his charismatic style; he can be a fickle fellow, and I must tell her that I am not optimistic for the survival of the relationship.

I thank the Minister for trying to meet my concerns. I will read in detail what she has said and we shall liaise between now and Committee to work out appropriate amendments to achieve what the House obviously wants.

I thank the sponsors of the Bill, particularly the hon. Member for Teignbridge (Richard Younger-Ross), who provided me with the original idea arising from the Scottish Bill, and my hon. Friends the Members for Islington, South and Finsbury (Emily Thornberry) and for Hendon (Mr. Dismore), who made up for my legal inadequacies by joining me at consultations with Ministers and explaining to me what they were talking about.

It is not often that we in the House praise the press, but the *Manchester Evening News* has been ahead of all the press in this country in campaigning for months,

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absolutely consistently, in support of the emergency workers. I want the newspaper to know that that is recognised in the House. Other hon. Members have said the same.

Finally, there is one person to whom I want to pay particular tribute—Barry Dixon of the Manchester fire service, who, on behalf of all the emergency services, led not only in briefing me but in supporting me as I worked on the Bill.

*Question put and agreed to.*

*Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).*

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): On a point of order, Mr. Deputy Speaker. Today's Order Paper says that there are four written ministerial statements. I understand that three of them have already made their way to the Library, but the fourth—probably the most important of the four—on police force restructuring has yet to do so. May I seek your guidance on the reason for any delay?

**Mr. Deputy Speaker (Sir Michael Lord):** I understand that that statement is due to be put before the House today. I have no knowledge about when it will be produced, but it should be before the House today, and I trust that that will be the case.

## Telecommunications Masts (Planning Control) Bill

*Order for Second Reading read.*

12.50 pm

**Mr. David Curry** (Skipton and Ripon) (Con): I beg to move, That the Bill be now read a Second time.

The Under-Secretary of State for the Home Department, the hon. Member for Slough (Fiona Mactaggart), who is just leaving the Chamber, said of the Emergency Workers (Protection) Bill, which we have just debated—at a length that occasionally made me feel that curling offered unexpected excitements, after watching it during the Olympic games—that she did not like the Bill and it was unnecessary, but none the less she was willing to discuss it in Committee, because she thought that it could be a vehicle to make some useful amendments to the law.

I hope that the Minister who will deal with this Bill and I can negotiate on exactly the same basis. I expect him not to endorse my Bill, but to acknowledge that there are some serious difficulties with the way in which the system operates now. Therefore, let us find a means to discuss that together, so that people can feel that a transparent process is taking place, which will lead to the calming of some people's fears and passions.

**Emily Thornberry** (Islington, South and Finsbury) (Lab): There is huge support for the right hon. Gentleman's Bill from all sorts of quarters. A large number of my constituents believe that they are affected by such masts, and they certainly want the law to be changed to protect schoolchildren. So I have come here to support his Bill.

**Mr. Curry:** I am very grateful indeed to the hon. Lady for her support. There is huge concern throughout the country, and my view is very simple: when there is concern, the job of politicians is to try to find ways to deal with it. I hope that I have found a pragmatic way to deal with that concern.

The Bill is something of an old favourite. I plead guilty to what could be called parliamentary plagiarism: I am the third of the lone parents who have introduced such a Bill in succession. I pay tribute to my hon. Friend the Member for West Suffolk (Mr. Spring) and the hon. Member for Hazel Grove (Andrew Stunell) for beating the path along this road.

**Mr. James Arbuthnot** (North-East Hampshire) (Con): My right hon. Friend would be wrong to describe himself as a lone parent. This is more like the Child Support Agency: the Bill has more parents than one could possibly imagine. There is much support in the House for the Bill, so can we hope that the Minister will not talk it out?

**Mr. Curry:** I share that thought, although I have some caution about the analogy with the CSA, given its productivity and the Government's view of it, which is rather generally shared by hon. Members on both sides of the House.

**Jim Dowd** (Lewisham, West) (Lab): Reference has been made to three attempts to introduce such a Bill, but

I point out to the right hon. Gentleman and other colleagues that there has been a wide variety of Bills on issues relating to phone masts. I introduced one myself—it was not the same as this Bill—in an attempt to place on a statutory basis the Mobile Operators Association's code of conduct. I have reservations about parts of the Bill, but even if not through the opportunity that he is offering, the Government need to take a detailed look at the concerns about how the mobile network operators currently go about getting their planning permissions.

**Mr. Curry:** I am grateful to the hon. Gentleman for that intervention, and I agree with what he says. In referring merely to what one might describe as the Bill's direct line of descent, I would not wish to exclude all its relatives.

The concern has not abated; it has increased. I could bring pantechnicons full of letters, petitions and submissions into the Chamber. Of course there will be a quota of cranks and obsessives, but a large proportion of the concern is being expressed by normal responsible citizens. There are two ways of dealing with that: by saying that the concern is uninformed, unjustified, unreasonable and plain wrong, or by saying, as politicians, that irrespective of the intrinsic validity of people's concerns, there is a problem to be dealt with and everyone benefits from our dealing with it. I have introduced such a Bill again, simply because the problem still exists.

I think that the Government share that point of view. Yesterday, by a happy coincidence, they published their review of the consultation procedures that are being carried out by the University of Reading and Arup. I read it in as much detail as I could in the time that I had, and it is a clear, concise document that expresses the concerns well. The industry shares my point of view. I met the Mobile Operators Association yesterday, and it said that there was more that the Government and industry could do. We have achieved a consensus in understanding that there is a problem to be addressed, which is the first step towards a consensual approach.

**Lembit Öpik** (Montgomeryshire) (LD): Does the right hon. Gentleman agree that one of the problems that we have had up until now is that many people who have raised concerns have felt patronised, to an extent by the mobile service providers and also, at a previous stage, by the Government? I held a one-day conference on the matter last year. In fairness, I must add that there were representatives from all the groups involved and the dialogue began to make meaningful progress, as had not happened before.

**Mr. Curry:** The paternity claims for these measures are spreading so rapidly that we will have to have some DNA testing at the end of the day. I agree with the hon. Gentleman that people are seriously concerned that the consultation procedure is not substantive, and that what they say makes no difference. I will talk about that in a little while.

My Bill is an invitation to the industry and the Government to engage in discussion and find a better planning and consultation framework. My proposals are not prescriptive, but an invitation to negotiate. I have been a Member long enough to know that the chance of Back Benchers producing Bills that meet all legislative requirements is quite small. After all, the Government cannot do that in their own Bills and it takes a great deal of amendment to get them right. This Bill would undoubtedly be little different.

**Mr. Andrew Dismore** (Hendon) (Lab): I support the principles behind the Bill, although I think that the right hon. Gentleman has made it a little complex, and the problem could be dealt with rather more simply. I am particularly concerned about 3G upgrades, because no planning consent is required to upgrade existing masts. Will the Bill deal with that? Although the right hon. Gentleman claims that there is great support for his Bill among Conservative Members, I am concerned that few of them seem to be present to back him up. If there is a vote on Second Reading, has he got enough support to carry it?

**Mr. Curry:** If no one decided to divide the House—I have not yet found anybody who says that they are hostile to the Bill—it would be immaterial how many hon. Members were present, as with the Emergency Workers (Protection) Bill. I have no doubt that the hon. Gentleman will persuade the Minister to envisage precisely those circumstances. I know that he is an aficionado of Friday sittings and I welcome his interventions—although, knowing a little about his track record, I should say that the briefer they are, the more I shall welcome them.

**Susan Kramer** (Richmond Park) (LD): Does the right hon. Gentleman agree that if mobile phone companies were to come to the community early to outline their needs and plans for the next few years, the community could help to identify appropriate sites? In my community, local residents negotiated with Kew gardens to have a site identified in the gardens for all mobile phone masts in the area. That was done only after direct action that included planting palm trees in locations where masts had been planned. Those palm trees are still there, but the mobile phone companies are happy to have their masts in the campanile. However, there is no methodology for ensuring that that approach has been captured for use in the future.

**Mr. Curry:** I have seen some amazing sights, including masts disguised as trees representing extremely rare flora from Latin America. I agree with the hon. Lady, but I would add merely that local authorities have a responsibility too. They should have proper planning frameworks and designate people to talk to the mobile phone companies. Those people should be willing to engage in dialogue, as should local councillors. Too often councillors wait until planning applications are received, and are not alert enough during the consultation process. There is an improvement to be made across the piece.

**Kitty Usher** (Burnley) (Lab): Does the right hon. Gentleman agree with the organisation Together Against Masts in Burnley and me that, for the very reason that he gives, it is essential to revoke the provisions on permitted development rights? Unless we do that, the public simply will not know where the masts are likely to be located.

**Mr. Curry:** My Bill does not propose to revoke permitted development rights in quite as brutal a way as

*[Mr. Curry]*

the hon. Lady mentions. What is important is that people should know what is happening and have a proper opportunity to make representations. When they make representations, they should be listened to. The range of considerations that a local authority takes into account should be broader than at present. There is currently a bias in the system against a local authority objecting, for reasons with which we will probably all be familiar.

**Dr. John Pugh** (Southport) (LD): The right hon. Gentleman prays in aid local authorities, but does he accept that a number of them have made representations to the Government asking for a review of primary legislation?

**Mr. Curry:** I do accept that. Indeed, I have the representations; I have a large file dedicated to representations from local planning authorities. The representations have come from across the piece—from lobby groups, individuals, organisations and local planning authorities.

**Janet Anderson** (Rossendale and Darwen) (Lab): Will the right hon. Gentleman clarify one point about permitted development rights? I understand that his Bill would revoke those rights in respect of antennae, which include satellite dishes. He will know that such rights have recently been amended to reflect changes in technology and support the demand for access to digital TV and broadband. Would not some provisions in his Bill make it more difficult for people to access those digital services?

**Mr. Curry:** The intention of my Bill is not to hamper or burden the industry or make it less able to operate, but to try to find a mechanism whereby it can operate with the consent of the people among whom it is necessarily implanted. That is why Committee stages are valuable; they enable us to tease out unexpected or unintended consequences, and also to reinforce consequences that are intended—another reason to grant the Bill its Second Reading.

When the planning framework was put in place in the 1990s and the mobile phone industry was in its fledgling form, there was a natural concern to nurture it. The industry has been nurtured well enough to provide a quite astonishing amount of money for the Chancellor of the Exchequer, but it has moved on. I suppose that it is now iconic; it is almost a new-age industry. It is not just an industry, but almost a culture as well. Its very pervasiveness has what has made it necessarily a much more political industry—a phrase I use with a small "p".

It is estimated that there are some 50,000 base stations in the country. One cannot get the precise figures from the Office of the Deputy Prime Minister, but one can see the number of non-domestic hereditaments shown in the rating list, which I happen to have discovered following an assiduous search. On 31 March last year, which is almost exactly a year ago, there were 20,930 hereditaments, and I have a list that breaks down among local authority districts the number of installations in existence. Of course, some districts have more than 300 installations.

To understand why there is concern, we must have what le guide Michelin calls "un peu d'histoire"—a little retrospective look at the situation. There are four broad categories of mobile phone installation. I immediately declare to the Minister that in the hierarchy of anoraks, I am an extraordinarily long way from the top and very close to the bottom, so I shall not speak in extremely technical detail.

First, ground-based masts of more than 15 m in height get the full planning permission. Secondly, at the opposite end of the scale, the very small boxes—I think that they are called pico boxes—that are often masked by shop signs could well be sited every 50 m along a main road. They are governed by de minimis rules. One up from that, we have small base stations, which are up to 4 m high and might sit on top of buildings. They come under the permitted development rules. No planning permission is required but there is a range of consultation processes, depending on the site.

The most sensitive category of mast, on which much of the argument focuses, is the ground-based mast up to 15 m high. Those masts are governed by a voluntary code, under which the site is rated. It is known as the traffic light method. Sites are rated red, amber or green and the rating triggers a specific consultation process.

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): Does my right hon. Friend agree that it is perplexing that grading is done by the company that wants to install the mast? Would not it make sense for an independent assessor to do it?

**Mr. Curry:** One of the concerns about the consultation process is the lack of an arbitrator or referee. Indeed, the review of the consultation procedures that the Under-Secretary has conducted suggests that there is a case for instituting an arbiter. That would cover my hon. Friend's point.

It may not be in the operator's interest to have a system of red, amber and green, because red suggests some sort of danger to most people, whereas the ratings relate to the appropriateness of the site rather than carrying a medical connotation. Perhaps it would be in everybody's interest to move to something more appropriate to the process.

**Jim Dowd:** The role of an arbiter or third party in assessing a site would be irrelevant, because the code of conduct has no legal force. It makes not an iota of difference whether operators choose to abide by it.

**Mr. Curry:** That is a good point, and I agree with the hon. Gentleman. The point is also made in the Under-Secretary's review. There would be no point in having an arbiter if there were no rules whereby he reached his judgment. There is a problem.

**Lorely Burt** (Solihull) (LD): My constituents feel strongly about the issue. Many of them believe that red, green and amber relate to the amount of upset that the siting of a specific mast is likely to cause in the local community. I should be grateful if the right hon. Gentleman commented on that.

**Mr. Curry:** I merely repeat what I just said: the system is not intended to denote upset, but it is generally

assumed to do that. I shall be brief, because I believe that the hon. Lady is the promoter of the next Bill. Her intervention was therefore a heroic act of self-sacrifice—but we have all sacrificed a lot today already.

**Mr. David Kidney** (Stafford) (Lab): I am the promoter of the next Bill but one, but I would still like to ask the right hon. Gentleman a question. Does he agree that one unfortunate side effect of the grading system is that the same sites receive applications for more and more masts, so there is a concentration in a small area, which leads to fears and rumours—one never knows whether evidence will follow one day—about clusters of cancer cases?

**Mr. Curry:** I accept that, and I congratulate the hon. Gentleman on the diversity of his interests. He can move from telephone masts to breastfeeding in one sitting.

The local authority has eight weeks to object to a mast, subject to the traffic light system. The most frequent ground for objection is amenity, because health issues are not normally considered to be a valid ground. There are weaknesses in the procedure. As we all know, local authorities are often reluctant to refuse planning applications if they believe that they will end up going through an appeal procedure, simply because of the costs of an appeal. There are problems with the timing and relevance of the consultation. People feel that they are not heard, or that if they are heard, no account is taken of their views. There is no confidence in the traffic light system and, as the hon. Member for Lewisham, West (Jim Dowd) said, any arbiter would have no basis on which to make a judgment because compliance is voluntary.

**Mr. David Evennett** (Bexleyheath and Crayford) (Con): One of the concerns expressed to me by my constituents is that not only must they be vigilant about applications, but when one application is refused, another operator makes an application for the same site. My constituents consider that unfair, and even though the council may refuse the application, they feel strongly about the vigilance and time needed, and the unfairness.

**Mr. Curry:** I entirely agree. That is one of the major concerns that has been expressed. Of course, the concerns tend to focus on masts sited near schools and medical facilities.

**Mr. Jeremy Hunt** (South-West Surrey) (Con): I had a case in which Orange wanted to site a mast right outside a school in Farnham. Does my right hon. Friend agree that one of the problems with the current legislative framework is that it allows operators to be extremely arrogant in their dealings with local residents? In that case, the response from Orange was, "If you don't want the mast outside your school, that's fine. Can you find us somewhere else to put it?" It is inappropriate for a mobile phone operator to be able to say such a thing. Does my right hon. Friend agree that we need to address that?

**Mr. Curry:** Indeed. Even where operators are required to issue a consultation—for example, to heads and governors of schools if they want to site a mast within range of a school—there is no control over the timing, so the consultation document can arrive on the day that the school packs up for the summer holidays, and by the time school starts again, the consultation period is almost over. Again, that is a loophole that sensible measures could put right.

I accept that there is no present evidence of harm. Sir William Stewart's report in 2001, which was updated in 2004, spells that out, but I have been around long enough to know that politicians and scientists can offer only current evidence. They do not deal in certainties or guarantees. The public increasingly ask for certainty and guarantees, and risk is a much more difficult political issue now than it was a generation ago. Having been at the Ministry of Agriculture, Fisheries and Food during the BSE crisis, I am familiar with the way in which that may work out in practice.

**Mr. Arbuthnot:** Is this not a key point? The fact that there is no current evidence of harm does not mean that there is evidence of no harm. That is a very different issue, and we surely need to follow the precautionary principle, as the Stewart report suggests.

**Mr. Curry:** It is crucial that we understand what the Stewart report recommended. I have taken from the website—a technological feat in its own right, as far as I am concerned—the summary of the Stewart report from the National Radiological Protection Board. It recommends, for example, that

> "particular attention be given to how best to minimise exposure of potentially vulnerable sub-groups such as children and to consider the possibility that there may be other sub-groups who may be particularly sensitive to radiowaves"

and calls for a continuing programme of research.

I recognise that Sir William Stewart's report was on a much wider subject than masts, but he stated:

> "The fact is that the widespread use of mobile phones is a relatively recent phenomenon and it is possible that adverse health effects could emerge after years of prolonged use. The evidence base necessary to allow us to make firm judgements has not yet been accumulated. What we can say is that there is as yet no hard evidence of adverse health effects on the general public, but because of the current uncertainties we recommend a continued precautionary approach to the use of mobile phone technologies. This approach should be adopted by all involved in this area—including government, the mobile phone industry and all who choose to purchase a mobile phone for themselves, or their family, or their children".

What he is saying, which is entirely sensible, is that a case cannot be stacked up on health grounds, but sane people realise that that situation may not be permanent and we should build into our provision the possibility that that advice may change.

**Mr. John Horam** (Orpington) (Con): Is my right hon. Friend aware, given his European interests, that there has been research in both Germany and Sweden relevant to this matter, which shows instances giving rise to concern?

**Mr. Curry:** I am aware of that, which is why the evidence is a moving phenomenon, not fixed. That is why, as my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot)—one of the large delegation from Hampshire present today—said, the precautionary principle is the right one to apply. The Government are constantly applying the precautionary

*[Mr. Curry]*

principle in a range of areas—in, for example, bioengineering plant and food technology, at both the European and the national level.

**Sir George Young** (North-West Hampshire) (Con): My right hon. Friend is making a powerful case for his Bill. Will he confirm that the regime he is promoting for England is already up and running in other parts of the UK, such as Scotland and Northern Ireland? The infant that he seeks to produce for England is already an active toddler elsewhere.

**Mr. Curry:** My right hon. Friend has taken the words out of my mouth, and it is perfectly possible to reform or modernise the rules without either the intention or the consequence of damaging the industry. Scotland requires full planning permission for the ground-based masts under 15 m, and there is a debate in Wales on which way to go. Indeed, in July 2004 the Scottish Executive commissioned from the university of Dundee a study entitled "Evaluation of Revised Planning Controls Over Telecommunications Development" on the consequences of the changes in Scotland.

I shall not quote from that study, but it states that the strengthening of the planning rules has been no impediment to the mobile phone operators, nor has it caused a burden for Scottish councils that they have not been able to discharge. It is right that within the quasi-federal system in the UK, different policies are being applied in all manner of regions across the country.

The Bill has three core provisions, which are familiar and inherited from the Bill introduced by the hon. Member for Hazel Grove. That, I think, was put together with a great deal of help from the technical expertise available in the House. The provisions are the precautionary principle, which must accompany the planning applications; the identification of the area and the range of the beam of the greatest intensity, as well as the characteristics of that beam, which then become part of the planning consideration; and the ability of local authorities to remove masts on land used for medical or educational purposes without compensation.

I repeat to the Minister that the Bill represents an invitation to negotiate and engage. We have a common interest in putting to rest vexations and persistent grievances. I know he will agree that we need a process of identification and analysis, followed by the addressing of the issues before us. His consultation document has started that process.

The Minister could stand up and say, "We've got it under control. We've had the consultation and the document has been published. We envisage new guidance and we'll consult on that. Then we will have dealt with the issue." I would say that there is a deep suspicion over this, which is not healthy. We need to proceed in such a transparent way that the industry feels its future is secure, and the constant local guerrilla wars no longer have to be fought. The public must not feel threatened, intimidated or taken advantage of. Local authorities must not feel overburdened.

The best way to achieve all that is through the traditional procedure of taking the Bill into Committee and being open in the negotiations, to try to achieve what the Minister and I both want. At the end of the day, he and I will have a great deal less traffic from my constituents about concerns that I know are very real to them. Also, the industry will not feel that it is guilty of some local trespass all the time.

**Mr. Jim McGovern** (Dundee, West) (Lab): I do not know whether the right hon. Gentleman is a member of the all-party group on mobile communications, but I understand that the Bill is largely the result of a report from that group. I further understand that the group was criticised in the press last week as being misused by lobbying organisations. Does he share my fear that the concerns he has outlined, which are shared by all our constituents, are being misused by organisations that simply want to promote alternative forms of communication?

**Mr. Curry:** That may or may not be the case. I do not belong to the group; I feared that there might be a technical entry qualification, which I would be bound to fail, so I stood outside it.

My concern is simply that we should sort out the problem in a way that lets everybody see that it has been sorted out—clearly and openly. We would all be a great deal more comfortable as a result, whether we are trying to make the industry work or whether we want to feel that our home is not being threatened in any way. Colleagues across the House would then increasingly feel able to concentrate on the easy issues in their constituency burden, such as the future of the Child Support Agency or the Government's tax credits system, which are already taking up a great deal of our time. In that spirit, I commend this measure to the House.

1.19 pm

**Mr. Andrew Dismore** (Hendon) (Lab): I congratulate the right hon. Member for Skipton and Ripon (Mr. Curry) on introducing his Bill. He will be pleased to hear that I support it, so I do not intend to speak at great length. I want to find out about one or two points, however, because this subject is a major issue in my constituency.

I have been checking my records, and I see that in the past 12 months, in one ward in my constituency, Mill Hill, and in its immediate neighbouring planning districts, there have been 14 different applications and issues relating to mobile phone masts. Orange is probably the main culprit, closely followed by T-Mobile and Vodafone. They seem to try to wear down communities and their opposition—and local authority planning departments—through repeat applications and continuing appeals. Something must be done about it. There was even an application for a mobile phone mast to go on top of Barnet hospital, which, I am pleased to say, the hospital authorities came to their senses about and decided not to allow.

The worst case involved a mast upgrade, which does not need consent, for Copthall school. The application was to put a 3G mast on the roof of the school, and there seems little that the school can do about it other than negotiate. To put the matter in context, I have a pile of correspondence about that one mast—not objections, but merely correspondence between the council, school

and mobile phone company. We must find ways of dealing with the matter other than hoping for good will from the mobile phone companies.

There is a general problem with 3G upgrades, which has led to the huge upsurge in applications. The issue first arose several years ago with the previous generation of mobile phone masts, and then it went quiet. Suddenly, it has become a major issue all over again.

**Mrs. Maria Miller** (Basingstoke) (Con): On the issue of new areas of housing development, of which I have a lot in my constituency of Basingstoke, does the hon. Gentleman agree that more planning in advance of houses being built could allow sites to be set aside for mobile phone operators to use to ensure better coverage in those new areas of housing? At the moment, new houses are built without any consideration for the mobile phone coverage that those areas might require.

**Mr. Dismore:** The hon. Lady makes an important point. My constituency contains one of the fastest-growing neighbourhoods in London, with potentially 10,000 extra households over the next five to 10 years. The more general point is that developers tend to overlook the whole impact on public services, whether mobile phones or otherwise. It is difficult to devise a strategy whereby mobile phone masts can be erected safely on some of those dense new developments.

The Bill seems rather complex. I am concerned about who will draft the precautionary principle statement. If it is not done independently, I suspect that mobile phone companies will be pleading in their own cause. I am also concerned about who will produce the beam of greatest intensity certificate. Will that be done independently? If it is done by the mobile phone companies, where is the guarantee of independence?

The Bill should be a lot simpler. Mobile phone masts should go through the full planning process to allow people to object. There should be full planning processes for replacement 3G masts—they should not be seen as permitted development simply because a mast is already there. We should have much stronger powers to take into account precautionary principles beyond the code of practice, which is simply not enough. Public concern, most of all about health, must be reflected in those considerations. I know that the scientific evidence is somewhat ambivalent, but the problem is that a clear guarantee cannot be given, and until and unless one can be given, local communities will be concerned, and they are entitled to have those concerns recognised.

If there is a vote on the Bill, I shall vote for it. In Committee, however, I hope to adopt the philosophy of the right hon. Member for Bromley and Chislehurst (Mr. Forth). Some big changes are needed to make the Bill less complex and more straightforward and to address the concerns of the public.

1.24 pm

**Andrew Stunell** (Hazel Grove) (LD): I am delighted to support the Bill. The right hon. Member for Skipton and Ripon (Mr. Curry) generously gave me credit for an earlier version, and indeed I consider this an important subject. I also thank the right hon. Gentleman for the measured way in which he put his case. He made it very clear that his Bill did not constitute an attempt to disable the mobile phone industry or to close mobile phone networks. I do not want to do that either. I have a mobile phone, as the House will unfortunately have heard earlier today, so I cannot possibly say anything against them. However, I am glad that the issue has returned to the House. I hope that the Minister will not just be sympathetic, as I know he always is, and will not just be emollient, as I know he always is. I hope that he will say "Let us give the Bill some serious examination at the next stage," because that is plainly what the public want and what Members want.

The problem goes back to the Telecommunications Act 1984, which—as the right hon. Gentleman explained very clearly—exempted masts from planning rules, and from the subsequent reiteration by Governments that all matters relating to health were subject to national Government rather than local government decisions. That means that all health aspects have been removed from consideration, as have a wide range of base stations.

The difficulties have been compounded by the oppressive contracts that mobile phone companies arrange with those who permit masts to be placed on their property. That first came to my attention when a secondary school in my area, Marple Hall, agreed to a mast being placed on its property in the early days of telecommunications masts. Following a fair amount of protest from parents and others in the neighbourhood, the school rescinded its decision, only to find that the contract that it had signed did not entitle it to have the mast removed. It had signed away its rights to such an extent that the company could install any replacement mast that it chose, and could carry out any repairs, maintenance or alterations that it wished to undertake. In fact, the school had completely forgone its property rights.

In another case in my constituency, a mast was alleged to be less than 15 m high and thus not to require permission. Again there were bitter objections. Someone went to the trouble of measuring the mast, which proved to be not less than 15 m high, but 16 m high. The local authority took action against the company for installing a mast above the permitted height, on valid planning grounds. Those grounds were challenged by the company. The Secretary of State's inspector upheld the council's decision, and ordered that the mast be removed. The company's response was very straightforward: it said "We will take the 16 m mast down, cut 1 m off and put it back." It is that sort of response—waving two fingers at the law and the intention of the law—that has so deeply angered Members and their constituents.

The right hon. Gentleman covered the health issue very well. It is a question not of manifest and apparent danger, but of a suspicion that it will come to light in future that there were hazards that were not taken properly into account. That is what Sir William Stewart addressed in his two reports.

I hope the House will note that the two other parties in the House are committed to changing the present system. During the debate on the earlier version of the Bill on 18 March, the hon. Member for Bexhill and Battle (Gregory Barker)—speaking, I assume, on behalf of the Conservative party—said

"the next Conservative Government will require all phone masts, regardless of size and proposed site, to be subject to the full planning permission process".

*[Andrew Stunell]*

I am delighted that, at least then, that was Conservative policy. I am not sure whether the policy has been subjected to a U-turn or has been reviewed in the meantime; perhaps the Minister will tell us later.

In that same debate, some election literature from the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), who is a Labour Member, was read into the record. He said that Labour would

"do everything we can to ensure that there are no more phone masts near schools and hospitals".—[*Official Report*, 18 March 2005; Vol. 432, c. 570, 568.]

I concede that that was only election literature and that, like manifesto promises on ID cards and other matters, it could have changed since, but I hope that the Minister will say that that is the intention of the Labour Government.

**Dr. Pugh:** The hon. Member for Birmingham, Hodge Hill (Mr. Byrne) is a Minister in the Department of Health at the moment, is he not?

**Andrew Stunell:** I am sure that what I think they call collective Cabinet responsibility will mean that what the Minister says to the House today will bind all his colleagues at all levels. I hope that that will be the case. I hope that what he says will bind the Chancellor of the Exchequer, the new constituent of my hon. Friend the Member for Dunfermline and West Fife (Willie Rennie). The Chancellor is, I suspect, the person who is least likely to be happy with the Bill, because he may face some angry phone companies asking whether they can have their £30 billion back. That is the elephant in the room, because fantastic sums of money are involved in the promotion of the industry. Clearly, any constraint on trade is viewed by the industry with the utmost suspicion and it fights against it.

Every Member of Parliament to whom I have ever spoken on the issue has a significant case load of difficult and aggravating planning consents and disputes about the installation of masts. There is no way that the current planning exemptions can be justified. Arguably, they were right to get the industry started, but it is now 60 million customers strong. It is capable of coughing up £30 billion for its next generation of installation. The idea that it needs special help to proceed is outdated and wrong.

The health risks are an additional factor. I am pleased that the Bill deals with that by requiring what amounts to an individual MOT health certificate for those masts that are close to and beaming on health facilities and schools.

**Mr. Hunt:** On the health issue, does the hon. Gentleman agree that there is particular concern about technologies such as terrestrial trunked radio, the use of which is not as widespread and which operates on different frequencies? With those different frequencies, which are not used by ordinary mobile phone users, but are used by the police, ambulance services and others, the health concerns are much greater. Is not that also a good reason for the precautionary principle to be incorporated into planning laws in respect of mobile phone masts?

**Andrew Stunell:** The hon. Gentleman makes an important point. The problem with the TETRA masts is that they are new. To some extent, we have learned to live with whatever is coming out of the previous generations of masts and become a little more familiar with them, but the new TETRA networks are an increasing concern. Those concerns could be met—indeed, the industry says that they will be met very easily—by stating specific precautionary principles in the Bill.

It is generally said—I was interested in what the hon. Member for Hendon (Mr. Dismore) said—that the Bill could be simplified, strengthened and generally improved. I am happy to believe that all those things are true, but none will happen unless it receives a Second Reading. I urge the House to allow that so that the matter may be discussed further, our constituents' concerns may be properly addressed and the interests and anxieties of many hon. Members may be dealt with.

1.34 pm

**Nia Griffith** (Llanelli) (Lab): I would like to draw the House's attention to the Christmas-tree effect. As my hon. Friend the Member for Hendon (Mr. Dismore) said, what do we do where there is legitimate permission for a mast? I refer to one in my constituency on Bigyn hill, which was erected in the early 1960s for police use. That mast has begun to look like a Christmas tree whose loving tenders have bought an enormous number of decorations. One apparatus after another is tagged on, with each adding to the grotesque look of the mast and to the immense concern of the parents of children at the primary school just underneath it. The Bill could deal not only with the masts themselves but with the additional equipment that is tagged on to them.

The second issue that concerns me is how on earth these companies can pick a very densely populated urban area such as Dafen in my constituency and suggest putting up a mast there, right next to Prince Philip hospital, when there are wide open spaces not far away. The people who will be affected in their homes, schools and hospitals must be taken into consideration so that companies do not pick such areas when there are clearly alternatives.

We are all—let us be honest—users of mobile phones. We all need and want the technology, and it would be hypocritical to say that we do not. However, there are alternatives to sticking masts right in the middle of places that are full of people living and working as opposed to emptier areas. We must make that message extremely clear. Masts are clearly being deliberately put in places that are unsuitable when there are more suitable places available. I ask the Minister to give serious thought to the multiple use of masts and to the initial consideration of planning applications.

1.36 pm

**Mr. David Evennett** (Bexleyheath and Crayford) (Con): I rise to speak in strong support of the Bill and to congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on presenting it to us. His speech was rational, reasonable and effective. The cross-party support that the Bill has received is very encouraging. This is the third or fourth occasion on which such a measure has been before the House, and it is a pity that we have not made a great deal of progress to date. I hope that the Minister, who is a reasonable

man and is listening hard, will take on board the view shared by many of us that it would be good for the Bill to go into Committee so that these matters can be discussed at greater length and in greater detail. As we have heard, this issue concerns many of our constituents.

Of course, we all use mobile phones. Like my right hon. Friend, I am rather challenged when it comes to some aspects of technology, and I came rather late to using mobile phones, but they are absolutely vital to the work that we do and the lives that we lead. However, technological developments always have consequences. These masts are not only an eyesore and a nuisance but a potential health risk.

I want to highlight the situation of residents who are constantly battling with mobile phone operators who keep applying for an opportunity to have a mobile phone mast in an area close to residential properties. When one operator has been refused, another comes along and goes through the same procedure. In parts of my constituency, including Iris avenue, West Heath road and Woolwich road, people have had two or three different operators make the same application once one has been rejected. That creates worry for residents and means that they have to give up a lot of their time in being vigilant and ensuring that they are on the ball as regards what is going on. Often they do not receive notification from the phone company or the local authority because the consultation has taken place in such a narrow area that they are just outside it. I welcome the opportunity that the Bill gives us to discuss how we could make masts subject to the full planning application.

This morning, I met Alan Eaton and the Orange Squash Group, who got together a petition of 750 local residents in the northern part of my constituency. They support the Bill, and I urge Members to enable consideration of it in Committee, so that their concerns about locating such masts in the vicinity of schools or other sensitive sites can be aired, we can establish a new modus operandi and everyone can be happy with where these masts are being located.

I accept that the health issue, which many of us are concerned about, is a very difficult one. As we heard from my hon. Friend the Member for Orpington (Mr. Horam), reports from Sweden and elsewhere show that the location of such masts does give rise to serious health concerns. The danger to health remains unproven, but the fear of those who feel that they and their families will be affected in the long term by the locating of masts near to their schools and homes is very real.

**Dr. Pugh:** There is also the unresolved issue of electro-sensitivity: in other words, even though there may be no effect on people in general in a given area, individuals could be substantially affected by something that does not affect the majority.

**Mr. Evennett:** I am very grateful for that intervention and I endorse entirely what the hon. Gentleman says; it is important to bear in mind that such problems could be specific, rather than general.

Many of the mobile phone masts in Bexley could have been located more sensitively, away from schools, hospitals, old people's homes and residential areas. We urge phone companies to locate them away from such areas, but so far, we have been spectacularly unsuccessful, even though there are plenty of open spaces—motorways, for example—that might be more appropriate locations.

**Mr. Hunt:** I wholeheartedly agree with what my hon. Friend is saying. Does he agree that some residents are concerned about the effect on property prices of placing mobile phone masts in residential areas, and that many such fears could be allayed if mobile phone companies had to go through the proper consultation process that the Bill requires? A resident in my constituency, in consultation with an estate agent, has estimated that erecting just one mobile phone mast in his area would impact on property prices to the tune of some £1 million. Does my hon. Friend agree that that is another reason why we should support the Bill?

**Mr. Evennett:** That is a very fair and important point and it is another reason why the Bill should proceed to Committee.

This is a worthwhile Bill and it deserves further consideration and discussion. We hear all too often that politicians do not listen to their constituents, but today we have found cross-party support for action on this issue. This is an opportunity for us to take on board our constituents' concerns and to do something about them. I very much hope that when the Minister winds up, he will agree that we should proceed along these lines, have further discussions and support my right hon. Friend's Bill this afternoon.

1.43 pm

**Ms Celia Barlow** (Hove) (Lab): I, too, want to begin by thanking the right hon. Member for Skipton and Ripon (Mr. Curry) for introducing this Bill, which deals with an area of planning policy that is challenging to policy makers and is important to many people. The issues to which the placement of mobile phone masts gives rise are significant to many people, and particularly to those in my Hove and Portslade community. I have received a lot of correspondence on this subject, and I have been approached in person by many concerned residents and been made aware of a number of local campaigns. Several forums have recently been held, at which all the stakeholders involved—members of the local authority, residents and representatives of the telecommunications industry—engaged in reasonable debate. As would be expected, the meetings rarely reach a consensus, but they are highly productive. The educative value of the meetings has led to more informed debate on the subject in my constituency. During the election campaign, I also made a commitment to the people of Hove and Portslade to investigate the concerns about mobile phone masts and to act on them when appropriate. I am grateful for the opportunity to do so today.

In 2002, the Government, in conjunction with the mobile phone industry, pledged £7.4 million for research into the safety of mobile phones. I am pleased also that the Government continue to remain committed to investing resources into examining the impact of mobile phone technology on our everyday lives. Ministers are also committed to reviewing current planning procedure for mobile phone masts—a policy

*[Ms Celia Barlow]*

that I wholeheartedly support. I applaud right hon. and hon. Members for taking seriously the concerns of our constituents about the issue and I am satisfied that public health remains paramount in the consideration of any current or future policy.

However, given the regulatory framework on the placing of telephone masts, the public still have cause for confusion and concern. That is clearly supported by the continued presence of the issue at the top of many people's local agenda, as many hon. Members are well aware. Indeed, the interesting article written recently by the right hon. Gentleman for his local paper confirms that that is true for Members on both sides of the House. For example, there is a consensus among the scientific community that mobile phone emissions pose no direct health risk to users of phones or those situated near masts, but masts are no longer situated near schools on the recommendation of the Stewart report. If the Government believe the Stewart report evidence that phone masts pose no threat to public health, why recommend such a measure? Such contradictions have fostered hostility towards phone masts in the general public, who sense uncertainty among policy makers on the issue.

It is understandable that concerned constituents, many of whom have young children, seek clarity and reassurance on the issue. It is important that we are able to work together across the House to reach the clarity and consensus that is needed on the matter. Mobile phones have undoubtedly become an essential part of everyday life. It is important that we are able to strike a balance between the needs of many to use mobile phones and the suspected potential health concerns for some of our constituents.

During my surgeries, many constituents have raised the issue of the need for the further installation of the more powerful 3G telephone masts, which has formed part of the debate today. Again, it is a question of balance. One possible solution to the problem is the suggestion that the number of mobile phone relay stations could be reduced by having mobile phone companies share potential installation sites. I am pleased that the Government are looking at that option further as it would greatly reduce the need for other mast sites throughout the country.

The other area that should be investigated before any further legislation is made is the point at which perception of risk to general health translates into actual damage to health caused by the stress of the installation of a telecommunications mast in the vicinity of people's homes or schools. It is not sufficient to say that such effects are merely subjective, and I encourage the Government to consider the effects that constant stress can have on a family with young children. As a mother myself, I understand the concerns that other parents may have about the health of their families. However, that is not to say that my constituents do not understand the ever-growing need for mobile technology in our day-to-day life.

My constituents are understandably concerned when scientific reports recommend restricted phone use by younger children. My constituents do not believe that such recommendations tally with the telecommunications industry assertion that there is nothing to fear from the emissions caused by masts. My constituents' concern is that the scientific evidence gathered so far is not conclusive. Although the Stewart report stated that there was no threat to health, the recommendation that installation sites should not be near schools sends parents a contradictory message. Many of my constituents conclude that if it is not recommended that mobile phone masts be installed near a school, it should not be acceptable for such a mast to be erected in a residential street where many young children live. Whether or not there is a scientifically accurate basis for not installing mobile phone masts near schools, it is on that apparent contradiction that many of my constituents have formulated their stance on the issue.

The report has continued to cause much stress and anxiety, which could in certain instances lead to tangible medical conditions. Constituents' concerns are real and deep-felt and cause genuine distress to all those affected. As legislators, it is our obligation to take their worries into consideration, and I am pleased that Labour-led Brighton and Hove city council has always given high priority to the concerns of local residents.

I am also greatly encouraged by the Government's continued commitment to that field of research following publication of the Stewart report—the most comprehensive study to be commissioned by any Government in the developed world. The report states that there are gaps in our scientific knowledge about mobile phones, and I encourage my hon. Friend the Minister and the mobile phone industry to continue their commitment to pursue an active and forward-looking programme of research to seek answers to those gaps in our knowledge.

On 3G telephone mast installation, I recommend that we err on the side of caution, especially when children are concerned. We already know that our children are more susceptible than adults to the effects of mobile phone emissions. It is, therefore, reasonable that we take a more considered approach to the further installation of the new generation of more powerful 3G telephone masts.

I am eager not to take up too much time, as other Members want to speak, but I am pleased to have been given the opportunity to raise my concerns on this most important of issues. The health of our children should be brought more to the fore, as it transcends the boundaries of party politics. As their elected representatives, it is important that we maintain a dialogue with our constituents and that the results of further scientific studies are made more easily accessible to those who are affected the most.

Again, I highlight my appreciation for the Government's continued commitment to examining the health concerns of those affected by mobile phone masts, and I once more express my appreciation to the right hon. Gentleman for initiating this timely debate.

1.52 pm

**Mrs. Maria Miller** (Basingstoke) (Con): I, too, congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on this excellent Bill. I hope that the Minister will see fit to let it proceed to Committee, as the issue is important for all our constituents. It is especially important in north

Hampshire, as is evident by the attendance of several north Hampshire MPs at the debate. The Bill gives us the opportunity to debate a subject that is not only of concern in the minds of many of our constituents, but generates a lot of casework. By sorting out the problem, the Minister will do much to help us all.

Many Basingstoke residents feel that planning rules favour the interests of network operators over the legitimate concerns of local residents. They feel that their concerns are in many ways ignored by central Government, yet cannot be taken into account by local authorities, whose planning powers are severely restricted in the present system. As well as my right hon. Friend's Bill, I should like to consider whether other measures could be added, as I intimated in an intervention earlier.

Twenty-seven per cent. of all phone calls are made on mobile phones, but there is no requirement for developers to take mobile phone coverage into account when seeking planning permission for new developments. In Basingstoke, many new developments are a cause of concern in that regard. Hundreds of homes are being built in places such as Sherfield park and Popley fields, yet no analysis was carried out before the area was developed to assess whether there was sufficient coverage for mobile phone masts—whether more needed to be built and whether more land would be needed for that.

If indeed there is a need for increased coverage in the area, surely it would be easier and more sensible to provide that by planning in mobile phone coverage in the same way as we plan in many other utilities in advance of house building. Perhaps in that way we could also take account of the point that my hon. Friend the Member for South-West Surrey (Mr. Hunt) made about the impact of mobile phone masts on house prices, which is a concern in my constituency too.

I am pleased that my local authority, Basingstoke and Deane borough council, in support of the Bill today, passed a motion on 16 February which reiterated residents'

"particular concern over the siting of masts near to schools, hospitals, and residential properties";

the widely held perception that

"legislation is weighted in favour of mobile phone companies";

and the deep frustration that local authorities

"currently"

have

"little power to act on"

their

"residents' concerns."

Residents urged us to take part in today's debate, which I am pleased to be able to do.

Although there is a code of conduct for operators, there are too many examples of where residents' real concerns simply cannot be taken fully into account. In Basingstoke we have had numerous problems in that respect, including an operator wanting to site a new mobile phone mast right next door to a school for children with special needs, in the centre of a residential area, with the local council and local residents feeling almost powerless to stop it. The Bill would address many of those concerns by clarifying and firming up the current rules, thereby making the whole system more transparent and building confidence for local residents.

The Bill would help residents' concerns to be heard about the health effects of mobile phones. It would require any mast application to include a statement describing any threats to health or the environment, as well as a description of where the radiation emitted by the masts would fall—the so-called "beam of greatest intensity certificate". Both are eminently sensible measures which would increase accountability, transparency and, importantly, confidence in our planning system. The Bill would also help local residents have more say in where masts are sited by removing the automatic right to erect a mast below 15 m in height, and prevent the use of compulsory purchase powers by landowners to acquire certain sorts of facilities.

For those reasons, I shall support the Bill today, and hope that the Minister uses this opportunity to be seen to be listening to the concerns of my constituents, and the constituents of other hon. Members in the House today, to make changes in this important area.

1.57 pm

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): I am grateful to be called to speak in this important debate and I congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on introducing the Bill. I do hope that it has more success than its predecessors, which ran into the ground, and I am slightly concerned by the inch-high stack of papers that the Minister has on the Dispatch Box in preparation for his summation. I encourage him to take the first and the last sheets and to save the rest for Committee.

I fully support the Bill. It empowers local authorities, gives greater transparency to the planning process and improves consultation with residents. This legislation is well overdue and it is interesting to hear that we are now playing catch-up with Scotland. We have heard that to date there is a national roll-out from the five mobile phone companies of about 45,000 masts, and I understand from reports that we are about halfway through; we are looking at a total of about 100,000 masts, and that is with the third generation network. Nowhere is that more evident than in Bournemouth, where every month or so we have a new application for a mast. We still require another 40 masts in the Bournemouth area.

It could be argued that because we all have mobile phones in our pockets, we should stomach the fact that we need mobile phone masts. Well, we all use cars and we all use electricity, but we still have proper regulation of where roads and power stations are put. The same should apply to mobile phone masts.

We have experienced a litany of problems in the Bournemouth area: poor consultation, and confusion in the interpretation of permitted development, which has led to demonstrations and petitions by the residents. I take my hat off to Bournemouth council for going some way to take steps to support the Bill and to try to rectify the problems that we have encountered. However, I would encourage the council to go slightly further and open up council land to mobile phone masts use—something that is not currently allowed. We still have another 40 masts to go, and there is still an awful lot of

*[Mr. Tobias Ellwood]*

confusion about where they are supposed to be placed. If the Bill passes all the relevant stages, it will certainly provide a more palatable, open, transparent and fair process—something with which the whole House would agree.

**Mr. Hunt:** I thank my hon. Friend for texting me on my mobile phone this morning, thus allowing me to get back from my constituency in time for the start of the debate. He talks about transparency in the planning process. Does he agree that the point of that process is to balance the interests of commercial operators with those of the residents—it is not intended to side with one or the other, but to balance those interests—and that it is for the Government to justify any exemption to that planning process, not for us to argue why that exemption should be lifted?

**Mr. Ellwood:** My hon. Friend makes a very important point, and I thank him for making it into the Chamber in order to do so. It is vital that we arm local authorities with the necessary powers to deal with such issues appropriately, and that should start here in the Chamber.

I should like to go further than the Bill. If it is debated in Committee, I shall be keen to pursue a new clause to consider the possibility of introducing a single mast network. That may seem a little strange at first. However, we have a single network for water, but people can apply to many companies for their water. There is a single network for domestic gas, but people can get their gas supply from a number of companies. The same applies to landlines—whether from BT, NTL or any other service provider—as they all share the same system. Why cannot we have the same process for mobile phone masts? That happens in other countries; it could be easily introduced here.

Clearly, there would be some technical challenges, and such a change may well have to wait until the fourth generation roll-out of masts. However, we must start somewhere and the Bill could be the place to do so. I should certainly like such a new clause to include the idea that the Government would report back to Parliament on a feasibility study to find out whether the technical hurdles that would be encountered could be overcome.

Concern has been raised about the cost of the licences. Clearly, the company representatives to whom I have spoken seem very keen to pursue the issue. Of course, they want to protect the money that they put in during the licensing auctions that took place a number of years ago.

It is worth remembering that more than 100 years ago we had a rather confusing telegraph system, with independent companies set up in London and a spaghetti network of wires going across the city's rooftops. Eventually, the Government said, "This is too much."—the sprawl of wires was getting out of control—"Let's have a single system." That is exactly what we could have with the introduction of one network for mobile phone masts, thus reducing the number of mobile masts by about two thirds. That gets to the very heart of the problem that we are discussing.

In conclusion, I fully support the Bill. It would provide local authorities with more power, which they require, and local residents with more say in the planning process. I hope that it will allow us to take the first steps in considering a nationwide mast network.

2.3 pm

**Nick Herbert** (Arundel and South Downs) (Con): I, too, will be very brief. Like other hon. Members, I should like to hear what the Minister has to say about the Bill. I congratulate my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) on introducing the Bill. Mobile phones are important to all our lives, but the growth in their use has, of course, been phenomenal. There are more than 62 million mobile phone subscribers now, compared with 9 million when the Government first came to power in 1997, and 85 per cent. of households now have mobile phones.

The background to the Bill is a concern of which all hon. Members are aware from their constituencies. In the eyes of our constituents, masts can affect people's health, particularly when they are sited close to schools and medical facilities, without any proper consultation with local communities. As my right hon. Friend and other Members have explained, the problem is that the siting of such masts is effectively outside the planning process. No proper consultation with communities therefore takes place and people feel disfranchised from the decisions that are taken. The Government's own expert committee urged that a precautionary approach be taken to the siting of masts. That is reflected in the Bill, which would ensure that new masts—not existing ones—would be subject to full planning permission and that health considerations could be taken into account when applications were considered.

The precise detail of the proposals will need to be examined and scrutinised—I hope in Committee. We will need to consider their impact on the number of applications and the extension of 3G coverage. The number of planning applications would certainly increase. All those aspects can be dealt with.

The principle of the Bill—that local communities should be properly consulted over the location of masts—must be right. For too long there has been a creeping attitude that the Government know best and a process whereby too many decisions are, in effect, taken out of local control and away from local communities. We have seen that in a number of areas of our lives where the say of local communities has been taken away and responsibility has been moved to a regional level—in relation to the police service, the fire service, planning decisions and so on—or to Government. The idea that is it wrong to consult local communities and involve them in such decisions and that no objections to the siting of masts may be brooked simply because the Government have judged that mobile phones are good for us all is profoundly anti-democratic.

The Labour manifesto for the last election stated, perfectly reasonably:

"People want a sense of control over their own neighbourhood."

If that is to be adhered to and applied, the Government should support the principle behind the Bill and at least be willing to examine the Bill and discuss with us in Committee how it might operate.

Concern about the issue will grow. One suggestion is that 3G technology will require up to four times as many masts as at present. That would mean 135,000 more masts in the country—more than 200 for every constituency. The issue will not go away and it is no longer acceptable to sweep the concerns of local people aside. We must be capable of achieving a sensible balance.

I have left plenty of time in which the Minister can respond without talking out the Bill. If he is still speaking at 2.30 pm, the House will know that the Government's real intention is not to support the Bill. The Bill has had support from hon. Members on both sides of the House and I hope that the Government will therefore allow it to go into Committee so that it can be discussed further.

2.7 pm

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** I, too, congratulate the right hon. Member for Skipton and Ripon (Mr. Curry) on securing a place in the ballot for private Members' Bills and using the opportunity to debate this significant topic. As he knows, the subject is important to the Government and is of widespread interest and concern to hon. Members and the public.

The hon. Member for Arundel and South Downs (Nick Herbert) suggested that there was going to be subterfuge by talking out the Bill, but we are quite clear that we do not support the Bill—we are quite happy to say that. However, where the Government agree with the right hon. Gentleman—I commend him on the tone in which he introduced the Bill—is in recognising that we have to move the situation on and that there is concern and fear because of a perceived health risk, although all the evidence shows that there is no such risk. I will come on to that. I apologise to the hon. Member if it will cause him offence if I am still talking at 2.30 pm, but I have a lot of information to put across.

We published our latest report this week, as the right hon. Gentleman was generous enough to acknowledge. It runs to some 40 pages, but expresses matters concisely and precisely. We are advised that the latest data from the research commissioned as a result of the paper will be with us by the end of April. We are determined to move the issue on in order to reassure the public and deal with the legitimate concerns that are being expressed by hon. Members. I accept entirely that this matter will not go away. The Government are not making any attempt to say that the issue does not need attention. It does need attention, we are giving it attention and we will give it a lot more in the months ahead.

Before I get into the substantive matters addressed in the clauses, I should like to set this discussion in the wider context, which has been referred to piecemeal by hon. Members over the past couple of hours. It has been one of the Government's objectives to create the most dynamic, competitive communications industries in the world, ensuring universal access to a choice of diverse services of the highest quality and that citizens and consumers are safeguarded.

The UK is at the forefront of the service provision of electronic communications technology. It is estimated that, in 2004, the UK communications sector contributed £47.4 billion to the UK economy, forming about 4.1 per cent. of UK GDP. However, it is a fact that if we want our mobile phones to work, there is a need to be within a few hundred metres of a base station. To enable us to send and receive signals from our handsets, some sort of relaying apparatus is needed. The technology of base stations means that each one can handle only a certain number of calls. The more that people use mobile phones, the greater the need for base stations.

The coverage of a cellular system is provided by a network of radio base stations, each with a certain coverage area or cell. A base station is a facility that provides transmission and reception for radio systems. There are three types of cells. Macro cells provide the main structure for the base station network. The base stations for macro cells have power outputs of tens of watts and communicate with phones up to about 22 miles distant. Micro cells are used to infill and improve the main network, especially where the volume of calls is high. They are sited in places such as airports, railway stations and shopping malls. The micro cell base stations emit less power than those for macro cells and their range is considerably shorter. Pico cells have a lower power output than that of micro cells—it is a few watts—and are generally sited inside buildings.

Communication systems are obviously driven by demand. Increase in the use of mobile phones has meant that operators are continually expanding their networks to accommodate customer requirements of service and quality. However, the base stations need to be where the users are. Consequently, the greatest need for base station sites is usually in built-up areas where there is the highest density of mobile users, and within a mile or two of main roads, where demands on network capacity are greatest.

The size of each cell is determined by a number of factors, but particularly the number of subscribers expected to require access to the system during the peak usage period. In areas where call traffic density exceeds the limits of the network, capacity can be expanded either by introducing new sites—macro or micro cells—or by splitting existing cells, thus effectively doubling capacity. Cell splitting requires the erection of additional antennae at the base station site or a new base station site.

The location of transmitter antennae is important. Obviously, signals from one cell will interfere with nearby cells on the same frequency. To avoid blind spots from buildings and hills, antennae must usually be placed high up. In urban areas antennae are often best placed on existing buildings. However, in rural areas, a lattice mast is often required. Technically, that is all a mast is—a tower structure.

There are currently about 45,000 base stations in the United Kingdom. The right hon. Gentleman referred to a higher figure, and I am sure that he has the latest data, given his research for this morning's debate. The Mobile Operators Association estimates that the number of base stations will increase to at least 50,000 by the end of 2007. That does not mean 50,000 sites or 50,000 masts, because many of these base stations will be installed on existing structures or be collocated with the apparatus of another operator. If we do not have this infrastructure the handsets will not work at the service level that users expect.

*[Jim Fitzpatrick]*

Despite the undoubted popularity of mobile phones, however, there is significant disquiet about the infrastructure necessary to support them. A proposal for a new mobile phone mast is often accompanied by protests and objections, sometimes with justification and sometimes without, often because local communities are not sufficiently well informed.

The Government are sensitive to the public's concerns about the mobile network infrastructure. We acknowledge that many hon. Members and the public generally are concerned about the health and environmental impact of mobile phone base station developments. We recognise that there is a balance to be struck between the regulations and guidelines that facilitate the growth of the mobile phone network and the need to keep its environmental impact to a minimum and address public health concerns. The right hon. Gentleman covered those aspects widely in his introductory speech. The Government believe that the current arrangements broadly strike the right balance.

**Mr. Ellwood:** How does striking the right balance affect one village in Bournemouth, where a population of 50 to 60 is made to have five mobile phone masts from five different companies?

**Jim Fitzpatrick:** I acknowledge that there are anomalies around the country and I hope to consider the detail of protection and improvements to procedures that relate to planning controls and consultation arrangements for local communities later. However, the hon. Gentleman will have to be patient for a little because I want to deal with the impact on health.

First, let me assure hon. Members that the Government take seriously the need to protect the public from health risks. Indeed, we have spent considerable amounts of time and money on researching whether mobile phone technologies present a genuine health risk. Approximately 25,000 articles have been published in the past 30 years about the biological effects and medical applications of non-ionising radiation. Scientific knowledge about the matter is arguably more extensive than for most chemicals.

In the United Kingdom, we have held two major reviews of the total experimental and epidemiological evidence for health effects due to exposure to radio-frequency transmissions, including those associated with mobile telephone handsets and base stations.

The first report was published in 2000 by the Independent Expert Group on Mobile Phones and is commonly known as the Stewart report. It concluded that

"the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines."

However, the Government acknowledge that it also said

"that it is not possible at present to say that exposure to radiofrequency radiation even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach".

The hon. Member for Basingstoke (Mrs. Miller) referred to that.

Part of the precautionary approach recommended by the group was the adoption of the International Commission on Non-Ionising Radiological Protection—ICNIRP—guidelines for public exposure. The Government have introduced standards to ensure that all base stations meet those guidelines, which are five times tougher about public exposure than the National Radiological Protection Board guidelines, which were used previously. Those guidelines are adopted in the majority of other countries in the European Union.

The second major review of the total experimental and epidemiological evidence was undertaken by the then National Radiological Protection Board advisory group on non-ionising radiation and was published in January 2004. That report fulfils the recommendation of the first Stewart report that the issue should be reviewed in three years. It also concluded:

"Exposure levels from living near to mobile base stations are extremely low and the overall evidence indicates that they are unlikely to pose a risk to health".

Seventeen similar reviews have been conducted internationally. They were undertaken by organisations such as France's Commission for Consumer Safety, the Health Council of the Netherlands, the Swedish State Radiation Protection Authority, the Royal Society of Canada Expert Panel, the ICNIRP and the World Health Organisation. They all concluded that current evidence does not confirm the existence of any adverse health consequences from exposure to low-level electromagnetic fields.

The Government are not complacent, however, and we have established the mobile telephone health research—MTHR—programme, which is costing around £8.8 million and is funded jointly by Government and industry. The programme is being directed and overseen by an independent management committee led by Professor Lawrie Challis OBE and is made up of leading UK and international experts. It is carrying out research into the effects of mobile phone technology on health and encompasses emerging radio-based technologies. The process will ensure that Government and the public are kept up to date with new research findings.

The programme management committee has been responsible for the selection of proposals to be funded. The programme is funding only research of the highest quality that meets the research requirements suggested by the World Health Organisation and follows its criteria for good laboratory practice. It fits with similar work done in other countries and with the EU framework projects in this area. The programme has funded 25 projects so far.

Work already funded by the programme includes studies of mobile phone users to investigate whether the use of mobile phones can affect the risk of developing brain cancer or leukaemia, studies investigating the effects of mobile phone signals on brain function and the behaviour of exposed people, studies examining how mobile phone signals could produce biological effects as evidenced by changes in exposed cells, and a study investigating ways in which mobile phones affect the performance of drivers.

On 20 March 2003 the MTHR programme announced the first proposal to be supported, which is concerned with mobile phone base stations and is one of

the first such studies in the world. The epidemiological study addresses public concerns about possible health risks from exposure to emissions from base stations. The study was selected in recognition of the public concern about the proliferation of mobile phone masts, and of the need for research to investigate whether they could have health effects. The study will also investigate whether people may differ in their sensitivity to radio-frequency emissions.

I shall not go into further detail about health issues now, since those will come up again as I go through the clauses of the Bill. However, I stress that the Government are not complacent. We are committed to keeping the mobile phone technologies under review. In the light of such studies and international research programmes, I can assure the House that if the scientific advice changes, the Government will act.

**Mr. Hunt:** The Minister said that the Government are not complacent and are keeping the health issues under review. Will he therefore confirm that the Government's decision not to support the Bill is not the result of any deal with mobile phone operators to keep their exemptions from planning requirements in return for the large amounts that they paid for 3G licences?

**Jim Fitzpatrick:** I can wholly reassure the hon. Gentleman that that is not the case. If I get the opportunity later, I shall deal with previous allegations of deals between Government and mobile phone operators. We have evidence to demonstrate that that is a scurrilous allegation and totally without foundation. We are working with the mobile operators. As the right hon. Gentleman said, having had a meeting with them this week, the operators acknowledge that there is a gap and that progress can be made, and they are keen to co-operate. I hope that is adequate reassurance for the hon. Gentleman that no skulduggery is going on in any way, shape or form.

Let me set out the Government's record in terms of the planning regime and managing the environmental impacts of communications developments. The Government have strengthened the planning regulations twice, in 1999 and in 2001. In 2001 the regulations for prior approval were strengthened so that in effect they are very similar to the arrangements for full planning permission. The current planning arrangements have therefore been given very careful consideration.

The Stewart report on mobile phones and health published in 2000 recommended that telecommunication development should be subject to the normal planning process in order to improve local consultation. The Government considered that recommendation in detail and accepted the importance of ensuring that effective public consultation takes place.

As a result, the changes in 2001 significantly strengthened the planning arrangements for such developments. We increased the time for authorities to deal with prior approval applications from 28 and 42 days to a uniform 56. Public consultation requirements on prior approval procedures were strengthened so that they became exactly the same as those for applications for planning permission. Fees were increased from £35 to £190 to enable authorities to carry out full public consultation.

Our revised arrangements for prior approval applications have the same consultation requirements as applications for planning permission. Therefore, we have met the concerns that led the Stewart group to make the recommendation for full planning permission. The Government have also published revised planning policy guidance, which provides more information on their expectations for standards of consultation with local communities on new communications developments, particularly where the development would be near a school.

In November 2002, we also published the code of best practice on mobile phone network development. The code was produced jointly by central Government and local government and the mobile phone industry. It provides detailed guidance on consultation procedures between operators, local authorities and local people. The Government attach great importance to securing good design in development generally and the code's advice on good siting and design of new communications developments has helped to direct development to the most appropriate locations and to minimise environmental impact and visual intrusion.

Mention has already been made by right hon. and hon. Members of the review that the Office of the Deputy Prime Minister and the Welsh Assembly Government commissioned the university of Reading and Arup to undertake in September 2004. Their independent study was designed to assess the impact that the code of best practice on mobile phone network development has had since its introduction, how local authorities have implemented the code and how the public perceive its operation.

The review was completed in March last year. The ODPM is considering the findings and recommendations set out in the report and how we should take them forward within the context of the wider review of planning arrangements for telecommunications developments. We took a decision to publish the report this week to inform today's debate, which has been mentioned by several colleagues.

Before I talk about the content, I want to address some criticisms that have been made of the Government's handling of the report. The review was carried out in consultation with stakeholders, and representatives from local authorities, the industry and Mast Action UK were on the steering group. Its conclusions were reasonably widely known.

Those Members who have had the opportunity to read the report will have seen that it is not negative; it is balanced. The general conclusion is that, where the code works, it works well, but that there is room for improvement, which is where the recommendations focus. That is where the Government will be focusing their attention.

We are keen to ensure that every community that is affected by a development proposal for a telecommunications apparatus can be assured that it will have the opportunity to comment and that the decision-making process is open, fair and consistent.

Allegations have been made:

*[Jim Fitzpatrick]*

"By not publishing the report the Government is allowing telecommunications companies to continue to erect phone masts while openly flouting Government guidelines and codes of best practice and ignoring the wishes of local communities affected by masts."

That is simply not true. I have already outlined how the Government have, since 1997, twice strengthened the consultation requirements to ensure that local communities have an opportunity to express their views on telecommunications developments. Although there has been considerable improvement, the Government think there is still more to do. I can assure the House that we are looking at this issue closely and will continue to do so to determine the best way forward. The recommendations of the report will assist in that process.

Another allegation that has been made is that the £22 billion paid for third generation licences put the Government under an obligation to let the industry do what it wants. That is ridiculous, as I said a few moments ago in response to the question asked by the hon. Member for South-West Surrey (Mr. Hunt). The licences were auctioned in April 2000. In August 2000, the Government strengthened the planning regulations, and if we decide we need to strengthen the regulations further, we will.

The rate of development of new base stations is determined by the industry and influenced by licence requirements and market forces. The rate of development has slowed now that 2G networks are rolled out. The licence requirement for 3G networks has to be met by the end of 2007, but clearly development will not stop then as demand continues to grow.

The Government recognise that this issue will not go away. That is why it is so critical that any changes we make to the planning arrangements are effective and proportionate in the longer term.

*It being half-past Two o'clock, the debate stood adjourned.*

*Debate to be resumed on Friday 10 March.*

## Remaining Private Members' Bills

### LOCAL GOVERNMENT AND PLANNING (PARKLAND AND WINDFALL DEVELOPMENT) BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 20 October.*

### BREASTFEEDING ETC. BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 20 October.*

### CARE OF OLDER AND INCAPACITATED PEOPLE (HUMAN RIGHTS) BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 12 May.*

### BREAST CANCER BILL

*Order read for resuming adjourned debate on Question [20 January], That the Bill be now read a Second time.*

**Hon. Members:** Object.

*To be read a Second time on Friday 10 March.*

### CRIME PREVENTION AND THE BUILT ENVIRONMENT BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 10 March.*

### REGISTRATION SERVICE BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 14 July.*

### CRIMINAL LAW (AMENDMENT) (PROTECTION OF PROPERTY) BILL

*Order read for resuming adjourned debate on Question [2 December], That the Bill be now read a Second time.*

**Hon. Members:** Object.

*To be read a Second time on Friday 12 May.*

### PROCUREMENT OF INNOVATIVE TECHNOLOGIES AND RESEARCH BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 20 October.*

**Mr. Edward Garnier** (Harborough) (Con): On a point of order, Mr. Deputy Speaker. I want to draw to your attention an incident that took place at Nottingham East Midlands airport on 4 February. Nottingham East Midlands airport is wholly within Leicestershire, and although the hon. Member for North-West Leicestershire (David Taylor) is the constituency Member of Parliament, the aeroplanes fly over my constituency, so the matter is of considerable interest to me as the Member for Harborough.

On 4 February a Ghanaian-registered DC86, owned by Johnsons Air and subcontracted to DHL, overshot the 3,000 m runway by about 50 m—apparently, there is a skid mark on the grass at the end of the runway. The aeroplane just managed to get airborne, and about one nautical mile out of the airport, as it flew towards Melbourne in the constituency of the hon. Member for South Derbyshire (Mr. Todd), it was only about 400 ft above sea level—given the topography, about 100 ft above ground level. That incident should have been reported to the Civil Aviation Authority at once, as what is called a mandatory occurrence.

The reason why I bring this matter to the House's attention today is that the Minister with responsibility for aviation should by now have received a report from

the CAA and should be in a position to respond to inquiries from Members of Parliament about it. Unfortunately, tomorrow—4 March—is the date on which the radar records and tapes of conversations between the air traffic control operators at Nottingham East Midlands airport and the pilot will be deleted.

It seems to me that this was a serious incident that could have led to loss of life and certainly to a great deal of damage in the area of the airport, as an apparently overloaded freighter attempted to get into the air. May I ask you, Mr. Deputy Speaker, to press, through the offices of Mr. Speaker, for a Minister in the Department for Transport to come to the House at the earliest opportunity to explain what has or has not been done in relation to the preservation of those records and the filing of a mandatory occurrence report with the CAA, and what Ministers who are politically accountable for this mess are doing about it?

**Mr. Deputy Speaker (Sir Michael Lord):** Obviously the incident was serious. I have no knowledge of the matter and there is nothing on which I can rule today, but clearly those who are responsible for such matters will have heard what the hon. and learned Gentleman said, or will eventually read it, and I trust that they will take appropriate action.

## Public Swimming Pools

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Heppell.]*

2.35 pm

**Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): I am grateful to Mr. Speaker for granting me the debate. I want to speak about the importance of swimming in the context of the overall development of sport in Britain, and—mindful of the coming Olympic games in 2012—about how we can encourage, train and nurture the rising generation of young swimmers who may be capable of representing our country. I also want to say a little about a campaign that began in the town of Guisborough, in my constituency, and to request support and help from the Government.

Swimming is an activity that can be an integral part of the development of a healthier nation. That is why I want the Government to put the maximum effort into the development of swimming and the provision of facilities and infrastructure for it. I am glad to say that the Government have stressed the importance of swimming as an activity, and in particular its importance for young children. That was emphasised in their response to a report from the Culture, Media and Sport Committee entitled "Testing the Waters". In its response, the Department for Culture, Media and Sport observed that both adults and children were failing to reach the recommended levels of physical activity. It also recognised the need to promote greater participation in physical activity, including swimming, among all groups. It pointed out that swimming was the largest single beneficiary of Sport England lottery funding to date, and that so far it had received no less than a sixth of sport lottery funds. However, some issues are still unresolved.

I want to focus on issues relating to my constituency. There is no doubt that in the past it has been well served by the local authorities in swimming pool provision. The constituency forms part of two boroughs—Middlesbrough, and Redcar and Cleveland. Middlesbrough has built a pool on the growing Coulby Newham estate; Redcar and Cleveland has provided pools in Saltburn, Loftus and Guisborough—all towns in my constituency. The pools were built in the mid-1960s, when capital funding for leisure was part of a straightforward compact between central and local government. The oldest, and the one in most need of enhancement or rebuilding, is the Guisborough pool, which receives some 60,000 visits a year. It was built as a temporary structure to last for a maximum of 10 years—a time limit that is now up. Guisborough, with a population of some 16,000, is the largest town in my constituency. It is clear to me that it should have a swimming pool that can serve a town of that size.

The existing pool hosts a number of swimming clubs, including the Guisborough swimming club, the Guisborough aqua fit club and the Guisborough life saving club. It is used extensively by children from the town's primary schools and the local secondary school. The secondary school recently achieved sports academy status, and the head teacher has said that he would incorporate swimming in its curriculum if only a better local facility were available.

*[Dr. Ashok Kumar]*

There is real potential in the community, which may be lost if the facilities are not available to accommodate it. Above all, the pool is valued as a leisure centre by people young and old from both the town and the neighbouring communities. More than five years ago, a group of amateur sport and leisure swimmers told me of their concern about the state of the baths. They feared that there was a real threat of closure. Their concern was heightened when Redcar and Cleveland council expressed anxiety about the health and safety implications of keeping open an old pool in nearby Redcar. It eventually had to close that pool—a decision that it regretted but felt was inevitable.

As a result, I launched a campaign in Guisborough to show the council the strength of feeling in Guisborough and in the surrounding communities about the need to keep the pool open. Over a short period, a petition was collected containing some 5,000 signatures. That was presented to the House. A more in-depth survey of public opinion was conducted in the town. That led to some 600 questionnaires being returned and analysed. That again showed both the need and the importance of the pool to the people of Guisborough.

To mobilise the campaign to save the swimming pool, Rob Vincent-Jones, the chair of the amateur swimming club, members of other user groups, other individuals and residents of Guisborough and I set up a steering group. It was recognised by all involved parties that there were no quick fixes for securing new facilities. As a result, a firm of consultants was hired to prepare an in-depth feasibility study, which looked at the present state of the pool and the demand for and supply of pool provision in the area. It went on to look at possible design and management options for a new pool and the funding strategy that would be needed to secure it. The report confirmed with empirical evidence that the building was near to its end in physical terms, and that it was a valued and important facility to the local townspeople and the local schools.

In order to explore all available avenues, I discussed that issue with my right hon. Friend the Minister for Sport. He was very sympathetic and supportive, and recognised the difficulties that we were facing. In fact, he granted a meeting with me, and with a delegation from the Guisborough steering group, which was useful and worthwhile. He was very generous with his time, but he directed me to Sport England.

When the steering group and I met Sport England, it said that it followed a model called the Sport England facilities planning model, which is used to determine the distribution of funding within its remit. It is used rigidly across the UK as a guide for determining patronage of new or improved facilities and their relationship with other pools in the wider geographical area.

Sport England's own conclusion from running that model for Guisborough was that there was sufficient "waterspace" in the area to meet the existing demand. That was confirmed to me by Judith Rasmussen, Sport England's regional director for the north-east. I praise Judith and her staff, who have been very helpful and supportive, and with whom we have worked closely. However, that did not resolve our problem. It was a crucial setback.

I want to point out some features of the model that I feel require examination, and I ask the Minister to look at these issues. First, the model considers only the patronage and population figures in the wider geographical area. It does not consider the physical conditions of the other facilities and whether they meet the demands of a new century. It does not take into account the higher-cost profiles for running older pools or compare like with like, with a possible new pool on one site. It does not examine in any depth social inclusion issues, which are dear to the Government's heart and important for a borough such as Redcar and Cleveland, where there are many diverse and free-standing communities.

That factor is also important when we recognise that the existing pool lies in what is called the north Guisborough area of the town. The pool is adjacent to a large ex-local authority housing estate and an area that exhibits above average indices of unemployment, low achievement and ill health. The model fails to look at swimming in terms of wider benefits—community safety, the promotion of a healthy life style and the development of life skills among young people. That left us with a dilemma.

We have explored other avenues. At present, the most promising path appears to be a collaboration with a local landowner and developer. He wishes to market an area of land adjacent to the present town limits for housing, some of it social housing, and other mixed development. That could trigger a section 106 agreement to finance the capital costs of the pool, and perhaps even provide an element of the revenue costs for a certain period.

The proposal as it stands would be a departure from the approved local plan for Redcar and Cleveland. However, like the pool, that document has seen better days, and the borough council is now well advanced with its new local development framework programme, which, I am happy to say, has the potential for some new development within and around Guisborough. I hope that that will provide the catalyst for the new pool for which the town has been calling.

However, we are still seeking to explore all funding avenues, and I ask the Minister to undertake to consider three issues that are dear to me. First, when he and his colleagues meet Sport England, will they raise the issue of its facilities planning model and ask whether it meets the holistic need of the Government in seeing swimming as an activity that has manifold benefits, and whether it properly covers issues such as concentrating on areas of social deprivation and poor health such as those in parts of my constituency?

Secondly, will he encourage the Office of the Deputy Prime Minister to widen its horizons when issuing planning policy statements, which can give valuable leadership in actively promoting the development and spread of sporting and swimming provision and give weight to possible planning obligations that include swimming provision as part of the development plan, especially when they offer guidance on planning gain and planning obligations to local planning authorities such as Redcar and Cleveland as regards the position on promoting sports—in this case, swimming? I hope that if that occurs, towns such as Guisborough will have a far better chance of securing a provision that is desperately required.

Thirdly, I invite the Minister for Sport, who has so far been sympathetic and supportive, to visit Guisborough to see for himself the state of the swimming pool, which illustrates the importance of this issue and the effect that it has had on the local community. I look forward to hearing the Minister's reply.

2.47 pm

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** I congratulate my hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar) on his success in securing this debate. I will do my best to respond to all the issues that he raised.

As my right hon. Friend the Prime Minister said in this House a few weeks ago, investment in community facilities such as swimming pools should be a priority. The Government are committed to increasing sports participation, and swimming is one of the most popular forms of physical activity, with 5.5 million people swimming at least once a month. Access to good quality sporting provision, including swimming pools, is therefore an essential part of enabling people to lead healthier lives and to participate in sport. Concern about this issue has been reflected in my hon. Friend's important comments.

If I may, I will set out the national picture before turning to the specific points that my hon. Friend raised in relation to his constituency. One of the Government's public service agreement targets is to increase participation in sport by priority groups by 3 per cent. by 2008. However, one of the obstacles that prevents people from taking part is a lack of good quality sports facilities. That applies equally to all sections of the community. Our aim is that

"by 2008, most people should be no more than 20 minutes travel time from a good quality, multi sports environment such as schools, sports clubs and leisure centres".

However, the scale of that challenge is immense. There is a clear deficit in funding for sports facilities alongside the fact that the existing facility stock is in a deteriorating condition, as described by my hon. Friend. The average age of local authority facilities is about 25 years. The national stock of sports centres requires some £550 million to be spent now to bring the condition up to a good and acceptable standard, without any upgrading to take account of modern trends in sports participation and current levels of demand.

However, the Government are taking a number of positive steps to address these issues. Currently, more than 4,400 swimming facilities across England are open to the public; 72 per cent. of them are owned by the local authority or by the education sector, and more than half are pay-and-play facilities. Since 2004, 131 pools have opened across the country, and more local authority pools have opened than have closed. Since 1997, the Government and lottery distributing bodies have, between them, invested more than £3 billion in physical activity and sport. In that time, £249 million of lottery investment has gone into swimming—the largest amount given to any sport—as my hon. Friend pointed out. Local authorities themselves will invest some £1 billion in sports services—facilities and development—over the next three years.

However, a strategic approach needs to be adopted. The problem is that many pools are old—built 25 years ago—in the wrong location and cost a lot of money to keep open. So we are challenging local authorities to put sport and swimming provision at the heart of what they do. For the first time ever, we will monitor local authority performance in sport provision through the comprehensive performance assessment, and we are committed to supporting local authorities in their efforts. Sport England has a swimming strategy in place and is working with local authorities to help them implement it. Many local authorities have also created their own strategies, so that community needs are met by the public and private sectors. We of course applaud that.

Sport England has also developed a range of strategic planning tools to assist local authorities in their strategic planning of sports facilities. They include modelling tools and demand estimators, which, together with the "active places" database of the supply of facilities, will help local authorities to identify gaps and to target resources where they are most needed; a benchmarking service that will provide rigorous and robust information on the performance of sports facilities in comparison with other such facilities; and a planning obligations kitbag that will allow local authorities, developers and other stakeholders to facilitate the provision of community sports facilities associated with residential developments.

On the situation in my hon. Friend's constituency, there are some nine swimming pools—including the Guisborough pool—located at five sites in the Redcar and Cleveland borough council area. As he said, a supply-and-demand modelling exercise undertaken in 1999 indicated that this level of provision was enough to meet demand, but it made no reference to quality or to issues specific to the local authority. I understand that the council and Sport England have since had a number of discussions about the need to update the council's swimming facilities strategy to take account of these issues, and that Sport England has offered some financial assistance to enable the council to undertake the necessary work. I urge the council to take up that offer.

I appreciate that my hon. Friend has concerns about the extent to which Sport England's facilities planning model deals with the issues of age and social inclusion, and with the condition of facilities. In response to his first request, Sport England has informed me that the services it has offered to the council can be tailored to provide a detailed local assessment. It is crucial that we provide sports facilities that are fit for the 21st century and that meet the needs of the communities whom they serve. I ask my hon. Friend to keep my right hon. Friend the Minister for Sport informed of progress on the development of the updated strategy. I know that my right hon. Friend would be happy to discuss with Sport England what other options are available to assist local authorities in planning more effectively for sport.

On funding for new or upgraded swimming pool provision in Redcar and Cleveland, I understand that Sport England has had some early discussions with the local authority; I urge them to continue that dialogue. I am informed that the results of any new modelling would be only one factor in reaching a decision on the awarding of lottery funding for the area.

*[Jim Fitzpatrick]*

On my hon. Friend's second request, concerning planning issues, I very much endorse the view that planning policy statements can provide effective leadership in promoting the development and spread of sporting provision. Indeed, the planning policy guidance note on sport and recreation—PPG 17—does just that. It states:

"To ensure effective planning for open space, sport and recreation it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities."

It goes on to say that local authorities should ensure that provision is made for local sports and recreational facilities where planning permission is granted for new developments, especially housing. It also establishes that planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. In making use of planning obligations, it is essential that local authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify their use.

For Redcar and Cleveland, as my hon. Friend may be aware, Sport England has offered funding to the local authority to enable it to develop a supplementary planning document on planning obligations for sport and physical activity. That document would result in a framework for collecting developer contributions for sport and recreational provision from new development. Again, I would urge the local authority to take up that offer if it has not done so already.

The Office of the Deputy Prime Minister and the Department for Culture, Media and Sport are in regular dialogue about how the planning system might be further enhanced in the better interests of sport. With regard to my hon. Friend's final request, I am confident that my right hon. Friend the Minister for Sport would be delighted to visit Guisborough pool to see the facility first hand.

If I may return to the national picture, it is clear that there are some very positive messages about swimming in this country, although we are under no illusions about the scale of the challenge in terms of providing better community facilities. But that has to start with local authorities ensuring that there is good local provision that meets the needs of all sections of their communities. I congratulate my hon. Friend on securing this debate on behalf of his constituents and the wider community.

*Question put and agreed to.*

*Adjourned accordingly at four minutes to Three o'clock.*

# House of Commons

*Monday 6 March 2006*

*The House met at half-past Two o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## CULTURE, MEDIA AND SPORT

*The Secretary of State was asked—*

### Rugby League

1. **Paul Rowen** (Rochdale) (LD): If she will make a statement on the support her Department is giving to rugby league. [55617]

**The Minister for Sport (Mr. Richard Caborn):** Before I answer that question, may I congratulate Alastair Cook on scoring a fantastic century out in India? I think that this is only the sixth time in the history of the fantastic game of cricket that anyone has scored a century and a 50 in their first test match. I also congratulate Shelley Rudman, our silver medallist in the winter Olympics, and the rest of the team. They did a fantastic job. I want to pay tribute to the talented athletes scholarship scheme money that Shelley Rudman received from the Government. That scheme was designed by my right hon. Friend the Secretary of State some 18 months ago. Silver today, gold tomorrow.

Rugby league's recent modernisation was led by its superb chief executive, Richard Lewis, and I can see the game going from strength to strength. It is one of Sport England's top 10 priority sports, which is why Sport England has recently invested £11.5 million to build on the recent renaissance of rugby league. If other sports looked at rugby league for an example of what can be achieved in modernising their governing bodies, they could learn a lesson or two.

**Paul Rowen:** In December 2004, the Minister announced the creation of the national sports foundation, and the allocation of £2.5 million for rugby league, but I understand that no money has yet been allocated. Will he explain why and tell the House when rugby league can expect to receive its share of the resources?

**Mr. Caborn:** That was £27 million of public money that the Chancellor had put into his Budget, and it will start to come on stream in April this year. The hon. Gentleman will know that we are still discussing with the national governing bodies and those involved in the regional structure how best we can dispense that money to get maximum value from it. I remind Opposition Members that this involves £27.5 million of public money, and it will start to come on stream in April. I hope that the hon. Gentleman will see rugby league getting its fair share.

### Digital Television

2. **Mr. Mark Lancaster** (North-East Milton Keynes) (Con): If she will make a statement on the development of proposals for the Government's targeted assistance programme for digital switchover. [55619]

**The Secretary of State for Culture, Media and Sport (Tessa Jowell):** I hope that my departmental questions will continue to provide the political highlight in this place that they have done today. I should like to begin by extending the congratulations of the whole House to our British Oscar winners: Rachel Weisz; Nick Park and Steve Box; and Martin McDonagh. They are examples of the excellence of the British film industry and they all deserve our praise.

Ofcom will shortly publish data showing that the proportion of households with a digital television has now reached 70 per cent. That is an important landmark. We must now ensure that the principle of universal free-to-view television continues, and, to ensure that no one is left behind, we will provide specific help to the very elderly and disabled who are at most risk. The nature of the assistance will be heavily influenced by the trial that is under way in Bolton. This underlines our Government's commitment that the most vulnerable will not be excluded from the benefits of a digital society.

**Mr. Lancaster:** I am grateful to the Minister for her reply. It is a special pleasure to see her here today, and I mean that genuinely. Is she aware of the special problems that Milton Keynes has in regard to the switchover? The city planners decided that individual houses did not need an aerial. Instead, they provided a central feed from an analogue mast. Furthermore, some houses have deeds that prohibit them from erecting an aerial. In the light of that, the changeover to digital in Milton Keynes will be especially problematic, although many people view it as an opportunity to get broadband, which they cannot get at the moment. As Milton Keynes is a unique case, would the Minister be prepared to meet people there to discuss the way forward?

**Tessa Jowell:** I thank the hon. Gentleman for his kindness and for his remarks of concern about his constituents. I am happy to meet constituents from Milton Keynes to discuss this specific issue, but he should be reassured that Digital UK is already in discussion with Milton Keynes council in relation to the specific problem that arises from the reliance on analogue cable. He can assure his constituents that Freeview will be available to them, as will the continued roll-out of broadband.

**Mr. Pat McFadden** (Wolverhampton, South-East) (Lab): Does the Secretary of State accept that many pensioners in particular are worried about not just the technology involved in digital switchover, but not

having access to the many new channels and radio channels provided in that way? What is her Department doing not just to help pensioners with the technology, but to ensure that, as we move to that new technology, neither pensioners nor anyone else loses out on the expansion of choice in broadcasting that this entails?

**Tessa Jowell:** My hon. Friend makes my point precisely in relation to the importance of universal free-to-view access for digital television. He makes a second important point about the distinction between the need for information and the need of elderly and vulnerable people for equipment. That is the information that we are seeking to develop in the Bolton trial. The early indications are that the greatest need is for information on how to use digital technology. We will ensure that the service meets the needs of individuals so that no one is left behind.

**Mr. John Whittingdale** (Maldon and East Chelmsford) (Con): Does the Secretary of State accept that surveys already show that a large number of people, not just pensioners, struggle with digital technology and that it will be just as important to provide help to the socially isolated as to the financially disadvantaged? Will she confirm that, as part of the assistance programme, she will provide financial help to voluntary groups so that they can be trained to give the help that will be extremely important to all those who would otherwise struggle to benefit from the switchover?

**Tessa Jowell:** I can confirm that for the hon. Gentleman. It is an important point and one that no doubt will be reflected in his Select Committee's report, when it is published, on the impact of digital switchover, but voluntary organisations have an important part to play, street by street, in identifying those people who are at risk of being left out through not understanding or not having access to the relevant equipment. We intend to address that in the way he suggests.

**Alison Seabeck** (Plymouth, Devonport) (Lab): Will my right hon. Friend confirm that her Department will press those responsible for providing the hardware necessary to take the digital change to ensure that the buttons are large enough for people with visual impairment to see them and for people with arthritic hands to use them? There is a real concern here.

**Tessa Jowell:** Yes, my hon. Friend makes an important point about the practical impact of switchover, and yes, we are taking serious account of that—talking to the manufacturers through Digital UK, which will produce guidelines with advice on this.

## Gambling Premises

3. **Mr. Desmond Swayne** (New Forest, West) (Con): What measures she is taking to increase the number of licensed gambling premises. [55620]

**The Minister for Sport (Mr. Richard Caborn):** Parliament took the decision to limit the number of regional casinos in the first phase to one, and we are implementing the legislation on that basis. We do not rule out the possibility of asking Parliament to approve an increase in the number of regional casinos, but the impetus for any change will not come from the Government and we have no plans to return to Parliament on this issue.

May I again underline the fact that the new legislation is about new protections, not new casinos? The implementation of the Gambling Act 2005 will ensure that all gambling premises, including casinos, are subject to tough but fair regulation by the Gambling Commission and the local licensing authorities.

**Mr. Swayne:** Will the Minister therefore rule out the possibility of increasing the number to eight?

**Mr. Caborn:** As I said, we are prepared to consider doing that if the House decides that it wants to move there. I repeat that the Act has achieved everything that the Government wanted to achieve—that is, dealing with online gambling and remote gambling. We believe we have done that. If there has to be any change on regional casinos, it will be done through a consensus in the House. As I said in an Adjournment debate last week, it is for the Opposition parties to come forward and probably resurrect the amendments they tabled in Committee, when they were asking for four.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): Does the Minister agree that the debate last week was enlightening, but that the original pilot, focusing on one super-casino, is deficient? We need a pilot focusing on different parts of the country so that we can have more than one casino, which would reflect the social and economic factors in different communities.

**Mr. Caborn:** I entirely agree. That is why the Government proposed that there should be eight casinos. Just before the election, however, the Opposition in their wisdom decided to reduce the number to one. We conceded that, because in doing so we secured the Act that we wanted, which protected the vulnerable and, especially, children from remote and internet gambling in particular. That was the purpose and the core of our Bill, and the question of casinos was subsidiary to it. If there is a wish for the number to be increased to any number between one and eight, we are prepared to consider that, but the Opposition parties will have to indicate their support.

**Mr. John Greenway** (Ryedale) (Con): May I remind the House that the scrutiny Committee suggested no limit on the number of regional casinos and said that they would bring about massive regeneration? As for the growth of gambling, does the Minister concede that, although children are banned from gambling premises, the growth of e-gaming and, before long, mobile telephony will cause problems? How does he intend to ensure that remote gambling is well regulated and that a proper regulatory framework governs those who gain access to such sites, in Europe or even in countries outside the European economic area?

**Mr. Caborn:** As we all know, the hon. Gentleman chaired the Committee that scrutinised the Gambling Bill. He did so very ably and he has raised an important point. Yes, under the Act we have taken power to control remote and internet gambling, to the extent that a member state can do that. We intend to call a

conference of Ministers responsible for gambling law in various countries to establish whether international regulation is a possibility. I agree that children and vulnerable people are being exposed to a new kind of gambling, or mechanism for gambling, that will be difficult to control unless there is international recognition in the form of regulation. We will call the international conference within the next few months.

**Sir Stuart Bell** (Middlesbrough) (Lab): Surely the issue of regional casinos does not just concern licensed gambling. It is also about job creation and investment in local communities. Ought there not to be investment in hotels, shops and so forth in the vicinity of casinos? Will the Government be a little more affirmative in launching their crusade for eight casinos, even if the full support of the Opposition is not forthcoming?

**Mr. Caborn:** As we said throughout the Bill's passage, we wanted eight casinos, small or large, in eight regions to test the social impact on the community. We agree about the possibility of regeneration, but I repeat that it was Opposition Members who reduced the number from eight to one before the election, and it is for them to act. *[Interruption.]* We are not so naive that we do not know what wash-up is all about just before an election. It was the Opposition who forced the Government to reduce the number from eight to one. Let the poker faces opposite put their cards on the table. It was they who tabled an amendment in Committee providing for four casinos and then reneged on it because their leader thought it politically expedient for them to do so. They know that, we know that and the country knows that.

**Mr. Malcolm Moss** (North-East Cambridgeshire) (Con): On the one hand, the Minister's Department has overlooked a loophole in the law that has allowed a proliferation of casinos under the old Act. On the other hand, they dither about increasing the number of casinos in the pilot under the new Act. Why is that? The Secretary of State said last April that she reserved the right to revisit the number of regional casinos in the pilot and, indeed, under section 175(8) of the Act, she has the power to increase the number to the eight that the Minister so clearly wants. It is disingenuous of him to say that that requires the support of the whole House when an hour and a half's debate on a statutory instrument in Committee would do the trick. Why does he not get on with it?

**Mr. Caborn:** As the old saying has it, when you are digging a hole, chuck the blooming shovel away. That is exactly what the Opposition are doing: they are digging themselves into a bigger and bigger hole.

Yes, there will be an increase in the number of casinos provided for in the Gaming Act 1968. We have set a final date of 28 April for applications. For the record, we are talking about 54 permitted areas. We are not talking about the whole of the United Kingdom. As the hon. Gentleman knows, that is covered by the 1968 Act. I go back to the point: if the hon. Gentleman wants to move from one to eight, we will be prepared to do that. I repeat that we got everything that we wanted out of—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I think that there has been a bit too much repetition on that matter.

## BBC Charter

4. **Kitty Ussher** (Burnley) (Lab): What mechanisms the Government plan to use as part of charter renewal to promote quality broadcasting by the BBC; and if she will make a statement. [55621]

**The Secretary of State for Culture, Media and Sport (Tessa Jowell):** The insistence on quality for the BBC is important for many reasons, not the least of which is that it was that which the public insisted on most consistently and vociferously in the unprecedented public consultation that we have undertaken as part of charter review. I will publish the BBC White Paper very shortly. It will set out a number of ways, developed from the Green Paper, in which we will ensure consistency and high-quality programming as part of the trademark of the BBC.

**Kitty Ussher:** I thank my right hon. Friend for that extremely helpful response. As she continues to lead her Department into the future with her characteristic vigour, will she undertake to involve BBC staff and trade unions in the development of the White Paper and the charter renewal process?

**Tessa Jowell:** I thank my hon. Friend for that question. I certainly will undertake to do that. Last week, we met the BBC trade unions to discuss the White Paper and the kind of changes that would be necessary within the BBC, which is a matter for the BBC governors and the BBC Trust. The involvement of the trade unions is an important part of the BBC being fit for the next charter review period.

**Michael Fabricant** (Lichfield) (Con): Will the Secretary of State join me in praising the BBC for delivering a unique service, not only providing quality programming but delivering a large audience? Does she agree, however, that there should not be pressures on the licence fee driving it upwards? Will the White Paper make it clear that no Government initiative will force the BBC to have an ever increasing licence fee?

**Tessa Jowell:** The hon. Gentleman sets a series of potential traps in his question. It is established Government policy and part of the manifesto that digital switchover will take place between 2008 and 2012. We have also guaranteed protection and help for the most vulnerable. That is Government policy. The funding of that policy will be met through the licence fee, which in the Green Paper I indicated would continue throughout the next charter review period. That is a broadcasting cost and should be met by broadcasting income.

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): If we are really interested in quality journalism and quality broadcasting, will my right hon. Friend encourage the BBC to ensure that all journalists see a film that was nominated for but did not win an Oscar last night, "Good Night, and Good Luck"? It shows an age 50 years ago when journalists and television stations had the integrity, courage, independence and honesty to take on witch hunts and to face them down.

**Tessa Jowell:** There is a bit more intrigue. I absolutely agree. "Good Night, and Good Luck" concluded the

excellent London film festival this year. At that time, there was not much optimism that it would be distributed more widely. My hon. Friend is right. A BBC confident in its journalistic independence, seeking out truth, sits at the heart of our democracy and we all here have a duty to support that.

**Steve Webb** (Northavon) (LD): The Secretary of State rightly mentioned that an essential feature of quality public service broadcasting is political independence. What changes does she envisage will be made to the BBC's governance structure to reinforce its independence of Government?

**Tessa Jowell:** Very simply, changes will be made to get rid of the existing and long-established dual responsibilities of the BBC governors for both the regulation of the BBC and for overseeing the management of the BBC, and to establish the BBC Trust, which will be responsible and accountable to the licence fee payer. The BBC is a unique organisation and it needs a unique form of governance to deliver its responsibilities. Its responsibilities are to the people who pay for it—the licence fee payers, the people of this country.

**Mr. Bob Blizzard** (Waveney) (Lab): Does my right hon. Friend agree that the BBC will be more likely to achieve quality if it competes on fair terms with commercial broadcasting, rather than on favoured terms? With that in mind, where are we with the proposal to require market impact assessments of proposed new BBC services, and of significant changes to existing ones?

**Tessa Jowell:** I agree with my hon. Friend up to a point. The BBC's existence as an organisation with an annual turnover in excess of £3 billion is an intervention in the market. We in this country do not have a broadcasting system that is determined simply by competition and the market—a fact that reflects a long-standing public consensus, which will continue. That said, it is important that the BBC's impact on the wider market, which generates choice and innovation for viewers and wealth for this country, be kept under review. As he rightly says, the rigour of market impact assessments is a very important way of determining whether the BBC proceeds in the public interest with a given decision at a particular time, and that will be very clearly set out in the forthcoming White Paper.

**Mr. Hugo Swire** (East Devon) (Con): May I express my delight at the explosion of interest in the deliberations of this Department? I hope that we can look forward to similar interest in future. Although I understand that this must be a difficult time personally for the Secretary of State, we must not allow recent events to interfere with the running of her Department. The process of renewal of the BBC's charter is complex and involves billions of pounds of taxpayers' money. In such negotiations, what is needed above all else is transparency, accountability and credibility. How, therefore, does she answer the charge of the House of Lords Select Committee dealing with this issue that her "proposals for reforming the governance and regulation of the BBC are confusing, misguided and unworkable"?

**Tessa Jowell:** I take the House of Lords' judgment on this issue very seriously indeed, and when the hon. Gentleman reads the proposals—they will be published shortly in the White Paper—he will see, I hope, that we have taken account of the views of the Lords and of others who have commented on the new BBC trust structure. But I come back to the essential point: the BBC is a unique organisation in this country and it is not like any other plc. The BBC belongs to the people of this country, and it must have an accountable and transparent governance structure that reflects that relationship. We will ensure that it does.

**Mr. Swire:** Indeed, but Ofcom has criticised the Government's failure fully to address the future of public service broadcasting, while the BBC itself fears that the Secretary of State's plans understate the importance of the digital future. Industry speculation suggests that there is absolutely no difference between her original proposals—made six months ago—and those in the forthcoming White Paper to which she has just alluded. If so, how can we be confident that she and her Department have been addressing the very serious issues at stake here?

**Tessa Jowell:** Very often, it is better to address the facts rather than the speculation, and I can promise the hon. Gentleman that, once published, the White Paper proposals will reflect that considered judgment on precisely the issues that he raises.

## Newspaper Distribution

5. **James Brokenshire** (Hornchurch) (Con): What discussions she has had with the Office of Fair Trading and the Department of Trade and Industry on the distribution arrangements for newspapers and magazines. [55622]

**The Parliamentary Under-Secretary of State for Culture, Media and Sport (James Purnell):** None, although officials at the Department for Culture, Media and Sport have had such a discussion. My right hon. Friend the Secretary of State wrote to the chairman of the Office of Fair Trading on 12 October 2005, pointing out that serious concern had been expressed about how a different system could protect plurality and serve the public. She asked the OFT to give these concerns appropriate weight in reaching its conclusions.

**James Brokenshire:** I am grateful for that confirmation of the representation that the Secretary of State made, as I believe that she shares my serious concerns that, if the Office of Fair Trading confirms its original opinion, it will have a significant impact on the industry, including retailers, magazine distributors and newspaper titles, and will also affect the wider public interest. What further steps will the Department take in the event that the OFT either confirms its previous draft opinion or fails to provide the industry with sufficient legal certainty and Ministers at the Department of Trade and Industry continue to sit on their hands?

**James Purnell:** The hon. Gentleman has been energetic in pursuing this issue. It is a matter of cross-party consensus that it is important to have an effective

and independent competition regime, and we do not propose to change that. The OFT will have heard the concerns that he and other hon. Members have expressed and will make its decision in due course.

### Music (Young People)

6. **Mr. Wayne David** (Caerphilly) (Lab): What steps her Department is taking to encourage young people to become involved in music; and if she will make a statement. [55623]

**The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy):** The Department for Culture, Media and Sport continues to work closely with the Department for Education and Skills to set out a shared vision for music education in the music manifesto. That will take place over the next five years and central to it is the involvement of young people in music education.

**Mr. David:** My hon. Friend will be aware that Wales is a musical nation—[HON. MEMBERS: "Hear, hear."] I will not burst into song. Will there be any initiatives in Wales to promote music to young people?

**Mr. Lammy:** Wales is of course a musical nation and Welsh miners valley music is second only to gospel music in huge achievement. I know that my hon. Friend is an oboist of world class status, having played for the Glamorgan youth orchestra. I hope that he is pleased with the work that the music manifesto is taking forward and also with the work of Youth Music, which is ensuring that money goes in particular to our poorest estates and most deprived areas to get those children engaged in music.

**Mr. Don Foster** (Bath) (LD): I congratulate the Minister and his wife on the birth of their son.

If the Minister is so keen on involving young people in music, why do the Government's targets for attending arts events include classical music, jazz and opera, but exclude the very type of musical events that young people are likely to attend? Why, for example, does the target exclude attending urban music, rock music or world music events? Are not the Government totally out of touch with young people?

**Mr. Lammy:** I am grateful to the hon. Gentleman. He knows that we consulted closely with the Arts Council in setting that target, but we keep it under review and it is right that we look at all the art forms that can contribute to participation by young people.

### John Donne (Portrait)

7. **Chris Bryant** (Rhondda) (Lab): If she will intervene to ensure that the portrait of John Donne in the National Portrait Gallery is not lost to the nation. [55624]

**The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy):** If the National Portrait Gallery cannot raise funds to purchase the portrait, I have no power to intervene in its sale to another party, as it is private property. However, if it is sold to an overseas buyer, it will be subject to the normal export licensing procedures.

**Chris Bryant:** Does my hon. Friend agree that it is a uniquely British portrait? It is a painting of one of Britain's greatest poets, a man who was a priest in the Church of England and a Member of this House. He was also Dean of St. Paul's and wrote that great first definition of socialism:

"No man is an Island, entire of it self".

Will he do everything in his power to ensure that the present owners of the painting, who include the family of the right hon. and learned Member for Devizes (Mr. Ancram), perhaps lower their price, to ensure that it remains in this country?

**Mr. Lammy:** There can be no doubt that John Donne is one of our great poets, but it is right and proper that we see how the process goes forward. The decision may ultimately come to me so I should not comment beforehand.

**Sir Patrick Cormack** (South Staffordshire) (Con): Although I understand the Minister's reluctance to comment in detail and thank him for what he did over the Canalettos, will he bear in mind that the bell is tolling for our great galleries unless they have proper purchase grants for acquisitions, which they do not at the moment?

**Mr. Lammy:** The hon. Gentleman will be aware that the Heritage Lottery Fund has funded £130 million-worth of acquisition purchases over the last 10 years. Of course, in the case involving John Donne, there is a bid before the National Heritage Memorial Fund as well. It is right that we have been able to acquire great works of art and keep them in this country. I have been able to make certain assessments once a decision has been reached by the reviewing panel, so let us wait and see what happens in this case.

**Mr. Siôn Simon** (Birmingham, Erdington) (Lab): May I remind the Minister and the Secretary of State of the words of John Donne about ephemeral excitements—

"These burning fits but meteors be

Whose matter in thee is soon spent"—

and suggest that that which is durable, valuable and important not be sacrificed to that which is cheap, easy and immediate, and that that national treasure indeed be saved for the nation?

**Mr. Lammy:** I commend my hon. Friend on his recollection of John Donne and agree entirely.

### National Lottery

8. **Mr. David Heathcoat-Amory** (Wells) (Con): What proportion of funds awarded by the Big Lottery Fund in 2004–05 went to the four original good causes. [55625]

**The Minister for Sport (Mr. Richard Caborn):** The comments of my hon. Friend the Member for Birmingham, Erdington (Mr. Simon) show that those who do not attend the Chamber regularly miss an educational and cultural experience.

The Big Lottery Fund is the operating name of the National Lottery Charities Board and the New Opportunities Fund, until the National Lottery Bill goes through Parliament. They work together. Both bodies continue to distribute funding solely within their existing good cause areas, so one third is distributed to the original good causes of charitable expenditure, and two thirds to the new good causes of environment, health and education introduced by the Government in 1998.

**Mr. Heathcoat-Amory:** Why have the Government abandoned the additionality principle, whereby lottery funds are supposed to be in addition to taxpayer funds and not a substitute for them? Will the Minister comment specifically on the latest annual report of the Big Lottery Fund, which shows funding to, for instance, school learning and child care and cancer and stroke treatment, which are Government responsibilities? Is not he ashamed that the Government have plundered the lottery fund in that way, in defiance of the principle on which the national lottery was founded—at that time with Labour party agreement?

**Mr. Caborn:** In taking the Bill through Parliament over the past few months, there has been a background of wide consultation with the British public as to what they actually want lottery money to be spent on and how additionality can be justified. The results of the consultations, which are on the public record and have been placed in the Libraries of both Houses, showed clearly that the public wanted that money to be spent on health and education. We have held discussions with all the distributing bodies and I hope that in their annual reports they will give account of additionality for their funds—the first time that we have been able to do that. The distributing bodies will be accountable through their annual reports, which have been deposited in both Houses of Parliament. If parliamentarians want to put questions, in the many ways available to them, it is open to them to do so.

**Mr. Gordon Marsden** (Blackpool, South) (Lab): Does my right hon. Friend agree that the Government and the Secretary of State were absolutely right to broaden the terms as they did? Arts and education need to be brought together and the issues cannot be pigeonholed as the right hon. Member for Wells (Mr. Heathcoat-Amory) seemed to suggest.

**Mr. Caborn:** Absolutely, and that is what came from the wide consultation that took place. The lottery is a fantastic institution. It is probably one of the best lotteries in the world, and credit is due to the Opposition and to John Major in particular for introducing it. We need to continue to refresh it and to consult the public, which we are doing, and the proof of the pudding is in the eating in that people are still playing the lottery and, as I say, it is one of the best lotteries in the world, so the public must have confidence in what we are doing.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): I should like to inform the Minister that the new MRI scanner at the Royal Shrewsbury hospital was paid for by the national lottery, because the local consultants put in a bid. I am very grateful to them for securing that money, but should not the MRI scanner have been paid for by the Secretary of State for Health?

**Mr. Caborn:** The answer is no, and this is the difficulty—*[Interruption.]* When we consulted the public generally, across the board, health was one of the issues where they believed that lottery funds can be additional to that which is spent in other ways. Quite honestly, when we are talking about investing in the health service, no one can accuse this Government of not doing so. We are spending more money on the health service than that lot on the Conservative Benches ever did when they were in power, and this money is additional to that expenditure.

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): On the same point, does my right hon. Friend agree that the provision of hospices and MRI scanners, which would have taken many years of fundraising, are worthwhile areas of lottery funding and that another area of equal worth would be the provision of cancer drugs—such as herceptin, cetuximab and temozolomide—while they are awaiting NICE approval?

**Mr. Caborn:** Although we have laid out the broad principles about such money and investment, particularly in the new National Lottery Bill on the new lottery fund, the distribution of lottery funds is undertaken by independent bodies, which are at arm's length—*[Interruption.]* I hope that the hon. Member for East Devon (Mr. Swire) is not trying to bring into disrepute the integrity of the members of the lottery distributing boards. I say very genuinely that the public can have confidence in the distributing boards. They are made up of independent people of integrity who operate to terms of reference and do a fantastic job in distributing that money fairly and in a transparent way throughout the country. Additionality can be brought to Parliament through the annual reports of the distributing bodies.

**Hugh Robertson** (Faversham and Mid-Kent) (Con): The reverse side of that argument is that, since the creation of the New Opportunities Fund in 1998, more than £3 billion, according to the national lottery website, has been removed from sport, arts, heritage and charities. Given that it is exactly eight months to the day since we won the bid in Singapore, how can the Government deliver on the many commitments made at the time of the bid to elite athletes, and about mass participation and a cultural festival if sport and the arts have suffered a de facto cut of £1.5 billion?

**Mr. Caborn:** I do not accept that. Some £750 million has come from the New Opportunities Fund—now the Big Lottery Fund—to invest in school sports facilities throughout the country. That is true right across the board. Lottery money is now being invested with much more value added than previously, when it was very siloed. The British public were telling us very clearly that they want us to take an holistic approach, not one that is departmentalised in the way that the previous Administration had us do it.

9. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When she next expects to meet representatives of the Big Lottery Fund to discuss lottery grants to village halls and community centres. [55626]

**Hon. Members:** Hear, hear.

**The Minister for Sport (Mr. Richard Caborn):** That was a resounding expression of confidence in the hon. Member for North-West Norfolk (Mr. Bellingham).

To date the lottery has awarded £258 million to village and community halls. The Big Lottery Fund will make £50 million available over three years through a community buildings programme to benefit projects across England. I have no plans to meet its representatives to discuss that at present.

**Mr. Bellingham:** Has the Minister seen a recent report that revealed a £400 million backlog of repairs to village halls across the country? He mentioned the Big Lottery Fund making available £50 million over the next four years, but what hope can he hold out to village halls in my constituency, including the one at Terrington St. John, which has twice had its bid turned down? Is there not a danger, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) pointed out, that we are seeing substitution for Government expenditure and not enough money being spent on good causes in rural areas?

**Mr. Caborn:** I do not think that that is true. In an Adjournment debate a few weeks ago, the investment of £50 million in village halls was welcomed. I have not read the report about the £400 million, but if the hon. Gentleman sends me a copy, I will read it and then write to him and put my reply in the Libraries of both Houses. Through the Millennium Commission and what we are doing now through the Big Lottery Fund, the investment in village halls and community halls is at a level that is commensurate with the role that they play in communities.

## CHURCH COMMISSIONERS

*The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—*

### Dioceses

20. **Mark Pritchard** (The Wrekin) (Con): What assessment the commissioners have made of the financial implications of the proposals to reduce the number of dioceses. [55637]

**The Second Church Estates Commissioner (Sir Stuart Bell):** There is a draft Dioceses, Pastoral and Mission Measure which would enable a new dioceses commission to bring forward proposals for reducing the number of dioceses. Since the Measure is in draft, it follows that the commissioners have not made any assessment of the financial implications.

**Mark Pritchard:** I am grateful for the commissioner's response. When the assessment phase comes along, will he convey my concern that we should retain the dioceses of Herefordshire and Lichfield and recognise the valuable work of the suffragan bishops, the Bishop of Shrewsbury and the Bishop of Ludlow? The dioceses are historical and I hope that they will be safeguarded in any future changes in England and Wales.

**Sir Stuart Bell:** I am grateful for that. The hon. Gentleman's remarks will be passed on to the appropriate commissioners. He should bear it in mind that the Church of England has 45 dioceses—43 of which contain more than 13,000 parishes—covering all of England, the Isle of Man, the Channel Islands, the Isles of Scilly and a little bit of Wales, so he is in good company.

### Slave Trade Abolition (Commemoration)

21. **Chris Bryant** (Rhondda) (Lab): What budget the commissioners have identified for the Church of England's commemoration of the 200th anniversary of the Abolition of the Slave Trade Act 1807. [55638]

**Sir Stuart Bell:** The Church of England is heavily involved in the ecumenical "Set all free" project, which will include publications and a major service at Westminster abbey. The commissioners are not contributing financially to marking the bicentenary.

**Chris Bryant:** May I urge the commissioners to contribute? The Church of England was very involved in passing the 1807 Act, even though there was some hypocrisy. The Bishop of Exeter kept 655 slaves until the time of the Abolition of Slavery Act 1833, when he received £12,700 in compensation. Will the Church Commissioners put a little more oomph into the celebration so that we can see an end to humbug in the Church?

**Sir Stuart Bell:** I am grateful to my hon. Friend. He goes back to 1807; shortly, we will have a question that relates to the next century—the Church certainly has a wide span. He will note that the Synod recently called on Her Majesty's Government to give the highest priority to enabling legislation to bring an end to the causes and outcomes of slavery. Personally, I presume that the Synod will equally accept the enabling legislation for the Church to accept women bishops in line with his ten-minute Bill.

### Israel (Investments)

22. **Mr. Nick Gibb** (Bognor Regis and Littlehampton) (Con): What representations the commissioners have received on their policy on investment in Israel. [55639]

**Sir Stuart Bell:** The commissioners do not have a blanket policy on investment in Israel. The hon. Gentleman is referring to a recent resolution from the General Synod which might be construed as a representation to the commissioners. As the Archbishop of Canterbury has said, there has been much adverse comment on the resolution. The archbishop has accepted that this has caused much distress and he has described this as a cause of deep regret.

**Mr. Gibb:** I am reassured by that answer, which is a million miles away from the anti-Israeli attitude

demonstrated by the General Synod. Does that not show how out of touch and extreme elements of the General Synod have become? Does the hon. Gentleman agree that in these times of growing anti-Semitism across Europe, the Church of England should concentrate on promoting the Christian message, rather than fuelling anti-Semitism through politically motivated anti-Israeli motions that are more redolent of 1970s student unions than serious and compassionate policy making?

**Sir Stuart Bell:** In the words of the Scripture, those who have ears, let them hear. However, the Synod did not resolve to disinvest in companies dealing with Israel, nor has it the power to do so.

### Cemeteries

23. **Mr. Gordon Prentice** (Pendle) (Lab): What assessment has been made of the requirement for new churchyard cemeteries in the next century? [55640]

**Sir Stuart Bell:** As I indicated earlier, the Church takes a long view, but since we are hardly into the sixth year of the present century it follows that the Church has not made any assessment for new churchyard cemeteries in the next.

**Mr. Prentice:** That was a disappointing reply. There is a grave shortage. Is my hon. Friend aware that in inner London the supply of land is virtually exhausted, and that by the end of the century there will be nowhere to bury people in outer London? What is the view of the Church Commissioners on the possibility of burying people one on top of another? Are there any theological reservations about that?

**Sir Stuart Bell:** I always enjoy a question from my hon. Friend. I am sure that he does not mind a jocular response from me from time to time. The duty to provide a place of burial lies with the secular authority. The operation and management of Church of England burial grounds is a matter for individual parochial church authorities. No central records are kept. Clearly, the matter that the hon. Gentleman raises is an important one, and it will be taken seriously by the Church.

### Historic Ecclesiastical Buildings

24. **Michael Fabricant** (Lichfield) (Con): What discussions the commissioners have had on the merits of educating visitors to cathedrals and historic ecclesiastical buildings on the costs of maintaining them. [55641]

**Sir Stuart Bell:** The commissioners support the Church Heritage Forum statement "Building Faith in Our Future", which examines not only the immense benefit these buildings bring to the nation but also the cost of their upkeep.

**Michael Fabricant:** The hon. Gentleman may recall that we discussed this issue in the House a month ago. I inadvertently told him that most people volunteer to give the full amount that is being asked by cathedrals when people visit them. It seems that the practice in Lichfield is that more than half the people visiting the cathedral choose to pay nothing. Of the £4 that is asked of them, an average of only 80p is given by the half who do pay something. Will the hon. Gentleman condemn this sort of scrooge-like behaviour? Does he agree that now is a particularly good time to visit Lichfield cathedral, given the discovery of the Lichfield angel, which was carved some 1,000 years ago and was recently found in immaculate condition? The angel is now on show.

**Sir Stuart Bell:** I am sure that the hon. Gentleman is not surprised to know that I also read *Hansard*. I read his point of order on 2 February, when he put the record straight. I know also that Mr. Deputy Speaker said that he would not comment on the hon. Gentleman's remarks. However, I should congratulate the hon. Gentleman on the fact that he is doing an excellent job advertising the special merits of Lichfield cathedral. I am sure that he is telling his constituents to see the recently excavated 18th century carving of the Lichfield angel.

**Michael Fabricant:** Eighth century.

**Sir Stuart Bell:** Indeed, 8th century, if that is not what I said.

The next time the hon. Gentleman is there, he may perhaps stand outside with a begging bowl and ask people to pay their dues.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): When my hon. Friend is next in contact with the cathedrals and dioceses throughout the country, will he encourage them not to be shy about charging entry to cathedrals given the evidence and experience at Westminster abbey, which is only a few yards away from this place, where the introduction of admission charges to discourage the use of the abbey as a clearing house for London tourist guides has been successful and has not reduced the number of people who genuinely want to visit one of the historic treasures of the United Kingdom?

**Sir Stuart Bell:** I am grateful to my hon. Friend. He will be aware that cathedrals receive only £1 million per year in English Heritage grants although they generate £151 million in direct and indirect spending for their cities. Anyone who passes Westminster abbey any day of the week will testify to the popularity of the venue. It is one of the top tourist attractions in the city. In a sense, it charges, and it is a worthwhile charge. I would encourage other cathedrals to follow its example.

## ELECTORAL COMMISSION COMMITTEE

*The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—*

### Local Election Turnouts

25. **Mr. Philip Hollobone** (Kettering) (Con): What assessment the Electoral Commission has made of the likely impact on voter turnout of the process of planning for the 2007 local authority elections. [55642]

**Peter Viggers** (Gosport): The Commission advises me that it has undertaken no such assessment and has no plans to do so. However, research into public attitudes to voting at this year's local elections in England is planned as part of the commission's ongoing research programme on public participation.

**Mr. Holloboone:** Does my hon. Friend share my concern, and will he convey my concern to the commission, that the Government's enthusiasm for the imminent reorganisation of local government could well impact on the electoral turnout in the 2007 elections if people are under the misapprehension that their vote will not be important because the authorities will not be around for that much longer?

**Peter Viggers:** Individuals would indeed be under a misapprehension if they thought that the Government had said that they intended to cancel the local government elections scheduled for 2007, as they have said no such thing. Decisions on local government governance are primarily a matter for the Government, although under current legislation the Secretary of State must seek the commission's advice before changing the structure of local government in any particular two-tier area.

**Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): I am pleased to note that Liverpool has been identified as one of the areas where the Electoral Commission will conduct a pilot study to encourage voter turnout. Will that work include engaging with local communities?

**Peter Viggers:** I can confirm that it is the Government's intention to consult local government communities and other individuals, including local government figures and leading public bodies.

**Mr. Don Foster** (Bath) (LD): Will the hon. Gentleman share with the commission my view that a key reason for low turnout in local elections is the fact that many people do not believe that local councils have the power to address local needs, because a high proportion of the money spent by local councils comes from central Government with strings attached? Would it not be better if we increased the proportion of money spent and raised locally with a corresponding reduction in national income tax?

**Peter Viggers:** The hon. Gentleman makes a good point in his own way, but it would not be appropriate for me to enter into dialogue with him on the subject. However, he will agree that local government does indeed have considerable decision-making capacity, and I urge him to encourage others to vote in local government elections.

**Mr. Jim Cunningham** (Coventry, South) (Lab): May I ask the hon. Gentleman to ask the Electoral Commission to look at the reduction in the number of polling stations up and down the country over the years, as it could be a factor contributing to low turnouts, particularly at local elections?

**Peter Viggers:** I am grateful to the hon. Gentleman, and I shall certainly raise that issue with the Electoral Commission.

## CHURCH COMMISSIONERS

*The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—*

### Redundant Churches

26. **Mr. Peter Bone** (Wellingborough) (Con): How many churches have become redundant in the last three years; and what estimate he has made of the number likely to become redundant in 2006. [55643]

**The Second Church Estates Commissioner (Sir Stuart Bell):** Seventy-four churches have been declared redundant in the last three years. The underlying annual figure for church closures is 25 to 30 and we have no evidence to suggest that the number of church closures in 2006 will exceed the norm.

**Mr. Bone:** Does the hon. Gentleman share the concern that I feel every time I see a church that is now a café or an office or, even worse, derelict? Will the Church Commissioners use every endeavour to save as many churches as possible?

**Sir Stuart Bell:** I am grateful to the hon. Gentleman. It is always a matter of sadness when a church closes but—I accept that the hon. Gentleman's question does not go as wide as this—many churches are opening. He may have an interest in St. Barnabas, Peterborough, which is an unlisted church that was closed two years ago. The city council proposes to acquire the building and curtilage for a wide variety of civic and community uses. The redundancy scheme providing for that was made yesterday, and we hope to complete the sale by the end of the month.

## ELECTORAL COMMISSION COMMITTEE

*The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—*

### Overseas Voters

27. **Mr. Nigel Evans** (Ribble Valley) (Con): What steps the commission is taking to encourage greater participation of overseas voters at the next general election. [55644]

**Peter Viggers** (Gosport): The commission informs me that as the next general election approaches, it will again run a dedicated public awareness campaign to encourage eligible overseas residents to participate. The number of overseas voters registered doubled between 2004 and 2005, but I must add that the numbers registered remain extremely small.

**Mr. Evans:** Is not the fact that the number remains extremely small part of the problem? Helena Kennedy produced a report last week on the need to encourage more people to vote and, indeed, suggested lowering the age of eligibility to 16. Millions of people, however, are eligible to vote but do not know that they are, so we ought to spread the word now to encourage people to register. Indeed, we should make it far easier for people who are eligible to complete the process of registration.

**Peter Viggers:** There are some 15 million British citizens overseas, of whom a considerable number are eligible to register as they have lived overseas for fewer than 15 years. There are 45 constituencies without any overseas registered voters at all, but there are four overseas voters registered in the Ribble Valley constituency. If I were the hon. Member for Battersea (Martin Linton), with a majority of 163, I would contemplate the fact that 150 overseas voters are registered in that constituency. Individual Members may wish to take those facts and figures into account.

**Peter Bottomley** (Worthing, West) (Con): Could the Commission advise Her Majesty's Revenue and Customs and the Department for Work and Pensions to tell British citizens overseas with whom they are in contact that they can register?

**Peter Viggers:** The Foreign and Commonwealth Office and other bodies have been assiduous. They have produced an overseas voter leaflet and distributed it in conjunction with the FCO, they have advertised in newspapers read by British citizens overseas, there has been public relations activity and information has been provided online, but I shall certainly consider the point raised by my hon. Friend.

## CHURCH COMMISSIONERS

*The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—*

### Marriage

28. **Andrew Selous** (South-West Bedfordshire) (Con): What proportion of the Church's central funds are allocated to marriage preparation and marriage support activities. [55645]

**The Second Church Estates Commissioner (Sir Stuart Bell):** The Church is a diverse body and much of the work on marriage preparation and support is provided through organisations and clergy and laity throughout the land. The Church nationally funds a marriage and family life adviser.

**Andrew Selous:** I am grateful to the hon. Gentleman for that answer, and I particularly commend the support that I have received from the diocese of St. Albans and my own bishop, the Bishop of Bedford, in this important area, but can the hon. Gentleman tell the House what proportion of funding and what importance centrally the Church places on this aspect of its work?

**Sir Stuart Bell:** I am grateful to the hon. Gentleman. The figures are not to hand, but I shall be glad to send them to him. I have, however, read with interest about the launch of a community marriage policy in the hon. Gentleman's constituency. His search for local volunteers to act as a couples mentor is welcomed, and he will know that he can find thousands of such mentors in the form of parish priests across the country.

## Points of Order

3.31 pm

**Mr. David Winnick** (Walsall, North) (Lab): On a point of order, Mr. Deputy Speaker. I know that you wanted to get through questions as quickly as possible, and indeed the second half have all been completed. May I, for the record, point out that there is another point of view in addition to that given by the Second Church Estates Commissioner, the hon. Member for Middlesbrough (Sir Stuart Bell) at Question 22? There was no opportunity for that point of view to be expressed, but it should be said that many of us are deeply concerned at the demolition of properties in the occupied territories.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** The hon. Gentleman is a sufficiently experienced Member of the House to know that he must not continue the debate under the guise of a point of order. I was quite aware of the importance of the matter, but equally, the balance of questions between the two hon. Gentlemen answering was such that I wanted to try to ensure that the Member representing the Speaker's Committee on the Electoral Commission was reached, so that those questions could be put.

**Ms Celia Barlow** (Hove) (Lab): On a point of order, Mr. Deputy Speaker. One week ago today, my hon. Friend the Member for Leicester, East (Keith Vaz) raised a point of order about the visit by three Liberal Democrat MPs to his constituency without prior notice. You ruled that it is customary that when hon. Members visit another's constituency for political reasons, they notify that Member in advance. The hon. Member for Eastleigh (Chris Huhne) visited my constituency, Hove and Portslade, last month and attended St. Patrick's night shelter, which currently has funding difficulties. I have been in correspondence with all the parties concerned with the shelter. It is a sensitive local issue, which I consider highly unsuitable to become a political football in an uninspiring leadership campaign. Will you raise awareness of the rule among hon. Members? After last Thursday's result, the hon. Gentleman might find it opportune to spend more time in his own constituency, rather than in mine.

**Mr. Deputy Speaker:** I can only say to the hon. Lady what Mr. Speaker has said on many occasions and what I said most recently: it is a general courtesy between Members that when they visit another constituency for political purposes, prior notification should be given. We are all on an equal basis in the House and we should all respect each other's rights in relation to our constituencies. That is on the record again. Hopefully, hon. Members read *Hansard*.

# Orders of the Day

## Police and Justice Bill

*Order for Second Reading read.*

3.33 pm

**The Secretary of State for the Home Department (Mr. Charles Clarke):** I beg to move, That the Bill be now read a Second time.

The central objective of the Bill is to help build safer communities, and the Bill seeks to do that in two ways—first, by taking forward our agenda for delivering real, sustained and lasting reforms to the police service in various ways, and secondly, by helping to create a modern culture of respect based on the needs, rights and responsibilities of the law-abiding majority, by implementing key measures in the respect action plan launched by my right hon. Friend the Prime Minister in January.

Working with the police service and its community safety partners, we have made significant strides in reducing crime in the past nine years in government, and I want to take this opportunity to pay tribute to the police service and its partners, which can be justifiably proud of their record of achievement. However, more needs to be done. Crime and antisocial behaviour are still too high, and public expectations around quality of service are quite properly rising and need to be properly met by all public services, including the police. Further reform of the police is necessary, and the Bill includes measures for reconfiguring the police service to meet the challenges of the 21st century.

The primary task of the police service is, and will remain, to prevent, deter, detect and reduce crime and antisocial behaviour. To achieve that end, we must first embed neighbourhood policing, which is central to every part of the proposal, in every community with improved police responsiveness and customer focus. Secondly, we must further modernise the police work force so that it is fully equipped to meet those challenges, which involve building an effective policing team between the police service and those who work with it. Thirdly, we must ensure greater involvement by communities in determining how they are policed.

The Bill will contribute to these goals by ensuring that we have the right structures in place to deliver sustained improvements in performance, that the accountability framework for police forces and their community safety partners is robust and responds to the voice of the citizen and that the police and community support officers have the powers that they need to tackle crime and antisocial behaviour effectively.

The Bill will impact on each of the five tiers of policing—neighbourhood policing, the borough, which is the basic command unit level, the strategic force, the national policing institutions and internationally—and drive forward our modernisation proposals.

**Keith Vaz** (Leicester, East) (Lab): Will my right hon. Friend confirm that one of the central points of the proposal is a partnership between local communities and the police? In particular, we must ensure that young people have a good relationship with the police, which means providing them with good local facilities. My

*[Keith Vaz]*

right hon. Friend the Minister for Policing, Security and Community Safety visited Leicester on Friday, when she saw such facilities, which are key to building a strong and positive relationship between young people and the police.

**Mr. Clarke:** As my hon. Friend has said, that partnership is central to the proposal. When we fight crime, it is not simply a matter for the police—it is a matter for the police working with every agency concerned. My right hon. Friend the Minister for Policing, Security and Community Safety has told me about her visit and how impressed she was by what is happening. Better youth facilities are a key factor.

**Mr. Jim Cunningham** (Coventry, South) (Lab): I note that my right hon. Friend has made tremendous progress in certain areas in the fight against crime. However, will he clarify the situation in the west midlands, where we are getting mixed signals about the transitional costs of amalgamation? Are West Midlands police and the other police forces wholly behind the change?

**Mr. Clarke:** The Bill does not specifically concern the force amalgamations in the west midlands to which my hon. Friend referred. West Midlands police, Staffordshire police and Warwickshire police are strongly in favour of the change, and West Mercia police is not, which is why I gave notice last week that I intend to lay an order in four months' time to bring about that change following the proper statutory period of consultation.

**Mark Pritchard** (The Wrekin) (Con): One reason why West Mercia police is not in favour of the proposal to amalgamate into a larger force is that market towns such as Shifnal, Newport and Wellington in my constituency will experience less neighbourhood policing rather than more neighbourhood policing. The chief of police will be in Birmingham rather than in the next-door county, which is the current situation.

**Mr. Clarke:** That perception is utterly wrong. When a major issue such as a tragic murder arises in a small police force area such as that of West Mercia police, the only way to deal with the matter effectively is to move people from the neighbourhood level. The development of strategic policing is central to the proposal.

The development of neighbourhood-level policing is at the centre of every change made in the Bill and in the reorganisation of police forces that was mentioned in the previous two interventions. What really matters to people is how crime and disorder are tackled in their own neighbourhoods. Issues as basic as abandoned cars, discarded syringes, truanting children drinking in local open spaces, graffiti and antisocial behaviour are absolutely central and put at the top of the agenda the method of policing that is at the core of the Bill.

**Several hon. Members** *rose—*

**Mr. Clarke:** I will not give way for the moment.

This means instilling a modern culture of respect at the neighbourhood level. The respect action plan set out a package of practical measures, which the Bill takes forward, to address the issue head on.

**Several hon. Members** *rose—*

**Mr. Clarke:** I will give way in a moment, as is my practice, but I shall make some more progress before doing so.

The Bill establishes a standard set of powers for police community support officers. We believe that their introduction has been a success and that taking that forward with a standard set of powers will enhance and develop that. Since their inception in the Police Reform Act 2002, community support officers have undertaken a variety of uniformed patrol tasks. Their high visibility has had a positive impact on reassurance in public places. They are accessible to communities and are key deliverers of neighbourhood policing. It is a unique role, distinct from that of a police officer. I am pleased that there is now recognition on both sides of the House of the true value of CSOs. But if CSOs are to play a full part in neighbourhood policing teams, they need appropriate powers to deal with the day-to-day problems that they encounter on the street without necessarily having recourse to a police officer. Standardisation will also end the confusion felt by the public about what powers CSOs have in their local area.

CSOs' local knowledge of young people makes them well placed to play a valuable role in dealing with truancy. The Bill therefore provides chief officers with the option of designating that power to their CSOs.

**Several hon. Members** *rose—*

**Mr. Clarke:** When I come to the end of the phase of my speech to do with neighbourhood policing, I will give way to Members who have comments or questions on that.

On parenting orders and contracts, we believe that effective parenting is one of the key drivers in preventing children from offending and engaging in antisocial behaviour. It is vital that the police and other crime reduction partners are supported at the local neighbourhood level by parents in creating a strong society based on mutual respect. In tackling poor parenting and providing proper support for families where it is needed, we must be aware that that is the best course of action, and we are investing substantial resources in that. In the very small number of cases where parents are not willing to engage, the Bill widens the range of agencies that can enter into parenting contracts and apply for parenting orders to secure the engagement of parents. Parenting orders are already highly successful where they are used by local authorities to combat truancy, and by youth offending teams. Youth offending teams successfully applied for 1,273 orders in the last financial year alone. The breach rate is low, and most parents subject to an order grow to value the support that they receive. Indeed, many wish that they had received such support earlier and make an articulate statement of that.

Finally in this section of my speech, I turn to conditional cautions. To tackle low-level crime and antisocial behaviour effectively, we need tools that bring

rapid relief to communities and send a clear signal that such behaviour is unacceptable. Conditional cautions can be used for adult offenders who admit their guilt and are willing to comply with the conditions specified in the caution. They have already been operating successfully in six areas, starting in December 2004, and we anticipate implementing them across the country in the next 18 months. They can provide an appropriate response to low-level offending without a potentially lengthy court process and free up court time to deal with more complex cases.

The conditions that can be attached to a conditional caution are currently limited to direct rehabilitation or reparation. While those conditions have given good results, experience has shown that widening their scope would mean that conditional cautions could be used in more cases. The Bill will enable conditional cautions to involve the offender paying a fine or undertaking up to 20 hours of unpaid work—for example, making reparation to the community by clearing up litter from a park. In that way, offenders will be giving something back to the community, and more quickly and directly than if they had gone to court.

I will now pause for a moment to give way to one or two Members who wanted to ask questions.

**Philip Davies** (Shipley) (Con): Does the Home Secretary agree that neighbourhood policing is not just about community support officers and that local police stations also play an important part? West Yorkshire police recently proposed to close Bingley and Shipley police stations' public helpdesks to save money. Will the Home Secretary take action to safeguard local police stations that command widespread public support?

**Mr. Clarke:** Local policing is central to neighbourhood policing and other matters. One of the exciting things that is happening in many parts of the country—I believe that that includes West Yorkshire—is the opening of police facilities in a wide range of areas such as schools, shopping centres and so on. Chief constables must examine the overall policing presence in their community, including the existing stations, and determine the best way in which to make an impact on their local communities. Much of the police estate was built decades—sometimes even centuries—ago, and reconfiguring it to fit modern policing need is a key responsibility of the police in West Yorkshire or anywhere else. That is what they have to do, and they will do precisely that.

**Ian Lucas** (Wrexham) (Lab): Does my right hon. Friend agree that the remoteness of community safety partnerships is one of the weaknesses of the current system? In my constituency, excellent work is being done with neighbourhood policing but individual constituents approach me rather than their community safety partnership, about whose existence they know nothing, when a problem arises. What will the Bill do to solve the problem and make community safety partnerships more accountable?

**Mr. Clarke:** I shall deal specifically with that shortly because the coterminosity of the basic command unit and the local district council is critical. I accept my hon. Friend's implicit criticism—the performance of community safety partnerships has been patchy throughout the country. I could take him to some where genuinely outstanding work has been done in exactly the way that he would like, and to others where there has been a more desultory state of affairs. A key element of the Bill is strengthening the partnerships so that he and all hon. Members can have confidence that their local crime and disorder reduction partnership between the police and the local authorities works.

**Mr. Peter Bone** (Wellingborough) (Con): I welcome the initiative to put local policing at the centre of Government policy. Unfortunately, the reforms are having the opposite effect in Wellingborough because the senior police officer there will be moved next month to a neighbouring constituency, Kettering. I do not understand how that helps local policing.

**Mr. Clarke:** I cannot speak about the specific case that the hon. Gentleman mentions. However, we propose the reorganisation of police authorities to reduce the pressures that can lead to moving a particular, respected local police officer to another locality. The purpose of the Bill is to make matters work in the opposite direction.

**Jeremy Wright** (Rugby and Kenilworth) (Con): I understand the points that the Home Secretary makes about standardising powers for police community support officers. However, in Warwickshire, PCSOs are permitted to travel only by public transport, which significantly limits their effectiveness. Will he be cautious about extending their powers without extending the necessary training and equipment? He will understand that my constituents welcome PCSOs as an addition, but not as a replacement for full police officers.

**Mr. Clarke:** The hon. Gentleman puts the matter correctly—PCSOs are an addition, not a replacement. The PCSOs have been brought into the service under the command of the police as an addition to police officers. Of course, they need the appropriate training to deal with their responsibilities.

**Mrs. Gwyneth Dunwoody** (Crewe and Nantwich) (Lab): Any extension of powers for PCSOs will inevitably begin to impinge on police officers' training. The House of Commons needs to understand clearly what powers my right hon. Friend intends to give PCSOs, how they are different from ordinary police constables, and how we can be assured that they will not impinge on the duties of those who are properly trained.

**Mr. Clarke:** It is for that reason that the memorandum and guidance notes for the Bill set out in great detail precisely which powers will be held by PCSOs and which will not on the standardised basis. It is fair to say that many in the police, including some police officers, as well as some hon. Members, were sceptical about the merits of introducing PCSOs in 2002. However, it is also fair to say that that scepticism is now a great deal less. That is not to say that no issues remain to be resolved and I am sure that my hon. Friend will continue to raise them with her customary wit and

*[Mr. Clarke]*

humour, and I shall attempt to respond. However, I believe that PCSOs have made a major contribution and will continue to do so. We want to take that forward.

**Mr. Philip Hollobone** (Kettering) (Con): If the Home Secretary is going to stop short of giving the power of arrest to PCSOs, will he consider giving them the power to disperse? As the law stands, unless a specific area is designated as a dispersal zone, PCSOs have a great deal of difficulty supporting full-time police officers in dispersing a large crowd of unruly youths.

**Mr. Clarke:** That is a fair point that some PCSOs have raised with me directly from their personal experience. That is why we have set out a detailed schedule that will be debated in Committee. However, given the hon. Gentleman's contribution, I hope that he will acknowledge that setting things out in a clear way that runs across the country is the right thing to do. The House will decide how best to deal with the issue when we consider it in Committee.

**Several hon. Members** *rose—*

**Mr. Clarke:** I shall give way twice more before I make progress.

**Ms Dari Taylor** (Stockton, South) (Lab): I am delighted to hear my right hon. Friend say that the basic command unit and the local authority will remain in close partnership and that they will have a clear relationship with one another. But what about local residents? Am I reading the Bill correctly? Is it stating that if a persistent problem of antisocial behaviour continues to be unresolved by the police, the local authorities or the other partners, the residents will have the right to call those groups to account?

**Mr. Clarke:** The House will not be surprised to learn that my hon. Friend, as usual, has got it completely spot on and correct. I shall make further comments on the detail of how that will operate in my speech, but it is very important that every community feels that it can successfully deliver the action that is needed to clear up their community. The Bill will help to strengthen that.

**Mr. Mark Francois** (Rayleigh) (Con): I thank the Home Secretary for his courtesy in giving way again. He has already stressed in his speech the importance of maintaining the support of communities, but is he aware that, with regard to his proposed changes to police forces, all the methods that have been used so far to test public opinion in my county of Essex—telephone or internet polls organised by local newspapers and phone-ins to Essex radio stations—have shown overwhelming support for the retention of an Essex police force in its own right and very strong opposition to proposed mergers? If he really believes in keeping the support of communities, will he take that into account before any changes are announced in the east of England counties? Will he give us an assurance that the Essex force will be allowed to stand alone?

**Mr. Clarke:** We have already addressed this issue across the Floor of the House, and it is not a matter that is directly part of the Bill. As I said to the hon. Gentleman both across the Floor and privately, I will give him the guarantee that when we have proposals to make, we will make them and he can then comment on them.

**Lynne Featherstone** (Hornsey and Wood Green) (LD): I thank the Home Secretary for giving way again. I wanted to raise the issue of giving registered social landlords the ability to opt for parenting orders. Youth offending teams are very experienced in that regard and my concern is that registered social landlords might not be. What sort of training does he have in mind?

**Mr. Clarke:** There will certainly be clear guidance but, to be quite candid, I am sure that the hon. Lady will acknowledge that there are real issues for the major registered social landlords. We need to try to ensure that we can deal with those issues as well. That is why we have provided the power that is set out in the Bill, but she is right to say that we require proper guidance on how that power is used. We will set that out as we go through.

I now turn to the second level of policing—at the basic command unit and borough level. As I said in response to interventions, partnerships between BCUs and crime and disorder reduction partnerships are absolutely essential, and I think we can do more. The key partnership operates at that level, but it cannot operate effectively if it works across administrative boundaries. Police forces across the country have made excellent progress already in bringing BCU and local authority boundaries into line, so that there are now only three forces that have certain BCUs that are not aligned with local authority boundaries. However, that could be changed, which is why the Bill seeks to place BCUs on a statutory footing and requires their boundaries to be aligned with those of local authorities. It also makes it a matter for chief constables to consult with key partners before altering BCU boundaries.

We have established the whole process for crime and disorder reduction partnerships. Again, as I said in answer to interventions—I will not repeat it all now—we believe that amending the structure of partnerships to reflect the changed environment since 1998, reducing unnecessary bureaucracy, enabling better flows of information, implementing national standards to ensure the best working practices and improving the accountability arrangements for partnerships are, based on what we have learned since the Crime and Disorder Act 1998, the key means to improving the quality of the CDRPs. The purpose of the standards, among other things, will be to raise the profile of CDRPs with local authorities so that local communities can see that they are responding to their concerns and priorities.

We believe, as my hon. Friend the Member for Stockton, South (Ms Taylor) suggested in her intervention, that it will be necessary to ensure that the BCU commander and other senior representatives hold regular public sessions to help the public to hold them to account, and that local people themselves should be able to get action on community safety issues that are of concern to them. That is the reason for the community call for action that is provided for in clause 15. It will give people a way in which to trigger action on the community safety issues that are of particular concern

to them. Ward councillors will be given greater powers to take up problems on behalf of their communities. I would expect that, where neighbourhood policing is working effectively, there will be little need to have recourse to the community call for action, but it is important that the mechanism to empower action exists as a backstop.

The third level of policing is the strategic police force. As the House knows, and as we have already discussed to some extent, we have already embarked on a process of restructuring to ensure that forces can effectively meet the challenges of the 21st century. Many of the provisions in the Bill are designed to ensure that the new strategic forces successfully reconfigure to deliver protective services to national standards and the public's expectations of responsive neighbourhood policing.

We want to continue to strengthen the role of police authorities, first by ensuring that their members have the skills and experience necessary to undertake this challenging role—that is not always the case—and secondly by conferring on authorities an express duty to hold the chief officer to account. We will also add further functions, such as a duty to promote diversity, by secondary legislation.

Intervention is sometimes necessary to improve performance. Therefore, in addition to measures to ensure that strategic forces are effectively held to account, the Bill also modifies the reserve powers of the Home Secretary of the day to intervene in an underperforming force or police authority. I should stress, however, that I am not taking new powers; in the case of police authorities, these powers have existed since 1994, and since 2002 in the case of police forces. The Bill simply ensures that the existing intervention powers are fit for purpose. The changes made by the Bill draw on our experience over the past three years in embedding a performance culture and helping underperforming forces to turn around their performance. The Bill widens the sources of information that the Home Secretary can consider in deciding whether to exercise his powers, and ensures that that mechanism can be operated effectively.

Also relevant to the whole of the justice system is the creation of the new justice, community safety and custody inspectorate, which is provided for in part 4 of the Bill. This new single inspectorate for the justice sector will replace the five existing inspectorates covering the police, probation, prisons, court administration and the Crown Prosecution Service. The inspectorate will create a modern, unified, strongly led and forward-looking inspection regime. It will support front-line staff by minimising unnecessary duplication of inspection and the additional work that that entails. Perhaps most importantly, by taking a holistic view of the justice system, the new inspectorate will provide an enhanced capacity to challenge whether the police, courts, CPS and National Offender Management Service are giving the public the best possible service.

The Bill also provides the police with new powers to help forces to improve their provision of protective services, which was the driver behind the recommendations of Her Majesty's inspectorate of constabulary. We will enable the police to request passenger and crew information about journeys within the UK, to mirror provisions that we have made in respect of international journeys in the Immigration, Asylum and Nationality Bill that is being considered in the other place. This power will greatly enhance the ability of the police to investigate serious organised crime and even terrorism.

**Mr. Chris Mullin** (Sunderland, South) (Lab): I appreciate that the proposal probably looks quite logical on paper, but does my right hon. Friend think it wise to abolish Her Majesty's inspectorate of prisons? Under its existing management, it is extremely well regarded. At a time when our prisons are fuller than they have ever been and when there is a need for constant external pressure to ensure that we obtain value for money, is it wise to dilute those powers and subsume this effective organisation into one that is larger and blander?

**Mr. Clarke:** First, there is no question of diluting the powers. That would be a mistake, and I agree with the implication of my hon. Friend's suggestion in that regard. Secondly, I certainly do not believe that the new inspectorate will be blander than the existing one. The interrelationship between prisons, probation, prosecution, police and others is an important one. I know that, from my hon. Friend's experience as Chair of the Home Affairs Committee, among other things, he understands how the discontinuities in the Home Office agencies have often given rise to problems. One purpose of the unified inspection regime is to deal with that.

My hon. Friend's point is serious and it reflects concerns raised by Her Majesty's chief inspector of prisons. I pay particular tribute to Anne Owers and her team for the work they have done in making clear and creative statements about how detention takes place, and indeed to her predecessors, but I believe that the joint inspectorate will be capable of dealing effectively with precisely those concerns. I give the commitment, as I have to others, that if this matter wants to be debated further in Committee, it can be. I do not think that the fears my hon. Friend expresses are well founded, although I respect his experience in relation to what he says.

**David Howarth** (Cambridge) (LD): With regard to the new powers to give directions to police forces and authorities, does the Home Secretary accept that there is something new here, because the requirement for a negative inspection report is to be removed? Does he not accept that, without that necessary buffer between him and police forces and authorities, he is, in effect, taking responsibility for the whole of policing in England and Wales—both its successes and its failures?

**Mr. Clarke:** The hon. Gentleman is right to say that we are widening the sources that might provoke an intervention. That is because, for the sake of argument, something such as the Bichard review of the tragedies at Soham and what happened thereafter is not a "negative inspection report", but a serious examination, which it would be quite appropriate for the Home Secretary of the day to take into account. That is why it is right to widen the basis of impulses that cause the Home Secretary of the day, at whatever time, to be able to look at what is happening. It is widening, as the hon. Gentleman says, but for good reason.

**Martin Linton** (Battersea) (Lab): Does my right hon. Friend agree that the advent of the Metropolitan Police Authority has done a great deal for relations between police and the public in London? While successive Home Secretaries and commissioners, as well as the advent of neighbourhood policing, have had a lot to do with that, establishing a police authority with a democratic basis has turned policing in London from something imposed from outside into a service that is not only of and for Londoners, but, increasingly, provided by Londoners.

**Mr. Clarke:** I agree very much with my hon. Friend. That is one aspect of the Government's record in relation to policing of which we can be most proud. This is not historic: the Metropolitan police will establish the neighbourhood policing teams in London up to more than a year ahead of the national target precisely because of the encouragement of the Metropolitan Police Authority, as well as the personal commitment of the commissioner and his senior leadership. That relationship of positive encouragement towards protective policing is an example of accountability of the kind that the Bill is intended to strengthen.

**Mr. David Winnick** (Walsall, North) (Lab): Does my right hon. Friend accept that the point raised by my hon. Friend the Member for Sunderland, South (Mr. Mullin) is bound to cause some concern? The Home Secretary has praised the current chief inspector of prisons, but her predecessors, like her, trod on a number of sensitive toes and did excellent work over many years. There is a fear that the new post, despite what my right hon. Friend has just said, might dilute the excellent work being undertaken. I hope he will bear that point in mind.

**Mr. Clarke:** First, it has been drawn to my attention by my Front-Bench colleagues that I did not pay appropriate tribute to the Mayor of London for his contribution to the improvement in policing in London, so I shall fill that gap by dutifully so doing.

On the matter raised by my hon. Friend, the key point for me is the independence of the inspectorate, which must be spiky, particularly when considering the conditions of detention and the circumstances that can arise there. That is a fundamental issue, even compared with performance management more generally.

I know my hon. Friend heard me pay tribute to the current chief inspector of prisons, but I also paid tribute to her predecessors in the role, and I do so again now. I have met them and discussed some of those issues with them as well. It is critical that that integrity of inspection of prisons, and indeed places of detention generally, is maintained, and I believe that our arrangements will do that.

I know the concern that my hon. Friend is expressing—I understand it—and as I said to my hon. Friend the Member for Sunderland, South (Mr. Mullin), the former Chair of the Home Affairs Committee, it is an appropriate matter to take further in Committee as we take it forward centrally.

Perhaps I shall end comment on this point by saying that it would be a great shame not to acknowledge the very tight interrelationship, particularly on our agenda to reduce reoffending, between what goes on in prison, what goes on in probation and what goes on in the rest of the criminal justice system, including the courts.

We have missed the opportunity of trying to achieve coherence for decades, and may have missed it for ever. That includes important subjects such as information technology and data on various people. A single inspectorate may help us to achieve that coherence, but I take my hon. Friend's point about the independence and prickliness—if that is the right word—of an inspector.

It is important to consider the role of all the national organisations. We have already legislated to establish the Serious Organised Crime Agency, which from this April will take the lead in tackling national and international drug-smuggling and people-trafficking, but there is a complex web of national support agencies. We have the Police Information Technology Organisation, the National Centre for Policing Excellence, Centrex, the Police Standards Unit, the Association of Chief Police Officers, Her Majesty's inspectorate of constabulary and the Home Office—a range of forces providing an array of services from the development of good practice to procurement, training and operational support.

There is wide agreement, especially among the police, that the present configuration of overlapping support agencies is an obstacle to the promotion of improvement in the service, and that it needs to be simplified and clarified. That is what the Bill sets out to do. Following proposals from ACPO, it will establish the national policing improvement agency. The agency will drive improvement in policing. It will create a rationalised and more dynamic national landscape, and will give the police service capacity to deliver on the critical priorities set out in the national community safety plan, including the roll-out of neighbourhood policing.

The existing organisations Centrex and PITO will be abolished, and some of their functions will be transferred to the NPIA. A number of the Home Office's policy development and operational support activities will also be transferred to the new agency, along with some of ACPO's policy functions. Its work will not, however, focus on the provision of day-to-day services, important though that may be. It will focus on the longer term, by helping to embed a culture of self-improvement in terms of performance, and of identifying and responding to the opportunities and challenges that the service will face over five or 10 years.

We must recognise that in an increasingly interdependent world, work with international partners to tackle terrorism and serious organised crime will be increasingly important. We have therefore included a number of measures to strengthen policing at international level. Computer misuse—the continued threat posed by computer hacking and denial-of-service attacks—is one of the growing new threats that can be tackled only through extensive international co-operation. To that end, the Bill takes up a private Member's Bill tabled by my hon. Friend the Member for Glasgow, South (Mr. Harris) to amend the Computer Misuse Act 1990. I am grateful to my hon. Friend for his initiative.

The Bill provides a suitable opportunity for review of the Extradition Act 2003. As many Members will recall, the Act carried a complete overhaul of extradition law, some of which dated back to the 19th century. It also implemented the European arrest warrant. Following such a major reform of complex law, minor lacunae and operating difficulties have emerged in the first year of operation. The amendments in the Bill are intended to clarify and correct, and are essentially technical.

**Sir Paul Beresford** (Mole Valley) (Con): One aspect of part 5 has my entire support. As the Home Secretary knows, there has been close co-operation between some Conservative Members and some members of his team in dealing with sexual offences against children. In particular, there was co-operation during the passage of the Bill that became the Sexual Offices Act 2003. Subsequently, there has been discussion with at least one of the Home Secretary's Ministers and other members of his team on further measures that are necessary. One is contained in part 5, but there are also the issues of encryption and access to information on risk-assessed paedophiles. Would the Home Secretary be agreeable if the chief of the Metropolitan police paedophile unit, an academic known to his team, and I had further discussions with the appropriate Under-Secretary of State to see whether we can use this unique opportunity to deal with one or two outstanding issues?

**Mr. Clarke:** I am very agreeable to that proposal. I pay tribute to the way in which the hon. Gentleman and others have worked with the Government. As he says, in this international world a number of changes are needed to establish a legal framework in which international co-operation can deal with criminals who, increasingly, work internationally. We should be happy to co-operate.

**Mr. Boris Johnson** (Henley) (Con): Does the Home Secretary agree that amendments on extradition would offer a good opportunity to clear up the grotesque anomaly whereby citizens of the United Kingdom accused of crimes against British interests in the UK can be extradited to America on the say-so of the American authorities, without any corresponding right in this country to demand that Americans should come here, without producing due cause? Is not it time that that anomaly was cleared up?

**Mr. Clarke:** As is characteristic of the hon. Gentleman, his description of the state of affairs is wrong; it frequently is, I regret to say. However, the Bill offers opportunities to debate all those matters.

As a package, the Bill makes a vital contribution to policing and justice from the neighbourhood level all the way up to international level. I commend the Bill to the House.

4.10 pm

**Nick Herbert** (Arundel and South Downs) (Con): I apologise to the House for the absence of the shadow Home Secretary, who is detained in the north today.

This is a curious Bill. It contains a number of disparate measures, some of which are perfectly sensible. All of us will support the principle of new powers to tackle child pornography and increased sentences for computer hacking. Other provisions such as the extension of summary justice will need closer examination in Committee, but this Bill maintains an unfortunate trend of increasing Government direction of the police.

The Bill aims to prepare police authorities for the Government's proposed regional police forces. It does not itself propose police amalgamations. The Government are already proceeding with those using secondary legislation under the Police Act 1996, but the manner in which the Home Secretary is using the powers should make the House extremely cautious about conferring on him the Bill's proposed new powers to alter the role and shape of police authorities without proper parliamentary scrutiny.

When police force amalgamations were last considered in the 1960s, a royal commission was established and it took two years to report. Legislation was introduced a year later. It was recognised that the structure of police forces is a fundamental issue on which the public, forces themselves and their authorities need to be properly consulted.

The way in which the Government are proceeding could not be more different, but it is entirely in character. The Home Secretary's proposals to amalgamate forces were announced last September not to the House but in a letter to police authorities. He gave them just four months to respond. He attempted, in the words of the Labour chairman of the Association of Police Authorities, to "bully and bribe" authorities to agree to his proposals and to meet the deadline—a tactic that backfired spectacularly when not one authority submitted. The Government did all they could to avoid parliamentary debate on the proposals, only finally agreeing to a debate before Christmas on a motion for the Adjournment when we and a number of hon. Members protested to Mr. Speaker.

Last month, the Home Secretary again gave police authorities an ultimatum, this time to submit proposals for voluntary mergers within just three weeks. Again, almost all the authorities concerned refused. Cleveland said no, Cheshire said no, Merseyside said no, Dyfed-Powys said no, Gwent said no, North Wales said no, South Wales said no, Warwickshire said no, West Mercia said no, West Midlands said no. Even Staffordshire, whose chief constable is leading—

**David Taylor** (North-West Leicestershire) (Lab/Co-op): On a point of order, Mr. Deputy Speaker. The Second Reading debate seems to be going considerably wider than the printed Bill that we have in front of us. Is the speech of the hon. Member for Arundel and South Downs (Nick Herbert) related to the thrust of the Bill?

**Mr. Deputy Speaker (Sir Alan Haselhurst):** The hon. Member for Arundel and South Downs (Nick Herbert) is about three minutes into his speech. Second Reading debates are customarily fairly broad. I am listening carefully to what he says and I trust that it will not be long before he more directly relates his remarks to the content of the Bill. However, he is allowed to give some background to his concerns.

**Mark Pritchard:** Further to that point of order, Mr. Deputy Speaker. I thought that I would try to help.

*[Mark Pritchard]*

The fact is that the Bill deals with local neighbourhood policing, and many of us on the Conservative Benches are concerned that strategic police authorities will detract from local neighbourhood policing. Therefore, it is completely in order that my hon. Friend the Member for Arundel and South Downs (Nick Herbert) is making the points that he is making.

**Mr. Deputy Speaker:** I am always grateful for help from hon. Members. All I ask as guardian of the Standing Orders is that speeches be related to the measure that is before the House.

**Nick Herbert:** Even Staffordshire, whose chief constable is leading the Home Secretary's amalgamation "hit squad", said no. Every regional opinion poll conducted on this issue has said no. Yet just one week later, the Home Secretary announced that he would proceed with compulsory amalgamations, regardless. The report of Her Majesty's inspector of constabulary, Denis O'Connor, on which the Government are relying, said:

"The constitutional implications . . . are significant."

Yet this crucial decision was announced by way of a written statement, slipped into the Library of the House at 2.24 pm last Friday, just before the House rose.

Now, we are being asked to agree that similar order-making powers be given to the Home Secretary through this Bill, to allow him to alter police authorities' structure and functions. It is hardly surprising that the Association of Police Authorities has expressed alarm at the provisions. Its chairman, Bob Jones, said:

"The Home Secretary is now proposing to give himself power to change the role and membership of local authorities . . . and the bodies which represent them. Only Parliament, not the Home Secretary, should be able to do this".

The Home Secretary claims that he has rejected the idea of a national police force, but the Government's reorganisations are moving us steadily toward this model. Twelve police chiefs, rather than 43, will effectively answer to the Home Secretary, not their local communities. As Professor Tom Williamson observed in *Jane's Police Review*,

"Legislation has concentrated power in the Home Secretary, who sets the National Policing Plan and specifies outcomes. In this new public management paradigm, chief constables have an executive function only which is to deliver the plan . . . Following force amalgamations, a few chief constables, reporting to a senior Home Office official in regional Government offices, will be even more centrally influenced and controlled."

The new national policing improvement agency, introduced by clause 1, will not answer to police forces or to authorities; indeed, the Government have flatly rejected a proposal from police authorities that they should even part-fund the agency. The paymaster will call the tune and the paymaster is the Home Secretary. According to the Home Office, the agency will

"assist police forces to deliver . . . national . . . priorities"

and

"support national implementation of the Home Secretary's key priorities for the police, as set out in the annual National Community Safety Plan".

In other words, the agency will effectively be the Home Secretary's enforcement arm, used to get the policing that he wants. There is already a police standards unit in the Home Office—a development that the 2004 White Paper admitted

"represents a departure in terms of how the centre does business with the police service".

How will the national policing improvement agency work with the police standards unit? How will both work with the new inspectorate for justice, community safety and custody?

Police forces are besieged with agencies seeking to direct them. Such central direction has hardly been a success story in public services. The Government have introduced the Education and Inspections Bill to give schools more autonomy, and they introduced foundation hospitals for the same reason; yet, ironically, less autonomy for chief constables and instead, ever-closer direction by Ministers and their officials, is now the backbone of their approach to policing. Only a fig leaf of local accountability is to be maintained.

The Government claim that proposals in the Bill to align basic command unit and crime and disorder reduction partnership boundaries will strengthen local accountability, but the number of BCUs has reduced from around 400 when the Government came to power to 225 today. The Government are pressing CDRPs, which are currently based on district council areas, to merge. A Home Office report, slipped out in January, gave the game away. It stated that the Home Office

"will be working closely with ODPM as well as with regional and local partners to ensure that we do not end up with merged CDRP boundaries which are out of step with the likely future structure of local government."

What "likely future structure" of councils is this, exactly? Has Parliament been informed? Of course it has not. So far the Government's plans have been announced, in the usual manner, by leaks to the press.

The Government cannot credibly claim that police accountability will be achieved through local government scrutiny when the partnerships are being altered to make them more remote from the people. In West Sussex, for instance, the aim is to reduce the number of crime and disorder reduction partnerships from seven to just one. The real decisions will be taken not in the partnerships but in Whitehall and by chief officers in regional headquarters hundreds of miles from local communities. Inevitably, they will be less answerable to local people.

The Government's proposals for local police accountability are a mess. What happened to the Home Secretary's suggestion, repeated as recently as January, for local

"policing boards . . . to hold the BCU commander to account"?

If the much-vaunted "community call to action" in clause 15 gives residents a direct means of drawing issues to the attention of the police, where does that leave police authorities? What happens if the police simply ignore the community's view?

The Government do not appear to understand the difference between accountability and public relations. The Home Secretary enthusiastically tells us that the public will shortly have the email addresses or telephone numbers of their local police officers. Good. But what matters is that the public actually get the response they

want. Bournemouth police recently informed local shopkeepers that they were unable and unwilling to respond to the shoplifting of goods to less than the value of £75. Having the email address of local police officers in Bournemouth will plainly be of little use to small shop owners there.

The Government claim that they remain faithful to the traditional tripartite arrangement under which the Home Secretary, police authorities and chief constables have balanced powers. The Home Office website claims that

"this three-way system prevents political interference in policing and avoids giving any single organisation power over the entire police service."

The previous Home Secretary put an end to that. He insisted on firing a chief constable against the will of the local police authority. He even threatened to take direct control of policing in London if the then Metropolitan Police Commissioner failed to comply with his demands.

This Bill will confer significant new powers on the Home Secretary to interfere with police forces and authorities. Clause 2 will give him wide powers to prescribe the membership of police authorities, and new powers to intervene in police forces. It will scrap the statutory duty on police authorities to determine local policing objectives, replacing it with additional powers for the Home Secretary. It will put basic command units on a statutory footing—an apparently unnecessary provision, but one that the Association of Police Authorities believes may be the precursor to more direct Home Office control. The association has warned:

"These provisions represent a fundamental constitutional change, and a significant shift in the balance of power within the tripartite relationship".

It is time to restore the balance and introduce proper local accountability to policing. First, where there are major reorganisations of a local force, there should be formal mechanisms to consult the public, including referendums where appropriate—something that the Government are signally failing to do.

**James Duddridge** (Rochford and Southend, East) (Con): Does my hon. Friend agree that, after a local referendum, the Government should be compelled to abide by the result? Should that happen at 51 per cent., or should there be a higher threshold?

**Nick Herbert:** Of course the Government should take notice of local referendums, but they did not do that in relation to the referendum on the elected regional assembly for the north-east. In spite of the overwhelming no vote by local people, the Government have continued with their objective of regional government by stealth. The creation of regional police forces is partly a step in that direction.

Secondly, instead of police chiefs being made to answer to the Home Secretary, they should be made formally accountable to local communities, via mayors, elected police commissioners or sheriffs, or directly elected police authorities. Indeed, the Government proposed directly elected police authorities in 2003, describing them as

"a 'pure' form of local democracy—creating a direct, transparent link between communities and the police board."

What happened to that proposal? The operational independence of the police should be defined and protected. Local politicians should under no circumstances be permitted to direct the arrest of an individual or the initiation of a prosecution. However, they should be empowered to set strategic objectives for the police and to ensure that the objectives are met. Regardless of whether police forces are accountable locally or nationally, independent and transparent inspection of their performance will still be important.

**Mr. Charles Clarke:** I shall not respond to the general inaccuracies, but does the hon. Gentleman mean that he intends to give responsibility for the police in London to the Mayor of London?

**Nick Herbert:** The Home Secretary may know that we are consulting on a range of options to achieve local accountability of the police. The situation in London is more difficult because the commissioner has national and local policing functions. His accountability is already very confused and the fact that he is accountable to a number of bodies is problematic. We shall consider carefully how that should be resolved, but we will not resile from the principle, which the Home Secretary and the Government have not accepted, that police forces should be locally accountable. There is a fundamental difference between us. Whereas there are many things about which we agree in relation to neighbourhood policing, his view is that it is acceptable for the police increasingly to be directed by the Government, which is the essence of the Bill. Our view is that police forces should be locally accountable.

Concern has been expressed by a number of interested parties that a combined justice, community safety and custody inspectorate, as set out in part 4, will lose the expertise and focus present in existing inspectorates. We will want closely to examine this issue in Committee. Against that concern, which we should take seriously, is the fact that the cost of public inspection doubled from £250 million in 1997 to more than £550 million in 2002–03. There may also be significant advantages in creating a broader and more powerful inspectorate that is not so close to a particular department and can maintain its independence from Government more easily. I suspect that I am not alone in fearing that Her Majesty's inspectorate of constabulary was too easily deployed by the Government to support their desire to merge police forces.

When the Bill was published, the Home Office's news release proclaimed that it would

"instill a culture of respect in society",

There is not a single measure in the Bill that begins to live up to that grandiose claim. The more high blown the rhetoric in the Government's respect agenda, the more certain we can be of its vacuity. Page 20 of the respect action plan is entitled "Everyone is Part of Everyone Else". I feel sure that the whole House would be intrigued to know what that means and how it will assist the fight against crime.

Journalists are being briefed that the Bill is a "flagship measure", a crucial part of the Government's respect agenda. In fact, only a few of the proposals in the respect agenda have found their way into the Bill. Clauses 16 and 17 expand the use of parenting orders. Since only

*[Nick Herbert]*

31 such orders were made in the five years between June 2000 and 2005, reducing their use was not really an option. Yesterday, we read of an exciting new scheme under which Government "super nannies" are to descend, like Mary Poppins, on chaotic families. With the Minister for Policing, Security and Community Safety as the Minister for respect and nanny-in-chief in charge, this scheme is, according to *The Sunday Times*, the latest phase of the Government's respect agenda. Cynics who suspect that this is another worthless gimmick to be dropped or forgotten in a few weeks' time are missing the point. The story made the front page of a newspaper, so it has done its job.

The respect agenda is entirely remedial. It embodies the Government's view that problems can be solved only by centrally directed executive action. The Prime Minister once spoke about tackling the causes of crime. Today his focus is on enhancing police powers. A number of the Bill's proposals rely on the extension of police summary power and summary justice.

Clause 12 allows conditional cautions to include punitive conditions. Schedule 4 will allow arresting officers to set bail conditions. However, those proposals raise a number of serious issues. First, under the new bail conditions, the police alone will be able to make significant restrictions on someone's liberty, such as by tagging and with curfews, before they have even decided that there is enough evidence to bring a criminal prosecution. The power to impose punitive conditions in cautions will effectively allow the police to act as investigator, prosecutor and judge.

The Magistrates Association has said that is "extremely concerned" that the courts are simply being shut out of the process, but that appears to be just the beginning of a fundamental shake-up of the criminal justice system. According to an obviously well-informed commentator,

> "Ministers are drawing up plans to bypass the courts in the handling of hundreds of thousands more low-level crimes. Defendants who plead guilty to most offences with non-custodial sentences would, under their proposals, be sentenced by prosecutors, in consultation with the police. According to one document circulating in Whitehall, about half of the two million cases heard by magistrates every year could be processed without the costly and time-consuming business of a trial."

The Prime Minister has persuaded himself that we have reached a watershed, where the "rules of the game"—by which he means the quaint idea that convictions require a trial first—need changing to deal with not just terrorism, but antisocial behaviour. The judiciary may take a different view.

The second concern is that the Prime Minister says that summary justice will be tough and hard, but it may, in fact, mean soft justice. The maximum penalty for a conditional caution will be £500—an attractive alternative to a stiffer fine or even a custodial sentence for offenders committing actual bodily harm, affray, criminal damage, possession of class A drugs or carrying knives. Summary justice will increasingly mean two-tier justice, with a "get out of jail with your credit card" option for those who can afford to pay the fine or the fixed penalty notice for antisocial behaviour.

The third concern is that we need to debate whether all police officers should be empowered to exercise summary justice. There might be a case for restricting certain powers, such as the setting of bail conditions, to more senior constables, who have the experience and judgment to exercise them with discretion. Alternatively, we should consider whether such powers should be exercised at least with the scrutiny of a more senior officer. Those important issues need to be debated more thoroughly and examined closely in Committee.

When the Bill was published, the Home Secretary said that it

> "would help to free up police time to deal with more serious crime".

In fact, there is just one measure in the Bill that might free up police time—the provision in clause 10 to allow chief officers to accredit trading standards inspectors to issue penalty notices. If the Government were serious about freeing up police time, the Bill would tackle the bureaucracy that prevents police officers from doing their job. It would end the requirement on police officers to record every stop that they make, filling in a foot-long form that takes seven minutes to complete. It would address the fact that it takes three and a half hours for an officer to process an arrest and that only 17 per cent. of a police officer's time is spent on patrol. It would give chief constables greater discretion over the employment of support staff, thus releasing warranted officers for front-line duties. It would introduce a modern and flexible pay and employment regime. It would replace incessant top-down demands for reporting, which sap so much time and morale across our public services, with simplified performance measurement. It would free up the police to fight crime, rather than to file. But the Bill does none of those things.

The closest that the Bill gets to police modernisation is in clause 4, which would allow standardisation of the powers of community support officers. The balance of the exact powers involved will need discussion in Committee. We favour giving chief constables as much discretion as possible in that respect, as in many others, but those provisions are being introduced before we have had a proper debate about the effectiveness of CSOs. I strongly support their deployment, but the Home Office's own evaluation, published earlier this year, found

> "no evidence that CSOs were having a measurable impact on the level of . . . crime or . . . antisocial behaviour".

The Government's boast that they will recruit 25,000 CSOs by 2008 must be matched by both the funding to ensure that CSOs remain employed, because funding for them is tapered, and a more rigorous assessment of how to deploy them effectively.

The fight against terrorism will remain at the top of the police agenda, so we welcome the power in clause 8 to extend police search powers in airports. For the same reason, we will be open-minded about the power in clause 9 to gather bulk passenger information for ship and aircraft journeys in the UK. We will want to be persuaded that that is necessary and that it will contain adequate safeguards.

The Bill's technical amendments to the Extradition Act 2003 appear to be acceptable, although we will subject them to detailed scrutiny. We will seek to raise the issue of the UK-US extradition treaty that my hon.

Friend the Member for Henley (Mr. Johnson) raised in an intervention on the Home Secretary. It has not been ratified by Congress and its one-sided operation is a serious cause for concern. The treaty was sold as being necessary to deal with terrorism and serious crime, but is being used to require the extradition of offenders who have a minimal connection with the US. We will propose amendments to restrict extradition to the US under the Extradition Act to terrorism cases until such time as full reciprocity is granted by the US, and will place safeguards to ensure that, in future, extradition will not happen if the alleged crime could be tried here, under domestic jurisdictions, and there is no clear causal link with the US.

In his Dimbleby lecture last year, the Metropolitan Police Commissioner called for a national debate on policing, and said:

"It is time to decide what kind of police service we want."

This is the right time to have such a debate. Important issues are at stake: the independence of police forces; how they should be accountable; and how they should be organised both to accommodate the demand for neighbourhood policing and to meet the renewed threat of domestic terrorism. The Bill is not much of an answer to those questions. It reflects the Government's preoccupation with the incessant reorganisation of, and intervention in, public services, but it shies away from the tougher, but essential, work force modernisation agenda that would truly enhance police performance. It places new summary powers in the hands of the police, but it also weakens their local accountability—an uncomfortable mix, particularly when public trust in the service has reached a record low.

There are measures in the Bill that are of value, so we will not seek to divide the House. However, we will seek to improve the Bill to check the powers of the Home Secretary and to enhance the local accountability of police forces. We will want to scrutinise carefully the new summary powers to be granted to officers. We all want to see police forces that provide value for money, instil public confidence and are effective in the fight against crime. We will work constructively to achieve those aims.

4.37 pm

**Mr. John Denham** (Southampton, Itchen) (Lab): I welcome much of the Bill. I just want to make a few remarks that I hope are helpful about some of the issues that are raised by different elements of the Bill and some of the fundamental questions that lie behind it.

There is a fundamental dilemma for any Government who try to introduce legislation that is designed to improve police performance. That dilemma stems from the nature of the police service itself. Police officers exercise unique powers, so they need to have a unique constitutional position. We cannot consider police officers simply as we consider employees of other public services. That is equally true of the courts. To maintain public credibility, the people who take decisions in our courts also have to have their unique position recognised by Governments and legislation. That is where the dilemma comes in for Governments who try to improve police performance. If police officers, or judges and magistrates, are simply left to themselves, and their autonomy so completely respected that no one tries to set the framework in which they work, past experience is that the result is like that in other public services, namely, that services become slow and not sufficiently efficient or self-critical when it comes to performance.

The challenge for the Government is to create legislation that puts sufficient of the right drivers for improved performance into the police service—and, indeed, the Courts Service—without overstepping the mark and beginning to take the decisions that it is fundamental to ensure taken by professional members of the service itself.

Over the past few years, the Government have done a good job on improving police performance. When the Home Affairs Committee took evidence on police reform last year, we were told by all sides that the performance culture of the police service had been transformed at every level. Police authorities, police forces, basic command units and neighbourhood teams were much more focused on how well they were tackling crime and the fear of crime than they were five years previously, which is one of the most significant achievements to date of the Government's reform process.

**David Taylor:** My right hon. Friend mentions neighbourhood teams. Does he agree that one way of cementing and developing neighbourhood accountability would be to establish a more formal relationship between basic command units—or, perhaps, neighbourhood units—and neighbourhood watch associations? I went to the launch of the county neighbourhood watch association in Leicestershire and Rutland last Thursday and was immensely impressed by the work that is done. Leicestershire constabulary is good at the process, but there is no obligation on police authorities to have such relationships. Would those relationships not represent a way ahead?

**Mr. Denham:** Such relationships are valuable, but for reasons that I shall set out I am not sure about the extent to which central Government should specify what is appropriate for each area. We must get such judgments right.

There has been a significant change to the performance culture of the police over the past few years. The creation of the police standards unit, the publication of better performance data, the fact that most crime information is available to front-line police officers in real time and the greater public awareness of police performance have contributed to that. However, there is uncertainty about the way in which we want to drive performance in the next phase of police reform. The Bill contains several valuable measures that will work in the right direction and other aspects that might not be wrong, but need to be treated with caution so that when trying to get the best possible performance the Government do not overstep the mark of their powers.

I want comment on five aspects of the Bill. On intervention powers, the Bill revisits territory that was well discussed when we considered the Police Reform Act 2002. The Government are trying, as I did initially in those days, to broaden the Home Secretary's powers of intervention on forces. I am inclined to think that hard cases make bad law. The Home Secretary referred

*[Mr. Denham]*

to the Soham case and the Humberside police service in his speech and talked about the desire to be able to act in response to information that does not come from the inspectorate itself. However, as the hon. Member for Cambridge (David Howarth) said in an intervention, if the Home Secretary takes powers to intervene in a wide range of circumstances without any independent inspection of the police service, he takes for himself responsibility for the performance of not only every police force, but every part of every police force. The Government need to be careful about getting into such circumstances.

I understand that when the Soham investigation was going on, there was frustration that legislation that the House had passed in the previous few years did not seem sufficiently adequate to give the Home Secretary clear powers to intervene. However, that is not quite the same as saying that whenever something happens, the question from the media and public to the Home Secretary of the day should be, "Why don't you intervene now? You've got wide-ranging powers, so why don't you do something about it?" There is a danger that Ministers will be under intense pressure to intervene when they and anyone who is close to the police service know that it would be better for politicians to stay one removed. I hope that the Committee will consider carefully whether the Bill puts the dividing line in exactly the right place.

There is a powerful case for having a unified inspectorate that runs right across the criminal justice system. Many of the flaws in the system arise because of discontinuities, gaps and poor liaison among the courts, the probation service, prisons, the police and so on. I hope that in Committee careful consideration will be given to how the inspectorate will maintain a harsh light on the performance of individual parts of the system, and not only on the joins between the system.

In dealing with the police service, it is not uncommon to hear police officers say, "The problem is not really us; it is the way that we relate to the courts, or the way that we relate to the probation service or the prisons." There is often much truth in that. Sometimes, it is the case that the police and their performance are at fault. At present, Ministers have at hand a considerable degree of high-level professional expertise in Her Majesty's inspectorate of constabulary. I think that in future Ministers will want to be sure that they have an equally high level of professional expertise at their disposal in examining the police service itself as well as being involved in the entire operation of the criminal justice system.

I endorse earlier interventions about the Prison Service. There is a particular responsibility on the independent inspectorate to be able to visit prisons. That is to turn up unannounced to examine the conditions in which we are holding people in custody and to have a focus on how the system operates as a whole. It must not divert from that essential role. I hope that the way in which that role will be delivered will be considered carefully in Committee.

I shall refer briefly to the proposed national police improvement agency. It is something that makes a great deal of sense in that there are disparate organisations and a great deal of police force time is wasted in dealing with them. However, there is a difference between embedding professional expertise at every level of the police service and ensuring that the police service nationally can respond to current priorities. There is a role nationally for the police service to work together, as it has done over the past year on alcohol, or as it did a few years ago on dealing with street crime. Certain issues arise where getting everyone to work together makes a great deal of sense.

Also important is having the latest and best investigative skills when dealing with murder, tackling fraud or investigating internet crime. Those skills must be learned and promulgated throughout the police service efficiently and effectively. One of the problems is that best practice is often developed in an isolated way and is not spread as quickly as it should be throughout the service. Accordingly, one of the aims of the National Centre for Policing Excellence was to be able to develop a high level of policing skills and to spread them quickly.

In moving towards a national police improvement agency, it is important that those areas of professional improvement and expertise continue to be developed and that they are not lost by an organisation that is more focused either on volume crime or on the immediate policing priority of the day, whether that be gun crime, knife crime, burglary or whatever. I hope that consideration will be given in Committee to how the agency will be able to balance those different pressures so that we arrive at the highest possible quality of policing.

As for the accountability of the police, I think that the Government have got it right in placing an emphasis on future police authorities and on those unitary council members who have responsibility for community safety measures, and also for exercising the ability to trigger community action through the local authority scrutiny committees.

A few years ago, I was quite depressed when I thought that we would have a plethora of different structures, all floating around the area that we are discussing. In most instances of antisocial behaviour it is not only a policing matter. These instances will involve youth service intervention and environmental services, for example. To focus the ability to get a response through the local authority scrutiny structures seems to me to be the right approach. I say to the hon. Member for Arundel and South Downs (Nick Herbert), who leads for the Opposition, that I think that his party is going down the wrong track—this is a non-partisan point—in looking for separate elected bodies. There is a debate about how much local accountability to elected people we want in the police service. However, a proliferation of elected bodies rather than concentrating on local councils seems to be the wrong way to go. As I have said, I think that the Government have got it right.

I conclude on the question of additional police powers, particularly conditional cautioning and the extension of the ability to impose parenting orders to a wide range of bodies, including social housing providers. What are broadly described as summary justice measures, particularly fixed penalty notices for drunken behaviour and so on, have achieved a great deal of success. The more that we use complicated and sophisticated sentencing and orders, the more cautious we must be to ensure that the people involved have the necessary expertise to operate effectively. If we start to

tell front-line police officers that they will have responsibility for designing a sentence that includes rehabilitation, punishment and restorative justice in an effort to reduce reoffending in one go, the more pressure we will put on individuals who are not trained or expected to know how to do that job. The more that we expect people without the necessary expertise in family issues to make parenting orders the more we should ask how they will obtain that expertise.

I am not against conditional cautioning or the extension of the use of parenting orders, but careful scrutiny of the way in which those powers will be exercised is required. I hope that in their consideration of conditional cautioning, Committee members will look at whether there should be a clear difference of responsibility between the arresting or investigating officer and the person who puts the condition on the order. It should not be too difficult to conceive of ways in which proper sentencing expertise is brought to bear on the conditional caution without the arresting officer necessarily being responsible for doing so. That would achieve the gain of not embarking on a substantial court procedure for a low-level minor crime, while creating confidence that there would be consistency of sentencing across the country for similar types of offence and ensuring that the sentences that are passed—that is effectively what the measures are—are appropriate to the offender and to the offence.

4.52 pm

**Lynne Featherstone** (Hornsey and Wood Green) (LD): This is rather a sneaky Bill and, potentially, a pernicious one. If not substantially amended in Committee, it will reduce the freedom of the individual, increase the power of the state, remove the autonomy and capability of bodies on whom we rely to hold the police to account, allow direct Government intervention in police business without any objective basis on which to do so, increase the surveillance society, extend summary justice, possibly damage community relations and run the risk of increasing human rights abuses in prisons. Even the seemingly welcome development of involving the local community in policing has the potential to create dangers and difficulties, so there is much to be done in Committee.

To begin on a more amenable note, however, we support a number of the Bill's provisions. The incorporation of the Central Police Training and Development Authority and the Police Information Technology Organisation into a national policing improvement agency is a logical and sensible step forward. It almost goes without saying that we support the Government in their attempt to tackle better the problems caused by computer hacking. Given their penchant for creating surveillance databases, whether on national identity or on DNA, the security of those databases is paramount. Whatever the dangers they pose to civil liberties, they must be secure. Of course we support the Bill's proposal to tackle the illegal possession of indecent photographs of children and, indeed, the harmonisation and the extension of powers for community support officers.

The proposal that the Independent Police Complaints Commission should take on the role of ensuring that complaints and misconduct in the immigration and asylum system are properly investigated is another welcome measure. Only last week, I visited the IPCC, which will now investigate complaints against immigration and nationality personnel and exercise specified enforcement functions. That new area of expertise is a perfect translation of its function to investigate police complaints. Such work is extremely sensitive and the proposal will not only create a better system but, equally vitally, it will improve public opinion of the system.

Before I move on to the meat of Liberal Democrat concerns about the Bill, I shall touch on the section on extradition. I shall not go into detail as most of the proposals are technical. However, it is not lost on us that the Government's track record on matters connected with extradition is hardly exemplary, given that they have so singularly and spectacularly failed to deal with the unfair, unequal and embarrassing nature of our extradition arrangements with the United States. We give the US what they want—all they have to do is demonstrate to us that the person in question is the person they want—whereas when we want someone, we have show evidence against that person.

**Mr. David Heath** (Somerton and Frome) (LD): This is an extraordinarily important point, and one that we argued vigorously at the time of the introduction of the provisions. Does my hon. Friend share my astonishment at the Prime Minister's response last week, when questioned on this subject? He suggested that the only purpose of the unequal and unfair extradition arrangements with the United States was to deal with terrorism, but we know perfectly well that they are being used to deal with fraud offences, which are in no way related to terrorism. Does she not find that offensive?

**Lynne Featherstone:** Indeed; my hon. Friend is right. The previous Home Secretary signed the treaty in Washington. We put it into force by statute, but the US did sweet nothing so there is no law to be executed on their side. We undertake our unfair and unequal treatment voluntarily. That sums up our current relationship with America—we jump, even when we do not have to.

I shall cover some of our primary concerns about the proposals in the Bill. We have serious misgivings about the Government once again seeming to believe that crime can be tackled directly from the Home Office and giving powers to the Home Secretary to dictate the form and function of police authorities. The Government clearly want to match their new super-size police forces with police authorities newly reduced in size, but the proposals will reduce local accountability and take away independence and autonomy. The Bill allows for a reduction in numbers on authorities, theoretically down to one member. Tempting though that might seem to the Home Secretary, I do not believe that it is the purpose of the proposal.

Under the present system, the appointment of local authority members to such a body should reflect the political balance on the appointing authority or authorities, so the idea that each principal authority should have one seat on the new police authority and that that person should be the lead member on community safety will inevitably mean that the composition will reflect the majority party on the local

*[Lynne Featherstone]*

authority. Applied around the country, that will not lead to political balance of any sort. Political proportionality, which has long been a tradition on those authorities, will disappear unless it occurs accidentally.

The other aspect of authority membership that concerns me is the removal of the magistrate members. They are a specified component of such an authority, and they will still be able to apply as independents. However, in the five years that I served on the Metropolitan Police Authority, I observed that the knowledge and experience that the magistrate members brought from the criminal justice system was invaluable in holding the police force to account. At a time when we are aiming for joined-up working and joined-up technology so that cases can be chased through from the police to the criminal justice system, the proposal seems a serious and unnecessary change for the worse. There will have to be an extraordinary justification or rationale for dispensing with such a valuable component of what is meant to be an independent authority holding the police to account for local people. Perhaps that is the problem—the magistrates are a bit too clever and might frustrate the Home Secretary's direct intervention in future.

The Home Secretary will be able to decide which issues a police authority looks into. That involves constraining the function of police authorities, which he will be able to control literally at will. If he believes that all or part of a police force is failing or may fail, he may direct the chief officer and/or the police authority to undertake specific measures to remedy or prevent such a failure, which will take place on his own cognisance. As has been said, in broadening the trigger that decides when he can direct police authorities, there is a risk that the power will be overused and misused. I would therefore welcome further explanation from the Minister on objectives, plans and reports for police authorities and on the Home Secretary's new role in relation to issuing such directives.

Once again, it seems that the Government are trying to diminish local accountability by allowing Whitehall to dictate, intervene and direct. The shift of control to the Home Secretary without the need for a negative report automatically means that there will be less accountability. Although the Minister may say that such interventional powers will be used only as a last resort, we do not have a definition of what the Home Secretary means by "failing" and "last resort". The power is a carte blanche for interference, and we need the Minister to clarify the terms "failing" and "last resort".

At first sight, the mini-safeguard on public engagement appears to be an innovative and welcome step, because it gives the local authority scrutiny committee a role in examining how persons and bodies responsible for tackling crime and disorder carry out their functions. As a Liberal Democrat, localism and community involvement play into our fundamental philosophy of power to the people, but we must build in safeguards both for the community and for the police. A scrutiny committee sounds great in theory because local people know what is best for the local area, but there are concerns about whether the provision could be misused.

**Mr. Francois:** The hon. Lady has discussed the Liberal Democrat commitment to localism and local people. Will she explain how it squares with the Liberal Democrats' traditional support for regional government, given that when that concept was put to the vote in the north-east it was destroyed by a margin of 78 per cent. to 22 per cent.?

**Lynne Featherstone:** I am happy to explain our policy outside this debate, which is about the Government's proposals.

**Mr. Francois:** Is that it?

**Lynne Featherstone:** Yes, that is it.

Could the proposal allow one persistent, complaining constituent to divert resources on unreasonable complaints? I am a local councillor—I am sure that other Members are or have been local councillors—and it is not unknown for those who should the loudest for our attention to hijack resources, time and issues on a repeated and regular basis. Those who need police action and who cannot get a police response will not necessarily trigger that function or use that power.

On the extension of powers on antisocial behaviour, youth offending teams will be able to issue parenting orders if they believe not only that a child is engaging in antisocial behaviour, but that a child may engage in such behaviour, which continues a worrying trend of legislation involving the prediction of bad behaviour. Although the Government's intention is obviously to help all parents to ensure that their children do not engage in bad behaviour in the future, and to help those parents who are not currently coping—which is a measure that I heartily support—the proposal may stigmatise children who have done no wrong.

When I intervened on the Home Secretary, I mentioned that youth offending teams have some experience on which to base such a judgment about a child or parent, but the Bill extends the right to make parenting contracts and apply for parenting orders to registered social landlords. Those issues are difficult for communities and my concern is that the decision should be made by those with the right expertise, which I am not convinced that the RSLs have got.

**Mr. David Evennett** (Bexleyheath and Crayford) (Con): I am listening to the hon. Lady with great interest. How would she take this matter forward in terms of getting more people involved?

**Lynne Featherstone:** I will return to that point on another occasion. I am here to argue against the proposals in the Bill.

The role of RSLs has always concerned housing issues. Although they may well have a role in referring cases that they regard as worrying to an expert, they are not, as far as I am aware, qualified to issue such judgments, which may stigmatise a family or a child, albeit that their intentions were honourable. Will the Minister elaborate on how that might be regulated, or how qualifications or training might be involved, to

ensure that anyone given that power to invoke the order has the necessary expertise, objectivity and accountability?

What starts as a parenting order becomes, if breached, a criminal offence. That is worrying. It follows the trend of converting an offence to a criminal offence, presumably with a custodial sentence. The problem with that part of being tough on crime is that, when push comes to shove, the custodial sentence has often seemed out of proportion to the crime. Despite guidelines to magistrates and courts stating that such breaches are not to be regarded as not serious, those carrying out the sentencing appear to disagree. That is particularly evident in relation to antisocial behaviour orders. A third of ASBOs are being breached and sentencing is not following guidelines. The Minister may be aware that I have tabled a parliamentary question to try to establish exactly what is happening with the sentencing that follows breached ASBOs.

The proposed extension of police powers—the general power to impose conditions on pre-charge bail for all criminal investigations and the power to impose punitive conditions on cautions—amounts to summary justice. Because those powers are applicable to all criminal investigations, there must be a danger that they will be abused. The Bill enables restrictions, fines or summary sentencing to be imposed on an individual. Those powers mean that the police could, at will, decide to act as they have done before where they have been given such discretion. There will be, in their summary justice, a tendency towards disproportionality. The race equality impact assessment says that we do not yet have enough information to judge the impact of this, and that that should be monitored. I hope that we can discuss that in Committee. Several elements of the Bill lay open community issues.

Part 4, which aims to merge the five criminal justice inspectorates, has been widely discussed. We have no objection to that in principle, but we are worried about the loss of a specialist quality service within the new joint inspectorate. The proposal has provoked apprehension, particularly among the prison and police sectors. We are greatly concerned about the practicalities of such a merger and what reduction in standards, or loss, might come about as a consequence. I ask the Government to think twice about the details of this, particularly in relation to prisons. The inspection of prisons and the discovery of abuses is a truly specialised skill. The prison inspectorate plays a unique role in upholding human rights, and I am worried about losing such an important protection for those who are held in our prisons.

The current system for detecting abuses and faults has been developed independently by the prison inspectorate from its vast and specialist knowledge. If it were to be incorporated into one general body, I fear not only that its specialised knowledge would be in danger of diminishing, but that there would be less room for it to be truly independent, with the discovery of abuses being jeopardised as a result. Can the Government give a reassurance that the proposed merger will not result in what amounts merely to an audit trail and bean-counting function?

Credibility is also important. Her Majesty's chief inspector of constabulary has a phenomenal reputation. When he produces a report or makes a statement, the public, but, more important, the police, genuinely listen. A generalist or managing chief inspector will never be able to command such respect, legitimacy or confidence.

I want to consider a further danger—in the balance between the freedom of individuals to go where they will without fear or favour if they do no harm, and the protection of our citizens against crime and terrorism. There is a problem with the proposal about making passenger flight lists available because it moves from the ability to request information on domestic flight passenger lists in the cause of detecting a crime, to the surveillance of an individual's movements before a crime has been committed. The Government's intention to gather passenger data from domestic journeys means another fundamental shift in the relationship between state and individual. Although the Bill provides for the same powers as those in the Immigration, Nationality and Asylum Act 2006 on international flights, there is a difference when such surveillance is internal.

It is imperative in the sort of socio-political climate in which we live to avoid a culture of total suspicion of anyone and everyone. We must therefore have the courage to defend civil liberties as the process goes forward. Although I am sure that the motivation behind the proposal is to enable police to see patterns of travel to stop crime and, presumably, to recognise those who might appear suspicious, it marks a shift to crime prediction under the label of crime prevention. It is a difficult line to walk but, with no ground for suspicion and no crime to investigate, there is a worry that there may be nothing to stop the police selecting all routes at all times. There would therefore be nothing to protect individuals from inappropriate surveillance of their movements or to defend their liberty to move around the country. There must therefore be concern about the open-ended permit to watch what we do and safeguards must be put in place to protect individuals against inappropriate surveillance or use of the information about their movements. I hope that, in Committee, we can agree on safeguards.

In a letter to my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael), the Home Office stated that clause 9 was

> "not designed to allow the routine surveillance of all domestic passengers. The police will only request data on the domestic routes that are of operational interest and likely to provide the greatest amount of intelligence essential to combat terrorism and serious organised crime. They are not designed to keep track of all domestic passengers.
>
> They will help the police gain effective intelligence on the movement of known terrorist suspects and criminals and will allow them to build up a detailed picture of suspect passengers, travel patterns and networks."

Although the letter suggests that there is no intention of blanket use of the power, the police officer who attended the meeting to discuss the Bill believed that the purpose was to build up patterns to prevent crime or terrorism. Surely that must be the point of introducing such a power. How far is the step from the contents of the Home Office letter—using the power only when tracking a "person of interest"—to an illegitimate interest in persons, especially those with Muslim-sounding surnames? That is another concern in the context of the race equality impact assessment. Will the power be extended to all flights at all times? The race equality impact study has not found a problem so far.

*[Lynne Featherstone]*

However, we should examine that in Committee because it is an obvious danger, which is inherent in tracking or predicting movement patterns.

Section 44 of the Terrorism Act 2000 allows stops without a reasonable ground for suspicion. That was theoretically for a specified area and time but has ended up, for example, for the whole of London all the time. Has the Minister considered establishing an independent body to oversee collecting information on domestic flights? What assurance can be given that information will not be collected on all flights all the time?

In the letter, we are told that

"requests for information will be recorded and there will be a clear audit trail to safeguard against 'fishing trips'. And that in addition, only police officers of the rank of superintendent or above may authorise a request."

However, as I said, section 44 started with similar safeguards, but its operation is now permanent across London.

There is a great range of issues about which we have concerns and I hope that we can work with the Government on them in Committee. I will listen with great interest to the debate and to the Minister's responses to the issues that I have raised.

5.15 pm

**Mrs. Madeleine Moon** (Bridgend) (Lab): It would appear that there is much in this Bill that parties on both sides of the House clearly welcome. I welcome the provision for a national policing improvement agency. It will pull together a number of bodies and reduce the opportunities for conflicting advice and guidance.

Bringing the basic crime units together in line with local authorities will, I am sure, assist those who have not had the benefit of coterminous boundaries such as we have had in Bridgend. F division in Bridgend covers the county borough of Bridgend and the parliamentary constituencies of myself and my hon. Friend the Member for Ogmore (Huw Irranca-Davies). That makes sense. It helps joint working, it brings joined-up government, and it should help with communications and partnership working. It also helps with our community safety partnership, which in Bridgend has been incredibly effective and supportive of all the agencies involved, and has pulled together joint working, joint networking and co-ordination of all the services that have helped to reduce crime in my constituency. Indeed, crime across Wales has fallen 5 per cent. over the last year, and the police force in my constituency has been one of the best performing in the United Kingdom.

**Mr. Stewart Jackson** (Peterborough) (Con): Is the hon. Lady not a little concerned by the fact that recent experience has shown that coterminous boundaries between basic command units and local authorities sometimes provide an excuse to reduce head counts in the amalgamation?

**Mrs. Moon:** I cannot comment on head counting, but I can comment on the effect on efficiency. I am more concerned about the efficiency and effectiveness of policing than head counting. I know that the policing in Bridgend has been efficient, effective and successful, and that is what I am looking for. I would have thought that the hon. Gentleman, too, would look for that. It is something to be welcomed.

When I met members of my community safety partnership, they said that they felt that every antisocial behaviour order granted by the courts was a failure for them. However, they have been successful because they have used the antisocial behaviour legislation and the community safety partnership as a way of working together to ensure that troubled youngsters at risk of coming into the criminal justice system are targeted for resources and for the services that can help them to stay within legal boundaries and improve their behaviour. If the services are targeted at them, they will have access to the support, advice, guidance and mentoring that they need.

I welcome the extension of the remit of the Independent Police Complaints Commission to the immigration service. That will increase trust and provide a rigorous assessment of complaints about the immigration service.

I also welcome the standardisation of powers for community support officers and the extension of their powers to cover truancy. That is an obvious and clearly needed extension—a sensible measure that will assist local authority education welfare officers to ensure that as many pupils as possible are in school in school hours, which will reduce the risk of young people being drawn into petty crime, drugs and alcohol abuse.

The deployment of community support officers in my constituency has been highly effective. Opposition Members who suggest that they have been a failure should come to Bridgend to see how our police force has learned to utilise them effectively. In one of my wards, Wild Mill, community support officers have reduced the incidence of vandalism, antisocial behaviour, and drug and alcohol abuse. Generally, it is now a much safer community in which to live.

The one negative, if there is one, with community support officers in my constituency is that we tend to lose them, albeit to the professional police force. They see their job as a way of learning the basic skills and gaining the expertise and knowledge that will enable them to be more effective and move into a full-time career in the police. However, that is the only negative that I have found. We will welcome the increase in the number of community support officers in Bridgend.

I am sure that the Minister is waiting for the word "but"—and it is coming. There are proposals in the Bill about which I must say "but"; I would not be standing here unless there were. I therefore seek reassurance and some changes. I am worried about the extension of the right of housing departments and registered social landlords to call for parenting contracts and parenting orders. I do not believe that the staff in those agencies have the required skills and expertise, or the necessary background in assessment and evaluation, to make such decisions.

I shall cite an example from one of my surgeries. A gentleman who came to see me described the problems that he was experiencing with a neighbour in the block of flats that he lived in. The neighbour's behaviour was extremely difficult, and was in many respects a prime example of behaviour calling for a parenting contract.

The gentleman described the scratching of cars and the smearing of oil on car windows. He told me about the problems of noise and the deliberate playing of records late at night. He described how his neighbour would knock on his door when he was getting ready for bed late at night: he would hear banging on the door, but when he opened it the neighbour would be gone. All this would appear to be prime territory for a parenting order, but after I had heard more about the perpetrator's background, I realised that this involved a mental health problem, and a parenting order is not the best way of dealing with such problems.

Staff in agencies that call for parenting orders and parenting contracts need to assess fully the reasons behind the failures leading to the behaviour being experienced. Every alternative means of support and engagement should be employed before a parenting order or contract is called for. Those skills reside within the social services departments, the mental health services and the youth justice teams, and their engagement must be assured before anyone is given the power or the responsibility to call for an order or a contract.

Building parental competence is a complex process, which organisations such as Sure Start are best placed to provide. As for skills development, the youth justice teams and other organisations in my constituency, such as Youth Works and KPCY—the Kenfig Pyle community youth project—offer the mentoring, the boundary setting and the skills base that will allow parents and children to understand where their behaviour needs to change and improve.

I want to speak briefly about the proposal to create a single inspectorate. Before I entered the House, I worked as an inspector with the Care Standards Inspectorate for Wales. I welcome the creation of a single inspectorate; I recognise the value of such a body. I can see the sense in combining five inspectorates into one. There will be savings in information technology, financial administration and human resource functions—but I must add a "but". I seek assurances that the ethos, skills base, culture and expertise required for those who work in the individual inspectorates will not be diluted into some fantasy base whereby a skilled inspector in one field is automatically considered to have transferable skills.

Some skills are transferable, but inspectors need to remain at the forefront of best practice and of requiring and encouraging change and improvement. They must be ever watchful for abuses, failures and neglect. Full cognisance of legislation and service providers is required to meet the needs of a single inspectorate, and we must ensure that the focused skills of the five inspectorates are not diluted but strengthened by joint working.

As my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) pointed out, unannounced inspections and the monitoring and reporting of the gaps between agencies are important, but the individual performance of each agency must still be the focus of the inspection.

I would urge an appropriate start-up period. Time for those five agencies to come together to talk about how they will integrate, co-ordinate and start to work together is critical to the success of the new agency. Not putting that start-up time in place would reduce public confidence in the competence of the new agency, and it must be part of any move to a single inspectorate.

I give a conditional welcome to the concept of the community call for action. This must be extended to a call not only to the police but to the local authorities, to provide the community facilities, services and agencies that can be critical in ensuring that there is no antisocial behaviour and no low-level crime in communities.

I cite, for example, the community of Kenfig Hill in my constituency, where the local authorities failed to provide funding for KPCY, which has reached the end of its lottery funding. KPCY provides support for 750 youngsters; it has cut antisocial behaviour, petty crime, vandalism and graffiti, and provides invaluable mentoring and support to young people, as well as to local parents.

One parent said to me that she could not have coped as a single parent if she had not had the support of KPCY, and had not known that it was somewhere safe to send her children where they could do their homework, get access to computers and play without being targeted by drug users and drug sellers, as well as those who would target youngsters to get into petty crime and petty thieving.

The local police strongly support the retention of KPCY, knowing that crime will increase exponentially in their area if the organisation goes. The community call for action must enable communities to call on local authorities such as Bridgend county borough council to provide funding for youth facilities such as KPCY and restore funding to youth groups such as the Guides, Scouts and Brownies—organisations not known for attracting youngsters with antisocial tendencies—but they do not even provide funding for youth facilities at that level.

**Mark Pritchard:** Does the hon. Lady agree that excellent work is done up and down this land not only by the Scouts, Cubs, Brownies and Guides, but by cadet forces such as the Air Training Corps, the Army Cadet Force and the Sea Cadets, yet the Government fail to put in the adequate funding that those organisations require, despite the fact that the young people involved are a credit to all our communities?

**Mrs. Moon:** I would endorse virtually everything the hon. Gentleman said, other than his remarks about Government funding. Surely the Government hand out rate support grant to the local authorities and the local authorities decide how it is spent. The Conservative party has always and consistently argued that decisions should be made nearer to the point of service delivery.

My local authority calls itself a rainbow alliance of Liberal Democrats and Conservatives, but it will not fund leisure services that are critical to ensuring that youngsters realise that we adults value them, want them to engage with society, and want them to enjoy services of a quality that will offer them an alternative to hanging around on street corners, sitting on old ladies' front walls, throwing petrol into the street and setting fire it, and throwing flour bombs and ink bombs. Such low-level bad behaviour makes communities despair. I am glad that the hon. Member for The Wrekin (Mark Pritchard) also wants my local authority to support funding for youth services in Bridgend.

*[Mrs. Moon]*

I do not want young people to become part of the criminal justice system because of a lack of youth and leisure facilities or adequate children's social services departments. My local authority has been criticised in that regard. As my community safety partnership says, we must recognise that virtually every antisocial behaviour order represents a failure on the part of the statutory services to provide the support network and skills needed to show youngsters an alternative way of behaving.

I am reaching the end of my "buts", but I have a final "but" in regard to conditional cautions. I feel that they have a key role in presenting offenders with an immediate response to their actions—an immediate recognition of what they have done and what they need to do to make reparation. However, I question whether the policeman on the beat has the necessary skills base on which to construct a rehabilitative conditional caution. Somewhere along the line, we need to incorporate responsibility for a senior police officer and liaison with social services, community safety partnerships and youth justice teams, to establish what conditional cautions should contain.

The Bill's aim is justice, not punishment. Justice requires that people have alternatives, that there is rehabilitation, and that there are opportunities for those who will come within the purview of the police. I hope that in Committee the minor changes for which Members have called today will be possible. It has been pleasing to observe the common desire to find a constructive and effective solution, and that is what a Committee stage should be for. Apart from my few "buts", I support the Bill.

5.32 pm

**Mr. Bernard Jenkin** (North Essex) (Con): When the hon. Member for Bridgend (Mrs. Moon) welcomed the fact that every speaker so far had generally welcomed the Bill, my heart sank somewhat. I did not interpret those speeches in quite the same way. However, the hon. Lady's long row of "buts" then emerged, and she presented us with a considered and thoughtful response to many of the Bill's provisions. That applies not least to her description of parenting orders, which bring into question the Government's top-down approach to the respect agenda. She was right to say that judgments about parenting or antisocial behaviour cannot be imposed by formula by an office in Whitehall, although I fear that that is one of the aims of the Bill.

In one respect, I concur with most of the speeches made so far—indeed, all except the Home Secretary's speech. The Bill appears to be a very centralising measure. The Home Secretary tut-tutted at my hon. Friend the Member for Arundel and South Downs (Nick Herbert), suggesting that his facts were wrong, but we need only open the Bill to see that it gives the Secretary of State additional powers. How can a Bill that gives a Secretary of State additional powers be described as anything other than a centralising measure? Indeed, the right hon. Member for Southampton, Itchen (Mr. Denham), who is not in his place at the moment, expressed concern on behalf of the Select Committee on Home Affairs at the idea that this is a centralising measure.

I draw the House's attention to one particular provision. Set out in schedule 2 is new section 40 of the Police Act 1996, which replaces with a very wide power the pretext for intervention in the 1996 Act, as amended by the Police Reform Act 2002. At the moment, any intervention by the Secretary of State in the running of a constabulary depends on a trigger from an inspectorate. There has to be a manifest failing in the performance of a constabulary before there can be an intervention. That is itself a stronger power than this Government inherited—and now it is to be replaced by the following, under the heading "Power to give directions in relation to police force":

> (1) Where the Secretary of State is satisfied that the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct—
>
> (a) the chief officer of police of the force,
>
> (b) the police authority responsible for maintaining the force, or
>
> (c) both of them".

That is a far more general power to direct police forces than has ever existed in national legislation before. I therefore commend the points made by my hon. Friend the Member for Arundel and South Downs (Nick Herbert), as well as many of the points made by the hon. Member for Hornsey and Wood Green (Lynne Featherstone), about the centralising tendencies of the Bill. This is a further twist to the ratchet of centralisation of police forces. Therefore, I hope that my hon. Friends responsible for the policy of Her Majesty's official Opposition on the Bill will hold open the prospect of our voting against it on Third Reading, in protest at its centralising aspects.

It was utterly ridiculous for the Home Secretary to mutter that amalgamation and police force structures were irrelevant to the Bill. I am always wary of instructing the occupant of the Chair to rule things out of order—the hon. Member for North-West Leicestershire (David Taylor) came a cropper, rightly, after raising a point of order. The amalgamation of constabularies is the most graphic feature of current Government centralisation policy.

The Government have yet to put up a serious concrete argument in favour of these force amalgamations. They have yet to justify the £500 million cost, the disruption to the operation of police forces, and the inevitable effect on police morale and performance as mergers take place. Inevitably, our police forces will become increasingly remote if their command structures are moved up to regional level, destroying historic local loyalties. The Government have yet to explain why bigger forces—which they call strategic forces—have any merit, except in the eyes of those sitting in offices in Whitehall, who will have fewer heads to order around, fewer units to manage and an easier job, at the expense of local policing. The Home Secretary continues to recite his mantra at every opportunity, although the actual effects of the policies that he is carrying out are in direct conflict with it.

How can the Home Secretary keep talking about the development of neighbourhood policing when, in Essex, for example, he is taking away the figurehead and symbol of law and order in Essex which, personified in one man, gives credibility and authority to everything

that the Essex police do—the chief constable of Essex? If the Home Secretary abolishes the chief constable, to whom will Essex police belong? At the moment they are our police; they belong to the people of Essex. Under the Home Secretary's proposals, they will belong to some vague, remote and anonymous region or sub-region. This is an utterly destructive development, which certainly does not command the support of the people of Essex.

This Bill represents the disease of which the process of amalgamation is but one symptom. It is when the problems get too difficult that they seem to be easier to address by moving the deckchairs around on the Titanic, rather than by dealing with the water coming into the ship's hull. Indeed, under this Government, given the bureaucracy that has been piled on to our public services, there are now so many deckchairs stacked on the Titanic and being moved around that it is a wonder that this great ship ever floated in the first place.

The disease affects not just policing but local government. The hon. Member for Bridgend (Mrs. Moon) said that local authorities had the freedom to spend their money as they saw fit, but let us be realistic. Every local authority in the land is struggling to make ends meet just to satisfy the statutory responsibilities that central Government have given it, yet central Government pile on more and more statutory responsibilities and impose yet more restrictions on local government's freedom to spend their money as they think fit.

The same disease is also affecting the health service. What are the problems in the health service? The Government have decided that they—

**Madam Deputy Speaker (Sylvia Heal):** Order. The hon. Gentleman has illustrated his point; perhaps he will now confine his remarks to the Bill before us.

**Mr. Jenkin:** I apologise, Madam Deputy Speaker; I am perhaps getting carried away with my theme. But having one, two, five or 13 primary care trusts does not demonstrate the fitness of a Government to tackle the real problems in the health service, and the same point applies to the police service.

What about regional government? My hon. Friend the Member for Rayleigh (Mr. Francois) made a very apposite point. It is all very well for the Liberal Democrats to talk about localism and their local credentials, but they support the principle of regional government, or at least they did when—

**Madam Deputy Speaker:** Order. I remind the hon. Gentleman to relate his comments to the Bill that we are discussing.

**Mr. Jenkin:** If I may say so, Madam Deputy Speaker, the police force amalgamations, in which this Bill plays a part, seem to feed directly into the regional agenda, which should have been ditched following rejection of it in the north-east referendum just 18 months ago. This Bill is part of the top-down, Whitehall micro-management disease. I wish that the Government could see that proposals that they believe will improve police forces' local responsiveness will in fact do exactly the opposite.

I have to tell the Minister—and the Home Secretary, who I hope will receive a report of this debate—that discussion is taking place in Essex about whether police force restructuring should take place without a referendum. A number of my parliamentary colleagues are holding such talks with Essex county council, which has the power to call a referendum on the issue. That is the way the discussion is going. With my experience of facilitating the "North-east says No" campaign, I have no doubt that we would win any referendum on the survival of the Essex police by eight or more to one.

The centralising tendencies of Whitehall Governments extend further back than 1997. They reach further back than even the second world war. They reach right back to the first world war and beyond it, to the first social measures that were taken towards the end of the 19th century. However, there must come a point at which centralisation stops. Were there to be a referendum on the future of the Essex police, it would represent the beginning of a great political movement in this country to restore real local autonomy, and devolution of power and authority to the organs of local government—not least to the county of Essex, representing the shire government that even William the Conqueror inherited, from Alfred the Great.

5.46 pm

**Mr. Boris Johnson** (Henley) (Con): Of course I wish to congratulate my hon. Friend the Member for North Essex (Mr. Jenkin) on his sterling defence of the Essex police force. However, I wish to draw attention to an opportunity that the Bill gives us to rectify a matter of serious and widespread public concern, which has already been addressed by the hon. Member for Hornsey and Wood Green (Lynne Featherstone) and my hon. Friend the Member for Arundel and South Downs (Nick Herbert). That matter is the extradition arrangements that we have with the United States, and what we may expect from America and what they may demand from us.

I do not wish to indulge in an anti-American polemic, but I wish to suggest a speedy way in which the problem could be rectified in a way that would reassure the Americans that those suspected of serious criminal offences will be speedily yielded up to them—in a way that they would expect from their most important international friend and ally—while at the same time protecting the rights of UK nationals. I am grateful to right hon. and hon. Members on both sides of the House who have signed my early-day motion on the subject.

I hope that the Government will agree that the neatest solution would be to insert a line into the Bill—along with the many other amendments to the Extradition Act 2003—to incorporate article 7 of the European convention on extradition, so that any country may refuse extradition if the offence may be deemed to have been committed in whole or in part on its territory. I shall explain why I believe that change to be essential.

There are currently several cases before the courts that arise directly from the Extradition Act 2003. I know of one of those cases particularly, because it affects one of my constituents, who is one of three bankers who are being electromagnetically sucked—hoovered, even—across the Atlantic without any duty on the Americans to produce any prima facie evidence.

*[Mr. Boris Johnson]*

I have no direct evidence of whether the Americans are right or wrong to say that my constituent has committed the offences, but everybody—including the American authorities—agrees on one point. Insofar as there were any offences, in this case and all other analogous cases, they were committed by UK nationals, in this country and against UK interests. If there was a crime, it was a British crime. We may ask, therefore, why we are exporting our nationals to the US so willingly, when the natural forum for trial is obviously this country and when it is inconceivable that we would willingly export our nationals to any other part 2 country—any other country in category 2.

**Madam Deputy Speaker:** Order. I remind the hon. Gentleman of the rules of sub judice relating to individual cases currently before the courts. Reference to sub judice in the legislation is acceptable, but detail on individual cases should be avoided.

**Mr. Johnson:** I am indebted to you, Madam Deputy Speaker. I do not think that anything that I have said, or am likely to say, could in any way prejudice the outcome of any trial, but I am grateful for your reminder.

Why is it inconceivable that any other country could be treated in that way? It is because America, rightly or wrongly, takes a wide view of her jurisdiction and awards herself a great deal of latitude in deciding who to demand and how to treat them when they arrive in America. The Prime Minister himself has said that Guantanamo Bay is an anomaly. There are people on both sides of the House who would use stronger language. It is in that context that people in this country need reassurance about our arrangements. What I am proposing, what I hope my Front-Bench colleagues are about to propose and what my hon. Friend the Member for North Essex (Mr. Jenkin) has already suggested would provide that reassurance. We have set out to bring our extradition arrangements with America into alignment with those of every other European country.

The Minister for Policing, Security and Community Safety does not seem to be attending with the interest that one would hope, but it might be of interest to her to know that in virtually every other European country there is no tradition of extraditing nationals. We do it, and the Irish do it, but they have incorporated article 7 of the European convention on extradition into their extradition law in exactly the way that I have suggested so that if one of their nationals has committed a crime in whole or in part in Ireland, there is no question of extradition.

**Mr. Francois:** I am mindful of the guidance that Madam Deputy Speaker has given the House with regard to sub judice and I shall attempt to abide by it. Does my hon. Friend agree with me that when that powerful treaty was put through the House, we accepted it on the basis that it was necessary to fight the war against terror, on which we have stood shoulder to shoulder with our American counterparts? However, practical experience has shown that the US Administration have begun to use the treaty for other measures. For instance, the Internal Revenue Service has attempted to use the arrangement in order to extradite people to the US to face charges relating to white-collar crime. Does my hon. Friend accept that while the protection of revenue is important, such extraditions are against the spirit of the agreement and there should at least be equivalence on both sides, rather than allowing this anomaly to continue?

**Mr. Johnson:** My hon. Friend is exactly on the point. It would not only be reassuring to people in this country if we were to restore that symmetry, it would also be reassuring to the Americans because they do not want to keep hearing anti-American claptrap. It would take away a stick that anti-Americans—perhaps there are some on the Labour Benches—might use to beat them.

There is a second and related problem that greatly inflames the whole question. We are obliged by the terms of the Extradition Act 2003 to send our nationals to America without prima facie evidence, yet America is under no corresponding duty to send people we want from America without prima facie evidence being supplied by us. I will not breach your guidelines on sub judice, Madam Deputy Speaker, but let us suppose that a group of New York bankers was accused of having used an e-mail account in the UK to defraud a New York bank. It is highly unlikely that the authorities in this country would seek their extradition to Britain, but even if they did so, the American authorities would insist that the UK showed due cause. However, we place no such parallel and symmetrical obligation on them. That is a grotesque imbalance.

Why does that grotesque imbalance exist? The Prime Minister said in Prime Minister's questions on Wednesday that it is because the American Congress has not ratified the 2003 treaty. That is not, strictly speaking, true. It is right to say that Congress does not want to ratify the 2003 treaty because many Congressmen want to keep the ability to retain in America people whom they fear would not get a fair trial overseas and they want to keep a political bar to extradition. That is why we have not succeeded in extraditing a single IRA suspect from America to this country in 30 years. However, even if Congress were to ratify this treaty, it is a dismal fact that—I am sorry if I am speaking loudly, but I thought that the Minister was not listening and I am delighted to see that she is; I thank her for paying attention because what I am saying is very important—there would be no symmetry because we have to show due cause and they do not. Therefore, I think the whole treaty should be renegotiated. It is a mistake, it was done in great haste and it should be renegotiated.

In the interim, I have a proposal that I hope the Minister can accept. We could clear up the anomaly, rectify the injustice and remove the asymmetry if we inserted a single line into the Bill to say that in designating a part 2 territory the Home Secretary should do nothing inconsistent with the terms of an extant treaty. That would be a neat and useful method because the Americans have not ratified the 2003 treaty, therefore the 1972 arrangements are still in effect and they provide an element of reciprocity in our arrangements. Under the 1972 treaty, both sides have to show prima facie evidence. Therefore, if we inserted such a line into the Bill the asymmetry would be removed, America and the UK would be on the same

footing and we would be obliged to show in court why we wanted so-and-so to be extradited to face trial in our territory, and they would have to show why America was the place to have the trial and not the UK. In the interim, it would also supply the Americans with a powerful incentive to get on with ratifying the 2003 treaty.

I know that a great many people in the House share my concerns. I hope that the Minister—unlike the Home Secretary, who has been really rather rude in his treatment of this matter—will accept that there is merit and justice in this case and that a great many people on both sides of the House care about it very deeply. It would mean that a good deal of public disquiet about our extradition arrangements would be alleviated and that we in this country would no longer give the impression of being obedient little lapdogs. It would mean the removal of a weapon from the arsenal of anti-American prejudice and we in the House would be fulfilling our most vital function, which is to protect the rights of our citizens, UK nationals, in the way that every other country in Europe protects the rights of its nationals.

**Mr. Jenkin:** On a point of order, Madam Deputy Speaker. I understand that some hon. Members might have to suck or chew something unobtrusively if they have a sore throat, but I find it somewhat paradoxical in a debate about the respect agenda that a Government Member should be very visibly chewing gum. Is it in order for an hon. Member—I shall not embarrass him by naming him—to chew gum obtrusively in the Chamber?

**Madam Deputy Speaker:** I do not think that that is a point of order for the Chair. I hope that all hon. Members will be polite in their behaviour when present in the Chamber.

**Stephen Pound** (Ealing, North) (Lab): Further to that point of order, Madam Deputy Speaker. Are you aware that some hon. Members may be suffering

"the slings and arrows of outrageous fortune"

in that they are trying to give up smoking tobacco and may be masticating medicinally on occasion and should therefore possibly be forgiven?

**Madam Deputy Speaker:** I thank the hon. Gentleman. That thought crossed my mind, but I thought that it was better not say it in case that was not so. I hope that the hon. Member for North Essex (Mr. Jenkin) is satisfied with that explanation.

6.1 pm

**Mr. David Evennett** (Bexleyheath and Crayford) (Con): Let us get back to the Bill.

I should like to make a brief contribution, and I am pleased to be able to participate in what has been a very important debate today. Of course, the Bill's aims of building safer, stronger communities and instilling a culture of respect are highly commendable and would be welcomed by all hon. Members. Whether legislation can ever achieve such aims remains an open question.

I commend the speech of my hon. Friend the Member for Arundel and South Downs (Nick Herbert), who gave a powerful presentation of the case against some aspects of the Bill and highlighted some of our concerns. We all agree that the Bill has some good points, but Conservative Members have great concern about the centralising influences that the Government seem to show in all their measures, and the Bill is no exception.

Yes, real issues to do with antisocial behaviour and police restructuring have come across in the debate today, but some of us are rather concerned that the Home Secretary did not answer the point that was made in interventions on him that the real reason for the Bill is perhaps police authority restructuring. That is behind the Bill, which is being wrapped up under the guise of an antisocial behaviour measure, when something a little more sinister is, in fact, behind it. Phrases such as "technical", "bureaucratic" and "too much central control" seem to be the hallmarks of large parts of the Bill.

In my constituency, however, the most important issues are those associated with the antisocial behaviour that our constituents face every day of their lives, and I want to centre my limited contribution in today's debate on those issues. In particular, police community support officers have been mentioned in general, but I want to highlight how important they have been in improving community safety in my constituency.

I was one of the sceptics when the proposal for CSOs first came into being. I was sceptical because I wondered how they could do the job and what contribution they could make to improve antisocial behaviour and reduce criminal activity in our borough. I was sceptical, too, about their training and about their role—their powers and their responsibilities—but I welcome what CSOs have achieved so far and what will happen under the Bill to standardise their powers and responsibilities. I still have some doubts about their training and wonder whether it could be better and more extensive, but I am sure that that will be debated at length in Committee.

It is true to say that when we go around any Conservative Member's constituency we see that the police are very much respected and their work is much appreciated. However, the tide of antisocial behaviour, vandalism and graffiti that has occurred during the past decade is still growing worse and worse—in fact, it has become an epidemic in some areas—and residents, shopkeepers, business people and visitors are all appalled by the situation in which we find ourselves in a society where people do not have a great deal of respect for one another. Of course, that is the reason why we are debating the Bill.

I met some of the residents of the Hurst Place estate in the northern part of my constituency. They came to see me because they felt that the vandalism, graffiti and bad behaviour of the youths in our society was out of control. That is the key issue that most people find: they are worried about where things are going and how they will end up. Anything that can be done to improve those aspects of antisocial behaviour will be welcomed. Part 3 is welcome, because local authorities will have a new role with oversight committees to scrutinise crime and disorder reduction partnerships, which is very positive.

As always, the worry with this Government is the vagueness of the call for community action. They use wonderful phrases in their approach, but what does it actually mean in reality? Of course, the Government say that they will allow communities to request action on the

*[Mr. David Evennett]*

community safety issues that they consider the police or other organisations and crime reduction partners have failed to address adequately, but I am not sure what that means in reality. What does it mean for the people who are already suffering? In Committee, we look forward to taxing out more from the Government.

**Stephen Pound:** Taxing?

**Mr. Evennett:** Perhaps the hon. Gentleman is not happy with the word "taxing", but we do not get any meat from the Government; we get a bit of waffle in many ways.

The third issue is the extension of the range of agencies that can enter into parenting contracts and apply for parenting orders. I intervened on the hon. Member for Hornsey and Wood Green (Lynne Featherstone) when she was being very negative about that proposal. She was concerned about training and the organisations that might be included, but I welcome that measure. If we really want to get to grips with the problems, we must be positive. The Liberal Democrats were not positive, but I welcome what the Government are endeavouring to do in that respect. However, the restructuring of other organisations is very technical, and many hon. Members are not happy with those parts of the Bill. We should concentrate on the real issues that affect individuals.

I was interested to follow my hon. Friend the Member for Henley (Mr. Johnson), who made a very powerful contribution and highlighted the other issue that I was going to raise in my contribution, but as he said it in such a powerful and interesting way, I will not continue with it, other than to say that he makes a valid point about which Conservative Members are very concerned. I know that the Minister has been listening avidly not only to what I have said, but what he said on the matter, and I am sure that she will take on board the issue, so that we can have some action on it.

There is much to welcome in the Bill, but there are other areas where we feel that there is another agenda, which is to do with police restructuring and taking the decisions higher up and away from the local community. Conservative Members believe that localism is important and that people should feel an affinity with their local police force and with the people who enforce the law in their localities. In many ways, aspects of the Bill give more and more power to the Home Secretary and assign things to larger organisations. That will not deal with the problems or allow organisations to feel ownership of the solution for dealing with antisocial behaviour in their localities.

There is much that is good in the Bill, but we are concerned about aspects that take things in the opposite direction to the way in which we believe that they should be going, which is to make sure that local communities have ownership of local problems and the solutions, too. As the Bill proceeds, we will push hard on the two or three points that I have highlighted.

6.10 pm

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): I welcome the Bill wholeheartedly. It contains numerous measures across a wide range of areas that will improve our police forces and the quality of life in all our constituencies in many ways. I am pleased that that is recognised on both sides of the House and that the Opposition have said that they will not divide the House on Second Reading.

I welcome the strengthening of the powers and role of community support officers in part 1. The Bill standardises CSO powers so that CSOs can contribute fully to neighbourhood policing and deal with more issues on the spot. I also welcome giving police CSOs the power to deal with truants. They are well placed to deal with them because they are on duty in the community and can obviously spot truants, especially the regular ones. That starts to give one the image of a Britain of yesteryear, when the local bobby would be on the beat and spot little Johnny or Betty and know them by name and where they live, and would then escort them home to surprised and often cross parents. That was a time when communities worked together for all their inhabitants and when the police and all other public servants were accorded much respect—I am sure that the House would agree that they deserved it, as they do today.

I also welcome the strengthening of powers to tackle crime and antisocial behaviour and especially the extension of the number of agencies that can enter into parenting contracts and apply for parenting orders. That brings me on to part 2, "Powers of police". With regard to the new extension of powers for the police to stop and search people at airports, I want to draw the House's attention to the practical difficulties of enforcing football banning orders. The other point that I want to raise relates more specifically to persons entering or leaving the country, who are under no obligation to account for their identity to the police if requested to do so. I am keen to move quickly on the issue because of the 2006 World cup, which is being hosted by Germany, and the likelihood of officers being required to perform port operations to screen football fans without the legislative backing to do so.

While researching the matter, I have spoken to numerous representatives from the police, including Michael Downes, who is a national representative on the Police Federation. He has conducted numerous pieces of research and has spoken to experts in policing football disorder and members of the police who conduct port operations during international fixtures.

I will give the House some background to the operation of football banning orders. Letters are sent to persons subject to the orders prior to or at the commencement of the control period, which is usually five days before the event or fixture. The letters direct those persons to comply with the order, which could involve surrendering a passport or signing in at a police station. There is no national policy or approach to ensure that the orders are complied with. Research suggests that it is unlikely that they are, or that breaches are detected. That is often because the matter is simply not a priority in all forces and little or no training is given to front-counter staff in this area of legislation.

In addition, there is no requirement to inform the authorities of a change of residence, and although the Violent Crime Reduction Bill tries to deal with that, it does not appear to cater for persons working away from

home. That is a major problem for police officers, who are often not told that X or Y is working away for a week or so, thus making it impossible to police the order.

Persons are also entitled to apply for duplicate passports if they claim that the original has been lost or stolen. They can also be issued with a duplicate passport if they claim that they are waiting for a visa application to be processed. In addition, if travelling in the EU, there is no requirement to possess a passport. A driving licence can be accepted as sufficient identification to travel. That is not a major problem at present because most airline operators have a company policy that requires a passport to be produced on departure. It should be noted, however, that car ferry companies often record only the lead name plus the number of passengers. It is likely that a large number of the fans who attend the 2006 World cup in Germany will travel by car and ferry. Approximately 48 ferries leave Dover a day, each with a capacity of 2,000 passengers. Dover is, of course, only one major shipping port. Others such as Hull will also play a major role during the event.

Entries are made on the police national computer showing details of football banning orders. However, because of technical difficulties, people are shown as "wanted/missing". That is also the case for sex offenders and persons subject to antisocial behaviour orders. That causes two major problems. First, people are being detained unlawfully because they are shown as "wanted", and, secondly, port operations are not as efficient or effective as they could be.

Police officers have no power to request the production of any form of identification from persons entering or leaving the UK. If a police officer saw a person leaving the country and wanted to establish their identity—for example, to find out whether they were wanted on a warrant or for an arrestable offence, subject to a football banning order, or recorded on the sex offenders register—they could not do so. In addition, at the moment—this matter is included in the Bill—police officers have no authority to examine rail, shipping or flight manifests. That is why I welcome the extension of powers in the Bill.

British Transport police play a key role in port operations as a result of Eurotunnel and subsequent rail links into France and onwards. Legislators often use words such as "port" or "police officer", but they cause British Transport police officers some difficulty. All Eurotunnel journeys commence at railway stations, not ports, which is where the difficulty arises. It would also be more useful if the term "constable" was used as an alternative to "police officer", as I note that it is in the Bill.

The points that I have mentioned cause police officers considerable difficulties in performing their duties efficiently and effectively. I hope that the majority of the issues will be addressed in Committee.

I welcome many other aspects of the Bill. I not only welcome the powers on stop and search, but ask for them to go further. Part 3, which I will not speak about in detail, covers the measures in our respect agenda to deal with antisocial behaviour and improve the parenting of young people. Those measures should be welcomed by the whole House, as they are. I look forward to following the Bill's progress in Committee.

6.18 pm

**Mark Pritchard** (The Wrekin) (Con): The Bill is revealing in what it does not include, rather than in what it does. It does not provide an opportunity for hon. Members to debate the most important change to policing in this country for more than 70 years: the amalgamation of police forces. There is great concern in my constituency that West Mercia police, despite being one of the best-performing forces in the country, will be banished to a super-force that will include Birmingham, which bears no relation to the rural policing needs of Shropshire.

I accept that the West Mercia force is not perfect. Constituents write to me and telephone me to say that they would like police officers to respond more quickly, and rightly so. There are issues arising from neighbourhood policing. There is a wish to see more police officers on the beat. These shortcomings are predominantly the fault of the Government, who have created more paperwork for police officers and have caused officers to spend more time in police stations rather than on patrol, where people like to see them.

In market towns such as Shifnal, Albrighton, Wellington and Newport in my constituency, constituents want to see police officers on the beat. The Government's amalgamation plans will mean that there will be fewer police officers on the streets of rural Shropshire, and more police from Shropshire on the urban streets of places such as Birmingham and Stoke-on-Trent. Once again, the relevant legislation will be passed under secondary legislation—by order of the Secretary of State rather than by the will of the House, which is the will of the people.

Is it not perverse that today we can discuss extending the powers of community support officers to pick up truants—we support such measures—yet cannot discuss, as representatives of the people who put us here, the issues that concern us most? Such issues include the amalgamation of well-performing police forces such as West Mercia. It is a perverse use of parliamentary time. It is another affront to the House, showing that the Government care more about issuing press releases than about bringing matters before the House for proper and full debate that is both transparent and accountable to the people.

The Bill sets out the importance of community and neighbourhood policing—an issue on which the Minister should respond. We are concerned that police authorities will be less accountable, especially if we have strategic police authorities. I am aware that there will be a transitional period of two years, after which the Government might consider policing panels. Where are policing panels in the Bill? They are not mentioned. We are supposed to take it on trust that the Secretary of State will introduce policing panels in future. I will be grateful for the Minister's comments on that.

Part of the rationale of strategic police forces is to deal with the gap in so-called level 2 policing. Can we not deal with that through the already established taskforce? Could we not consider appointing more senior police officers within existing police forces who have experience of anti-terrorism operations?

I am aware that the West Mercia police force is recruiting a senior officer, and I hope that the Government will not intervene. The recruitment will

*[Mark Pritchard]*

allow the police authority to appoint an officer with, I hope, anti-terrorism experience, to fulfil some of the objectives that the Government have set in their plans.

I would be quite relaxed about the regionalisation of special branch. There is certainly an argument for better co-ordination of special branch officers in the region. However, we do not have to regionalise the whole of west midlands policing to deliver that end. The Serious Organised Crime Agency will fulfil many of the objectives that the Government have said they are trying to achieve through the regionalisation of police forces. It seems that the Government are fulfilling a regional agenda at any attempt while ignoring the will of the people. I call on the Minister to give an undertaking that if the people of West Mercia, through their local authorities, should ask the Government for a referendum, they will be allowed to decide whether they wish to retain the existing West Mercia force.

Are the Government not aware of the importance of morale? There are hard-working police officers and community support officers who do not want to be part of a regional super-force. Morale at present is very low as a result of the Government's proposals. It was Sir Ian Blair who asked—I do not often quote the Metropolitan Police Commissioner—during the Dimbleby lecture what was the purpose of the police. The Secretary of State has tried to answer that question today, perhaps for the first time after many months of lobbying. We need to ask also what local people believe that the police are for. What do they want the police to do? The overriding answer that I hear is that they want more local policing on the streets. They want more community policing. The measures set out in the Bill will not deliver that. On the face of it, there is much talk about it, but I doubt whether it will deliver it. That is why people are concerned.

**Mr. Francois:** I am enjoying my hon. Friend's speech. If I may say so, he is making a powerful case. As for the level 2 tasks, I understand that the Government have rejected the so-called federation approach of getting a number of different constabularies in a region to work together to combat terrorism. I thought that that had some merit. Is there not the alternative of their working with elements of the Serious Organised Crime Agency to provide a link between constabularies and thereby fight terrorism in the regions? That might be a good way to address the problem, and a number of chief constables, including my own, have said that they think that that is quite a good idea.

**Mark Pritchard:** My hon. Friend makes two excellent points—namely, the issues of SOCA and federation. As I mentioned last week in the House, the Government are always lecturing Opposition Members to listen to professionals. Why do not the Government listen to professionals? Why not listen to the West Mercia chief constable, Paul West? Why not listen to the police authority? It wants the Government to leave it alone and allow it to get on with its job. The point about regional co-operation without having to go into all of the major changes that the Government are proposing is one that has been made well. I hope that the Minister will respond to that.

It was Sir Ian Blair who said that national security depends on neighbourhood security. We so often hear about the lack of human intelligence. Often, low-level crime leads the police to an awareness of higher-level crime. If we see a reduction of police contact on the street with local people, I think that the Government's aims of defeating terrorism and serious crime will be undermined through lack of human intelligence and a lack of communication with local police constables.

There are numerous cases throughout the land where the local bobby on the beat has uncovered a major crime, including an attempt at a major terrorist incident. It is not always the regional taskforce or the intelligence agencies that do that. Often successes are due to the hard work, diligence and care of local constables on the beat. They cannot be looking for serious crime in Shropshire if they are being asked to attend football events in Birmingham.

I ask the Minister to consider the proposals of my right hon. Friend the Member for Witney (Mr. Cameron). He set out an alternative approach that is based on the key principles of sharing responsibility and trusting people. He proposes that

> "Central control of the police would be replaced with direct local accountability through elected commissioners or police authorities, rebuilding the link between forces and their communities."

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I need to offer the hon. Gentleman a cautionary word. There are ways in which, by reference to the contents of the Bill, one can refer to the organisation of the police force, but one cannot major on it, as the hon. Gentleman acknowledged at the outset of his speech. Therefore, he should not major on it.

**Mark Pritchard:** I am grateful for your wise counsel, Mr. Deputy Speaker, as I was concluding on the first part of my speech, which focuses only on the regionalisation of police forces. I will conclude with three or four more sentences on the point so as not to distract my thoughts. That will mean that I will not need to include in my final remarks the substantive remarks in my introductory comments.

**Mr. Deputy Speaker:** Order. The hon. Gentleman is defying my advice very elegantly, but I recommend that he should not do so.

**Mark Pritchard:** That is a sound recommendation, which I am happy to accept, Mr. Deputy Speaker.

May I turn to clause 15, which deals with the role of local authorities? The Government claim that local authorities will have more responsibility as a result of the extended role of community partnerships, so will the Minister give due consideration, as the hon. Member for Bridgend (Mrs. Moon) suggested, to the role of youth services? If local authorities are asked to do more and if they are to be made more accountable, particularly for crime reduction, I hope that the Home Office will urge the Office of the Deputy Prime Minister to provide adequate funding from existing resources for youth services. Time and again, my constituents say that young people are not all involved in antisocial activity—it would clearly be wrong to suggest that they are—but a small minority are often involved in such activity

because they are bored. I therefore hope that local authorities will be encouraged to provide more youth services.

The Government have encouraged the setting-up of one-stop shops, enabling young people to attend a youth centre where they can receive drugs counselling and advice on schooling. Those one-stop shops are not always accessible to everyone in a given geographical area. Labour-led Telford and Wrekin borough council has suggested that a super-youth centre should be established in Stafford park, which is miles from many of the young people in my constituency. They cannot reach it on public transport but, even if they wanted to do so, why cannot they have a youth centre within three or four miles of their home, not seven, eight or even 10 miles away? I therefore hope that the key role of youth services in the Bill will be expanded in Committee.

Clause 12 deals with conditional cautions, but I am concerned that it will bypass the courts and allow prosecutors to levy lenient fines and light community sentences. My constituents and, indeed, the constituents of many hon. Members will be alarmed by the detail of the Bill and its implications for individuals who commit serious crimes such as actual bodily harm, affray, criminal damage and the possession of class A drugs such as cocaine and heroin. The Bill provides a soft option for those offenders, with a maximum penalty of £500 or 20 hours of community work. Communities in my constituency are blighted by criminal damage and affray, yet the Government have sent out a signal in the Bill that people are likely to receive only 20 hours of community work or a fine of £500, which may never be paid.

Clause 9 deals with the duty of ship and aircraft owners to provide passenger and crew information. I support the measure, but the Government are in danger of putting resources and energy into gathering data rather than gathering smart data, which is more likely to be of value to our intelligence agencies and police forces. If they genuinely wish to make provision for port security, what are they are doing to monitor and assess threats from cargo ships? Despite all the rhetoric and talk about homeland security they have still not created a post of homeland security Minister. It is time that they made their intentions clear. I am sorry that the right hon. Member for Southampton, Itchen (Mr. Denham) is not in the Chamber, but I suspect that he would be in the running for such a job. I hope that that does not offend the Minister—I believe that she, too, would be in the running, and I wish her well in that endeavour. It is time that the Government appointed a homeland security Minister and sent out a clear signal to people who would harm this country and undermine our national security that they take terrorism and national security seriously. I pay tribute to the excellent work of my right hon. Friend the Member for Haltemprice and Howden (David Davis) who, together with my hon. Friend the Member for Newark (Patrick Mercer), has been tireless in reminding the Government of the issue. I hope that when the Government eventually declare that they have set up a department of homeland security or created a new ministerial post in the Home Office they will give credit where it is due and acknowledge my colleagues' role.

Clauses 33 to 35 deal with cyber crime—a subject that has already been raised today. I refer Members to my interest in the Register of Members' Interests, and I wish to declare that I am parliamentary vice-chairman of the Conservative technology forum. Its annual general meeting is under way as I speak, so I shall be late.

**Stephen Pound:** We need not detain the hon. Gentleman.

**Mark Pritchard:** I am grateful to hon. Gentleman, whose interventions are timely but not always relevant.

I welcome the proposals to increase the penalties for cyber crime, but I am concerned that in the very week in which we are discussing the Bill the Government are considering sharing intelligence data with other so-called competent law enforcement agencies in Europe. Under questioning, al-Qaeda suspects have admitted that cyber crime and cyber terrorism were one of their key objectives. They have admitted trying to infiltrate critical British infrastructures for the intelligence agencies and, allegedly, our nuclear and energy infrastructures. I am concerned that the Government have allowed a great deal of information to be shared with third parties that may not have the same security that we have in the United Kingdom. I do not believe that UK security is sufficient, and I hope that the Government will do all that they can to support the excellent work of experts on cyber crime and terrorism in the Cabinet Office.

In conclusion, I wish to put on record my thanks for the hard work and dedication of police officers and community support officers throughout the West Mercia police force, particularly the officers who serve the Wrekin parliamentary constituency. For many years, I have supported the work of the police. I am a late convert, I admit, to the role of CSOs, but I am concerned that the extension of their powers will lead to their being less visible if they spend more time in police stations doing paperwork. I am concerned, too, that CSOs will receive the same level of training, but will be asked to do more. We need to ensure that they receive increased training. I share the concerns of some of my constituents that CSOs do not have the power of arrest and do not carry a police warrant card. I am extremely worried that the extension of powers will leave them in a position where they have not received the relevant training, they do not carry a warrant card and they do not have respect. As a result, they may well come into harm's way. Is it not the case that police officers, along with many Conservative Members, support CSOs when they are working in co-operation and collaboration with police officers on the beat? That is where they are most effective. Those, in paraphrase, are the words of the Police Federation.

The Bill is another example of the Government talking localism while centralising more powers. Allowing policing in Shropshire to be run by the Home Secretary from his desk in Whitehall will not work and is a recipe for disaster. It is a travesty to allow Parliament to debate extending CSO powers with respect to truants, but not to allow us a comprehensive debate and a Division on the amalgamation of excellent police forces such as West Mercia.

6.40 pm

**James Brokenshire** (Hornchurch) (Con): The Bill offers the House the opportunity of a wide-ranging debate on policing. I noted that the Home Secretary emphasised that in his initial comments, when he said that the Bill would have an impact at every level of policing. I share his aspiration of creating safer communities, although I may approach the topic from a different perspective.

It has been interesting to hear Members' comments during the debate. There is clearly a strong feeling that the intent behind certain aspects of the Bill is to implement the regionalisation agenda. My hon. Friend the Member for The Wrekin (Mark Pritchard) spoke about his support of his local police force. My hon. Friend the Member for North Essex (Mr. Jenkin) dealt with the situation in Essex and whether that county will push for a referendum on the implementation of any changes to the Essex police force. As a Member whose constituency borders Essex—many of my constituents would probably like to be in Essex—I find that an interesting proposal. I and other hon. Members will follow developments in Essex with great interest.

I shall focus my remarks on three issues arising from the Bill. First, there is the direction of travel and the prospect of centralisation. Although local control may be emphasised, it will not necessarily be implemented through the provisions. Secondly, there is the impact of the creation of the new chief inspector for justice, community safety and custody. Thirdly, there are the missed opportunities in relation to extradition.

The Bill allows us to debate the role and function of the police. I begin with some comments from Sir Ian Blair, the Metropolitan Police Commissioner, in his recent Dimbleby lecture, when he said:

"We don't want one kind of police force being nice to people and another one arriving in darkened vans wearing the balaclavas. Whoever is responsible for the one has to be responsible for the other."

That provokes an interesting theoretical debate about the control of the police and where that direction comes from. Some of the emphasis in the Bill seems to take a dual approach, rather than the single approach for which the Metropolitan Police Commissioner called. Centralised control takes the form of the right of intervention by the Home Secretary in the operation of the police, whereas local control is much less defined or thought out and lacks teeth.

On the powers of intervention, the explanatory notes to the Bill contain the soothing comment that those would be used only as "a last resort". I am not wholly convinced by those words. The approach outlined in the Bill will strengthen the internal culture of direction from the centre, with more limited input and direction from the local bodies intended to reflect the differing needs and aspirations of communities. The Home Secretary was tut-tutting from the Front Bench and the Minister is shaking her head, but when we analyse the Bill in Committee, we will see what the direction of travel is and what protection is afforded to local communities. The Bill appears to give the Home Secretary greater control and greater power.

Sir Chris Fox, the president of the Association of Chief Police Officers, said:

"These measures may lead to more centralised direction at a time when forces are trying to give a local response to local problems."

The Bill could have strengthened local police authorities by giving them, rather than the Home Secretary, the power to set strategic objectives and to be more relevant to the public by greater accountability, perhaps through election. What we have is very different. Schedule 2 reserves specific powers to the Secretary of State to play a greater role in the composition of individual police authorities and to determine strategic priorities for police in police authority areas. From my reading of the schedule, there is nothing to suggest that different priorities can be set for different police authorities, rather than a straightforward structural approach setting out parameters for all police authorities. The Minister may be able to offer some clarification in her winding-up speech.

There are significant powers to give directions to chief police officers and to police authorities in much wider circumstances than previously. Although there is a requirement for the Home Secretary to allow an opportunity for police officers and police authorities to make alternative proposals, it seems to be entirely at the discretion of the Home Secretary to ignore those, without even offering the chance for such measures to be implemented to see how they work out.

I appreciate that the Home Secretary may wish to intervene rapidly in a failing authority, but that circumstance would have been apparent for some time. The swingeing powers that the Home Secretary has reserved to himself to intervene, without the police authority or the chief police officer having an opportunity to offer an alternative proposal, seem to be extremely strong. No doubt we will hear more soothing words this evening about the implementation of that power and how it would be used, but it does not give much protection and allows the Home Office to intervene more readily than in the past. The comments of the right hon. Member for Southampton, Itchen (Mr. Denham) are germane. If that approach were taken, it would make the Home Secretary responsible for policing throughout the country. Perhaps that is what he wants. We will find out as the Bill proceeds.

It is interesting to contrast those powers with the backstop, as the Home Secretary called it, or what I might describe as window dressing—the community call for action, which would impose duties on local ward councillors to sort out crime and disorder in the areas that they represent, backed up by a council overview and scrutiny committee that can issue reports to relevant authorities, but without any teeth to ensure that any of the recommendations in its reports is followed up. The process seems highly bureaucratic and less effective than existing arrangements.

Safer neighbourhood teams are already holding public meetings and fostering a direct relationship with their communities. A direct relationship with a safer neighbourhood team may be more effective than the bureaucratic approach of referring an issue to a ward councillor, and I am looking forward to the regulations specifying how quickly the ward councillor must respond. What additional resources will be made available to ward councillors to process requests? The

scrutiny committees will review such matters and make recommendations, which is not the most effective way to ensure that action is taken on the ground quickly, efficiently and effectively to deal with antisocial behaviour in local communities.

**Mark Pritchard:** Does my hon. Friend agree that localism would be enhanced by directly elected police commissioners setting local priorities, rather than by local priorities being set in Whitehall by the Home Secretary?

**James Brokenshire:** I agree that the local community should have a greater sense of control. The regionalisation debate is framed by the fact that local people feel powerless when it comes to influencing the direction and emphasis of local policing. My hon. Friend has made a powerful point, and I look forward to developing that thought process on ensuring that local communities have a greater say and a greater involvement in how local policing is undertaken in their areas. The Bill is a missed opportunity to promote, debate, discuss and emphasise such approaches.

My second point concerns the creation of the new chief inspector for justice, community safety and custody. I know that that process has been driven to some extent by the Gershon savings that the Chancellor has sought to impose to make the inspectorates more efficient, but my concern is that the inspectorates should not become less effective. I know that the loss of the chief inspector of prisons has rung alarm bells at a time when standards in prisons and, in particular, standards in young people's secure accommodation are at the forefront, given the Carlile inquiry on children in secure accommodation.

I note that the Bill contains specific provisions on how the inspection of prisons is undertaken, but the chief inspector of prisons, Anne Owers,

"remains concerned that, over time and in practice, the sharp focus and robustly independent voice of the Prisons Inspectorate may be lost or muffled within a larger whole."

Juliet Lyon of the Prison Reform Trust has also emphasised that view:

"The sharp focus on the treatment of prisoners and prison conditions, and the immense authority carried by a succession of post holders and admired across the world cannot but be diluted by these new suggested arrangements."

That concern is clearly significant, and I note that the Home Secretary referred to it in his initial comments. When a combination of all the inspectorates is brought to bear, it is important that the standards, knowledge and ability that allow proper inspections to take place are maintained.

My final point builds on the strong comments by my hon. Friend the Member for Henley (Mr. Johnson) on the opportunity to review the Extradition Act 2003. Although the Bill includes some amendments to the 2003 Act, I am disappointed that the opportunity has not been taken to address the manifestly unjust and unfair arrangements that have sprung up as a result of the 2003 Act, which are shown most acutely in the current relationship between the United States and this country.

The Prime Minister has said that the Bill is intended to address issues of terrorism, and there is a broad consensus on the need to be able to deal with those suspected of terrorism efficiently and effectively, but the operation of the 2003 Act has not been limited to such cases. I do not intend to stray into commenting on individual cases, but it seems strange that there appears to be no direct reciprocity between the US and the UK. The situation is imbalanced, because the UK must make out some form of prima facie case in seeking to extradite people from the United States to this country, yet that does not happen in reverse. The fact that we must make a basic case, whereas the US does not, strikes me as iniquitous and grossly unfair.

Whatever the rights or wrongs of any specific case, it is clear that the current arrangements with the US could lead to significant miscarriages of justice and that the Government have failed to stand up for the interests of the citizens of this country. The Home Office has the opportunity to do something about that in this Bill, and for the sake of justice I urge it to seize the opportunity to address the serious imbalance in the extradition arrangements between the US and the UK.

6.56 pm

**Annette Brooke** (Mid-Dorset and North Poole) (LD): I apologise for not being present at the beginning of this important debate, although I have contacted the Speaker's office to explain why.

I share the concerns expressed by hon. Members while I have been in the Chamber about the proposed amalgamation of police forces. I am particularly sad that the federation model has been rejected for Dorset, because it is what people really want.

I shall comment on the Bill in relation to children and young people, who are often blamed for crime and, in particular, antisocial behaviour. Although young people may be involved in many instances of antisocial behaviour, it is untrue to say that they are always responsible, and I share the concerns expressed by many organisations that we must not demonise young people. Even if we accept that some children and young people cause antisocial behaviour, we must remember that a large number of young people are the victims of antisocial behaviour.

When we consider the children and young people who may cause antisocial behaviour or crime, we must examine the reasons for their behaviour. I welcome the recognition by the hon. Member for The Wrekin (Mark Pritchard) of the importance of youth services. I have said many times that we started with enforcement and punishment, but that we should have paid much more attention to understanding underlying causes and implementing preventive measures at an earlier stage. I welcome the statement within the respect action plan that we must tackle root causes with the same vigour and determination with which we have taken on antisocial behaviour. It is important to get the right balance between enforcement on antisocial behaviour and tackling the causes of antisocial behaviour.

Clause 4 includes new proposals on community support officers, and I welcome the increase in the number of CSOs. I have been impressed by the contribution made by the few CSOs whom I have met in my constituency, where we would like our fair share of the proposed sixfold increase. CSOs have walked around and engaged with young people, and their job involves balancing enforcement with part of the role of

*[Annette Brooke]*

a youth support worker. It is important that the standard set of powers that they will have should be accompanied by statutory requirements for training. A recent Home Office evaluation of the role of CSOs found that many of them expressed concern about that. If there is to be more training, resources will need to be made available to ensure that CSOs receive adequate and appropriate training on how to work effectively, safely and appropriately with children and young people.

The Children's Society, on behalf of the Standing Committee for Youth Justice, calls for the proposed training to include an understanding of child protection and the procedures and services that will enable CSOs to act in the best interests of children, instead of taking a straightforward enforcement approach to their situation and behaviour. At a local level, it argues that such training should be consistent with the local safeguarding children's board arrangements and responsibilities for training. Will the Minister therefore ensure that there is full co-operation with her colleague the Minister for Children and Families?

Clause 5 contains a proposal to introduce a new function for CSOs to allow them to remove young people of school age whom they believe to be absent from school without lawful authority—in other words, an extension of sweeping. I have a few concerns about that. The National Foundation for Educational Research concluded that although truancy sweeps had been successful, in terms of the numbers of young people picked up, and had raised awareness of the issue, it was

"less certain of the long-term impact on individual pupil attendance."

We need, as always, to get the right balance between enforcement and measures that will encourage children to attend school. Merely sweeping and punishing does not solve the problem. There may be a great need to address family difficulties that are part and parcel of the reason why the child or young person is staying away from school. Perhaps the Department for Education and Skills should be thinking about the curriculum.

There are many reasons why young people truant. One of my great concerns has been young carers getting caught up in sweeps. Young carers have many reasons for being unable to attend school. Sometimes the calls on them from home are such that they cannot get there. It is a difficult choice for them. There is clearly a need for greater support for this invisible army of young people, an enormous number of whom—up to 100,000—are giving up large portions of their lives and may get caught up in truancy sweeps in the process. Of course, some young people need to be caught and dealt with appropriately, but it should not be a blanket measure—there should be an understanding of the underlying problems.

Clause 15 places a duty on ward councillors to respond to a call for action from anybody living or working in the area that they represent about a crime and disorder matter in that area. There are concerns that that mechanism could stigmatise young people and alienate them from their communities. For example, it could lead to an extension of the use of naming and shaming by publicly identifying individual children or families. I have spoken out before about my deep concern about naming and shaming in relation to antisocial behaviour orders. That might sometimes work in terms of protecting a community, but ASBOs have been imposed on children with learning difficulties and mental disorders, and it is outrageous to name and shame such children and families. Concern about such behaviour is probably the most frequently raised issue in our surgeries, but we have to tackle it in the right way. It is all too easy for people to say that the problem is down to this family or that family. Calls for action must involve a measured response, possibly involving full consultation within the wider community, and certainly involving children and young people.

Clauses 16 and 17 cover parenting contracts and orders. When I served on the Committee on the Anti-social Behaviour Bill, I was very cautious about parenting orders. I accept, as I have said publicly before, that they have been successful in some cases. I thought that parents forced to sit in parenting classes would simply fold their arms and refuse to participate, but although that might have happened sometimes, I have heard about great successes. There is a place for these measures, but again we need to look at the wider picture. Ideally, parents should co-operate voluntarily. We need widespread parenting support right across the community as a basic way of life. It should be universal, and not delivered in such a stigmatised fashion.

Poor parenting undoubtedly contributes to some of the problematic behaviour by children and young people, but it is not the only cause. Some children might misbehave in the community as a way of crying out about what is happening in the home. Perhaps they are being abused or there are problems with their parents. Children's organisations suggest that social services should carry out an assessment of need under section 17 of the Children Act 1989. The Government could be more receptive to such suggestions. We have had the tough side—let us look at some of the difficult cases in which the behaviour of children and young people has tragic causes.

Finally, I should like to comment on a very sad outcome of the Home Office's legislation. The United Kingdom locks up more children than most other industrialised countries. In 2004, in England, 4,461 children aged 15 and under were detained in custody. The total number of under-18s detained was about 10,000—enough to fill 10 secondary schools. The recently published Carlile inquiry report clearly shows the damage done to children in custodial settings. Restraint that involves the deliberate infliction of violence is used systematically in penal custody. In her annual report, published in January 2005, the chief inspector of prisons raised serious concerns about the use of physical force on children in prison. Twenty-nine children have died in custody since 1990, 28 of whom hanged themselves. One 15-year-old died after being restrained by three staff at a privately run secure training centre. Nine of those 29 children were on remand.

Children in penal custody are known to be among the most disadvantaged in our society. More than a quarter have the literacy and numeracy of an average seven year old. Eighty-five per cent. show signs of a personality disorder. More than half have been in care or involved with social services, and most have been excluded from school. The Commission for Racial Equality has shown

that black children are twice as likely to end up in prison as at university. In 2004, 3,337 children who were assessed as vulnerable were nevertheless sent to young offender institutions.

Yes, we are being asked to tackle antisocial behaviour and crime and there is a need to do that. However, I make my final appeal: we must deal with the problem of all those children who are locked up in what appear to be very unsatisfactory conditions.

7.10 pm

**Mr. Douglas Carswell** (Harwich) (Con): I apologise to the House, especially Front Benchers, for missing the opening stages of the debate. As I explained to the Chair, I was unavoidably detained. I shall study tomorrow's *Hansard* with even greater rigour than usual.

I have problems with the Bill because it is a centralising measure. It will centralise control over our police and criminal justice system. That is ironic, given that the Minister of Communities and Local Government has spoken about the need for localism, passing powers to local communities and "double devolution".

Since the Police Act 1964, the police have been run on the basis of tripartite local accountability. Responsibility for overseeing local policing has been shared between the chief constable, the Home Office and police authorities. There has therefore been an effective system of local police accountability, which has been gradually eroded by Governments of both parties. However, the Bill, especially part 1, marks the stage at which policing becomes the responsibility of the quango state, which will now take on top-down responsibility for running policing in this country.

Part 1 allows the Home Secretary to give directions to police forces and authorities without the need for a negative inspection report. The Government claim that the directions will be used as a "last resort" but hon. Members have been rightly sceptical about that. Such provisions set a precedent for further top-down management. Part 1 also moves provisions that govern the structure and functions of police authorities from primary to secondary legislation, partly in preparation for force restructuring. It gives central Government—the remote élites—the power to shape and restructure our local police forces at will.

I also have a problem with part 3, which contains provisions superficially to deal with antisocial behaviour. I welcome any initiative to tackle that, but I do not believe that the Bill does it in the right way. It refers to local accountability, especially two models of greater local accountability: a new role for local authority oversight committees in scrutinising crime and disorder reduction partnerships, and a new mechanism called the "community call for action". Those models of local accountability are more corporatist than democratic. I have difficulty in accepting that they enhance local accountability.

Part 4 covers merging the different inspectorates in the criminal justice system. The inspectorate that inspects the Crown Prosecution Service has a good record of revealing that institution's incompetence. A significant proportion of cases that the CPS handles are abandoned every year in error. Many hon. Members who have spoken know about the frustration that the police feel when they successfully pursue criminals through the streets only for the CPS to fail to pursue them as vigorously through the courts. The inspectorate has been good at revealing those failings, and the Government should focus on them, rather than restructuring the inspectorate.

A letter written by a serving police officer and submitted anonymously appeared in last week's *Clacton Gazette* and *Harwich and Manningtree Standard*. It is touching because it shows the sense of frustration experienced by a professional police officer who feels unable to change things and deal with the top-down management. Indeed, he or she concludes the letter by writing:

"Believe at your peril the rhetoric from the top. If you want the truth, we at the bottom know what it will mean to you."

That brings home the sense of top-down micro-management.

The Bill should provide for genuine local accountability and direct democracy. It should go in the opposite direction from the one that it takes. Power should be shifted from the Home Office to the locality. We should replace existing police authority structures, which lack effective accountability, the ability to scrutinise chief constables and, increasingly, legitimacy, with directly elected police chiefs.

Some people use the term "police commissioner" but I prefer "sheriff". We should have directly elected sheriffs instead of police authorities. It is all very well for police authority members to have a cup of tea with the chief constable. That may be nice for them, even if the chief constable is Sir Ian Blair, but it does nothing to enhance local accountability. If we had a directly elected sheriff instead of police authorities, we would experience genuine local accountability.

**Stephen Pound:** Dirty Harry.

**Mr. Carswell:** This is not Americanisation. The word "sheriff" derives from an ancient English term—the "shire reeve". We would thus restore to this country an ancient institution, which we gave the new world, and which has given it lower crime rates. It is less John Wayne or Dirty Harry and more Rudy Giuliani. He cut crime in New York by 60 per cent. in 10 years and he was locally accountable. We need directly elected people like Rudy Giuliani running our police in this country, not the unaccountable Home Office.

**David Howarth:** I am trying to follow the hon. Gentleman's argument, but he should know that Rudy Giuliani was elected mayor of New York city. The chief of police was appointed directly by the mayor, not directly elected. The hon. Gentleman cannot therefore use that specific example for his argument.

**Mr. Carswell:** I thank the hon. Gentleman for his helpful intervention—but we can use the example, because in the model that I advocate, a mayor directly elected in an area co-terminous with a police authority area could take on that responsibility. Where that did not happen, a sheriff, rather than a police authority, could make the appointment. As with the mayor of

*[Mr. Carswell]*

New York, there would be a separation of operational responsibilities and the ability to appoint the head of the police to exercise those responsibilities. I thank the hon. Gentleman for giving me the opportunity to clarify that. I should be happy to send him a copy of a paper that I have written on the matter, if he would like that.

The 2004 White Paper was encouraging because it covered decentralisation, but I regret to say that the Bill does not deliver that. Instead, it paves the way for the merger of police forces—for regionalisation, not greater local accountability. Almost every year, irrespective of which party is in government, we appear to have a police Bill. However, until we achieve effective local control, we shall never get the local policing that people want. Until we push power down to the local level and have democratic, not corporatist, local accountability, we will get the policing that the remote élites want us to have. Until we make the change to genuine localism, crime and disorder will continue to increase every year.

7.18 pm

**Mr. Philip Hollobone** (Kettering) (Con): I congratulate my hon. Friend the Member for Harwich (Mr. Carswell) on yet another example of his fresh and original thinking, which is increasingly a hallmark of Conservative Members. I know how hard my hon. Friend works on behalf of his constituents and I greatly enjoyed his contribution.

I thank all those engaged in law enforcement and the criminal justice system in the Kettering constituency, and I make a plea to the Government to use the Bill as an opportunity to rename the criminal justice system the victims justice system. I do not think that I have heard the word "victim" at all in the whole debate, and I have been here since the beginning. We often forget that we are talking about victims of crime, and victims of bad acts often committed by bad people. If the Government were to change the name of the criminal justice system as I have described, that would help to change our focus on this important topic.

I have spent 18 days out of 22 on the police service parliamentary scheme, and I have four exciting days lined up, including three nights on the streets of Kettering, before the end of March. Speaking on the Bill gives me the opportunity to draw to the Minister's attention some of the lessons that I have learned while on patrol with local officers. To sum it all up, I want to get across to the Minister the fact that 90 per cent. of crime in the Kettering constituency is committed by 50 persistent and prolific offenders. All the police officers and others engaged in the criminal justice system to whom I have spoken have said the same, no matter which part of the country they come from.

Before I move on to that theme, I shall highlight two specific points. The Government are thinking about changing the powers given to police community support officers. On one of the nights when I was on patrol with the local police in Kettering, we ended up in a village called Barton Seagrave, where the police officer and the two PCSOs I was with did their best to disperse 30 youths who were congregating around the local school and the local community centre. The police officer did his very best and he could issue a fixed penalty notice and arrest another suspect. However, the PCSOs could not do anything apart from appear there in their visible police uniform. That is because at that time, Barton Seagrave was not designated as a dispersal zone. It is, I am glad to say, now designated as such a zone and those PCSOs are regularly deployed to Castle way and the streets off it in Barton Seagrave, and have the powers to disperse those youths. Without the dispersal zone status, they would not have that power. The Bill covers the powers that the Government give to PCSOs, so will the Minister give them the power to disperse people without the need for dispersal zone designation?

My other point is perhaps a little more mundane, and relates to my role as a councillor on Kettering borough council. The council helps to fund the eight PCSOs in Kettering, and the original idea was that they would walk down Kettering high street and deal with all sorts of infringements of the law—criminal or otherwise. One of the issues that the council particularly wanted them to be involved with was problem parking and car parking offences. The chief constable of Northamptonshire has ruled that PCSOs should not have that power, so Kettering still has a car parking problem. The idea of having a law enforcement officer tackling all sorts of issues, such as car parking and criminal behaviour, just by walking down the street cannot be carried out in Kettering. I understand that PCSOs in other police force areas have ticketing powers, so could the Minister address that point?

I now return to my main theme—that persistent and prolific offenders commit 90 per cent. of the crime. In the northern police area in Northamptonshire, which includes Kettering, Rothwell, Desborough, Burton Latimer and Corby borough, 50 individuals commit that proportion of the crime. The police know who they are, and their pictures and names are on the wall in Kettering police station. The persistent and prolific offenders—PPOs, to use the jargon—know that the police know who they are. The whole business is a game of catching the PPOs in the act.

The people of this country deserve better than that, and I have come to the conclusion that the only way to tackle the issue seriously is to take the PPOs out of the equation. To be brutally frank, they are bad people doing bad things. Prison is not tough enough for them. Many of them who are arrested and put in prison see it as a break. They have recreational facilities, they are well fed and they often have televisions in their cells. Many are disappointed to be released even if it is just a third of the way through their sentence.

The police are advised when the offenders will be released on to the streets of Kettering again and they try to catch them in the act the first weekend after they are released. I have drawn up the simple equation of dividing the costs for local policing in Kettering, the local court system, the local prison, the probation service and all the rest by 50, which represents the number of PPOs. That shows that a huge sum of public money goes on each of these hardened criminals.

I am afraid that we are not going to change these people's habits. They are always going to be criminals until they decide otherwise. We have to come up with some kind of system whereby such people are not allowed their liberty until they promise not to reoffend—and the Bill provides a perfect opportunity to

do that. The pressure should be on them to demonstrate that they are prepared to be responsible, and not on the rest of us to try to catch them in the act yet again.

Northamptonshire police excel in two specific respects—forensics and automated number plate recognition technology. However, both are under threat. I am pleased to say that Northamptonshire police force is one of the best in the country at forensics, which basically involves fingerprint technology and the use of DNA. Twenty years ago, there were regional police forensic departments. That was changed and the service moved down to force level, and all the evidence demonstrates that forensics work best with a force of about 1,500 officers. They are particularly effective at detecting car crime and burglary, and the use of fingerprint or DNA technology accounts for the detection of 50 per cent. of all the detected crimes in Northamptonshire. One of my real concerns is that as the Government try to create the super-forces, the forensics skills base will be broken up. Once it is broken up, it will be very difficult to re-establish.

The second technology-related issue is automated number plate recognition—ANPR—and the Bill contains proposals to reorganise the computer department of the Home Office. The technology already exists and is deployed in Northamptonshire to read number plates automatically. The system is so fast that when a suspect car drives past an ANPR camera, that fact is flashed up in the control room and the reasons why the car is suspicious are also listed. Officers are deployed to apprehend the vehicle. The police know who the criminals are, which cars they drive and where the cars are. Unfortunately, not enough resources are being put into ANPR technology, and my worry is that the skills base in the Northamptonshire force will be eroded.

The technology offers huge opportunities across the country. Why do we not have ANPR technology employed on all the major motorways up and down the country? The technology is there and we could cut the motorway network off for all the known criminals in the country. That would have a dramatic effect on reducing crime.

In Northamptonshire there are now four basic command units. As of 1 April, there will be two. At the moment, Kettering and Corby form one BCU; next door, Wellingborough and East Northants form another. As of 1 April, they will become one BCU. Despite all the talk about BCUs being coterminous with borough-level local authorities, that will simply not be the case in Northamptonshire. In north Northamptonshire there will be four district authorities to one basic command unit. I am afraid that policing is about to become more remote, rather than more local.

Finally, I want to reiterate a point that is often missed. The criminal justice system should be known as the victims justice system. We know who the criminals are, we know where they live, and we know what cars they drive. The skills base and the technology to deal with them already exist; we just need to make better use of them, rather than bringing in new legislation.

7.30 pm

**Andrew Mackinlay** (Thurrock) (Lab): I am grateful to have caught your eye in this debate, Mr. Deputy Speaker, because the Bill is extensive and covers several important subjects, as is outlined in its long title. I want to address some of my comments to those subjects.

Attendance in the House is thin tonight, and I believe that that reflects the cosy consensus between the Front Benches of the Government, the so-called Opposition and the Liberal party. That consensus is giving a bye to important legislation whose broad thrust might not be controversial but whose details certainly call for considerable improvement in Committee or on Report, or require us to caution the Government to reflect and think again.

I notice that the long title of the Bill contains the words:

"to make further provision for combatting crime and disorder".

I speak as someone who is on the left of politics, but I nevertheless believe that the sentences that our courts dispense—at the behest of Parliament; obviously guidance on these matters comes from us—are wholly inadequate in relation to violent crime, particularly against the person and against small retail outlets whose livelihoods are threatened by theft accompanied by violence. The way in which the long title of the Bill is drawn leads me to believe that the Bill is amendable in this regard. We need to pass stronger sentences against the increasing amount of violence that is being perpetrated, regrettably, among young people.

Last Friday, I visited my constituents, Mr. and Mrs. Daly, whose son Ryan was murdered on his 18th birthday. The Crown Prosecution Service subsequently accepted a plea of manslaughter, and the sentence passed on the person who killed Ryan Daly was in my view derisory. That is also the view in my constituency, where feelings are running high about the inadequacy of a criminal justice system that allowed a wholly inadequate sentence passed on the person who killed that delightful boy on his 18th birthday. I shall reflect on that during the passage of the Bill, because I want to make it clear that we need much stronger, longer prison sentences for such crimes.

I do not wish to detain the House unduly, but the subject of police powers has exercised me since I was elected in 1992. I have raised the matter on a number of occasions under Home Secretaries Howard, Straw and Clarke, but I have done so in vain. The Bill gives me the opportunity to rehearse some of the points that the Government should consider, and which I believe they will ultimately implement. The problem under our parliamentary system is that, all too often, Back Benchers counsel the Government as to the prudent course of action, only to have their advice dismissed by Ministers because it has come from a Back Bencher, and because the Ministers take their narrow advice from people in the Home Office without listening to elected politicians, often those on their own side.

I want to address the question of police powers and the various police agencies. I hope that I shall be able to table amendments to the Bill to give effect to my proposals. First, however, I want to deal with the question of police force mergers. I suspect that many hon. Members think that the Bill deals only with mergers. It is an important issue. I recognise that we need police forces that maximise scarce resources, particularly in regard to new technologies. They also need to be highly mobile and fully kitted out. However, since about 1973, we have had an obsession with reorganisation in every part of the public service, and the end product has not necessarily been a better service.

*[Andrew Mackinlay]*

I notice the hon. Member for North Essex (Mr. Jenkin) nodding. I think that his father was the first Minister to carry out some of those reorganisations, along with Sir Keith Joseph. There was nothing wrong with doing that in the public sector, but we have since had an obsession with reorganisation, under both Conservative and Labour Governments, and I question whether this painting of the Forth bridge has really created better public services. I want to caution the Government that the mergers of the police authorities might be for their own sake, rather than being driven by common sense, and that the desired effect could be achieved under existing powers.

**Mr. Jenkin:** I do not think that the hon. Gentleman was in his place when I spoke in the debate earlier. He is precisely echoing my point that this is a disease of the public sector, and that it has got worse and worse. When the problems become insurmountable, we implement a reorganisation rather than tackling them.

**Andrew Mackinlay:** Indeed. That is a general point, but it also relates to the police. When we implement mergers, we lose talented people and we have to spend public money on retiring people early. I want to express my real irritation about this matter. I have told the Government before that the onus is on them to convince me that there is an overriding case for so-called reorganisations and mergers, both in the police and in other parts of the public service.

The existing police force in Essex is about the optimum size. If it were to stay as it is, it would not be the smallest of the new; it would still be a reasonable-sized authority. It has the full range of police duties and responsibilities. It has stewardship of Stansted airport, and responsibility for a substantial part of the M25. I should say, in parenthesis, that traffic policing is a particularly skilled and harrowing police duty that is performed extraordinarily well by Essex police. The force also has some of the longest riparian and coastal frontage of any police force in the country. It is a good, highly experienced unit, and to merge it either with Suffolk and Norfolk or with Hertfordshire and Bedfordshire would be a profound mistake. I hope that the Home Secretary will reflect on the fact that such views are held not only by Conservative Members of Parliament. As the only Labour Back Bencher representing Essex, I take the view that we should keep Essex police force as it is.

On the question of governance, I am worried that the police authorities will either become rather large, numerically, or be inadequately represented. In the Essex police force area, we have the unitary authorities of Southend and of Thurrock, and I want jealously to safeguard the direct representation of my unitary authority on the police authority. That brings us back to the compelling case for maintaining Essex as it is.

Reference has been made to basic command units, and I want to express some disappointment that Essex has merged my BCU with Basildon. Again, that is part of the obsession with reorganisation. Where there is a unitary authority, there should be a BCU, just as all the other public services should fit into the unitary authority, be it the various health trusts or other agencies. Unitaries work best when all the local government powers are being fulfilled not just by the local government unit, but by all the other related agencies, and they have the same boundaries—there is coterminosity.

That may not be a matter for the Home Secretary, but I hope that he might reflect on the fact that when he is giving advice to police authorities, he should urge them to be sensitive to unitary authority boundaries in deciding what their BCUs should be.

**Mr. Francois:** I thank my fellow Essex Member of Parliament for giving way and endorse his comments on the future of Essex police. Does he agree that one problem that we have had with internal mergers is the high turnover of BCU commanders and that that does not always make for good continuity with the local population? It would be ideal if, now that those internal changes have gone through, we could have some stability in who the top cops are at local level.

**Andrew Mackinlay:** I am sure the hon. Gentleman is correct. Without hesitation, I am happy to endorse the view that he has expressed to the House on the need for some settlement to enable our commanders to build up a relationship with the community—the formal representational community of local authorities as well as community leaders—and to undertake familiarisation. There is often far too frequent a turnover, or a revolving door, in appointments of key personnel.

I want to move on from the question of mergers, although I should express some caution about the proposal to merge the inspectorates. I would have thought that the inspectorate of constabulary should be maintained. I see great dangers in bringing those inspectorates together, as compelling as the arguments might be, although no doubt they are driven by the need to reduce costs. Her Majesty's inspectorate of constabulary is highly regarded and I see no compelling case for it to be merged with any other inspectorate, no matter how important. Indeed, those inspectorates are important, but that is an argument for them to be stand-alone too.

I want to discuss the question of the powers of the various police officers and police forces and community support officers. I am not being sarcastic when I say that I welcome the Conservative party's change in attitude towards CSOs. They are one of the Government's great successes and the Conservatives should be generous enough to acknowledge that. CSOs were introduced with a great deal of criticism, but now each of those officers is highly valued in our community and we need more of them.

My view, however, is that CSOs should be given constable powers. That is where successive Home Secretaries have been too nervous or have been given the wrong counsel by people in the Home Office. Hon. Members have already said that we can get some good, highly-qualified people who can exercise good judgment—they are selected for that. These are not people who are just taken from the jobcentre; they are selected people of good quality.

Often, such officers would hitherto—a decade or more ago—have been admitted to the police force as police officers. They should be sworn in as constables

and, although their powers could be limited by statute, they should have the capacity to arrest over and above that power which every citizen has. That would strengthen their status, especially as, under the Bill, the area in which they can exercise their remit will extend nationwide if they are loaned to other police authorities. Currently, their powers are limited to the constabulary for which they work.

When the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was Home Secretary and subsequently, I argued that the office of constable should be of a minimum standard laid down by statute. Many people are sworn as constables and they do a good job. I want to refer to them. There are parks police in Wandsworth and in Greenwich. Also, there are constables in some ports, but not in others. I shall return to that in a moment.

We also have some big non-Home Office forces, such as the Ministry of Defence police, British Transport police and the constabulary that looks after the UK Atomic Energy Authority's establishments. There is a variance as to their powers, which also applies to training. There should be some consistency—a minimum so that a constable, whoever he or she serves, has had basic training. That should be extended to CSOs. It would be very enhancing indeed.

I have produced private Members' Bills and have tried to interest those successive Home Secretaries in the need, in extremis, for all constables to have power to act. The Royal Parks police, which is a highly skilled force, has no more jurisdiction than you or I, Mr. Deputy Speaker, to arrest a person outside the curtilage of the royal parks. That is bonkers. Also, a ports policeman cannot use his discretion as a constable outside the curtilage of the port. That is madness—a waste.

There should be a constant standard and a policeman should have the duty to act as a policeman in extremis or in support of another police officer wherever appropriate. I would have thought this a good legislative opportunity for making such an amendment. British Transport police officers have had their powers marginally shifted in the last few years, but even officers of the MOD police, some of whom can be seen wearing policemen's uniform and wearing the traditional policeman's hat, have limited powers outside the curtilage or immediate vicinity of MOD establishments. That is ridiculous. This is an opportunity to extend, in extremis, the powers of all police officers and CSOs to act as constables and in support of any other police officer when necessary.

Special constables, who are not paid but greatly valued, are sworn as constables, in contrast with CSOs, who are full-time but not sworn. We have some good part-timers—unpaid volunteers—but they have the status of constable, which underlines the fact that it is illogical that CSOs cannot be constables.

I notice that, sensibly, special constables will now be able to carry out their functions in any part of England where they are on loan to another chief constable, but that makes it nonsensical to deprive people who are ports, parks or MOD police of that capacity. There should be a general review of the extent of the powers of all police officers.

The Bill does not cover the costs of policing our airports, but extensive reference is made to the powers of the police in what are referred to as aerodromes. That needs to be looked at expeditiously by the Home Office, because the existing arrangements are ludicrous and unfair to the council tax payer. For instance, BAA has to pay for the policing of Stansted airport, basically on the demand of Essex police authority—I think that is the correct course. Broadly, the system is that the chief constable of Essex can say, with the support of his authority, that he requires certain policing at Stansted, although there is an appeals and disputes procedure while close by in Luton there is no such payment by the airport. The council tax payer in Bedfordshire meets the full cost of policing there. There should be parity of treatment, for a number of reasons. There should be fairness to the council tax payer and fair competition; there should also be a proper standard of policing in all our airports, commensurate with the size of the airports and the number of customers using them. Surely the Bill could have made such provision, for those reasons and also in the interests of the Home Office.

Clause 8 extends the power of the police to search at aerodromes. I do not understand why it does not include seaports. Since 1992, I have drawn attention to the inadequate policing at many of our seaports, large and small. When the right hon. and learned Member for Folkestone and Hythe—who led the Conservative party at the last general election—was Home Secretary, I proposed the establishment of a ports police force. He dismissed the idea. At the last election, the proposal became Conservative policy. Regrettably, because of the way in which politics works in this country, my colleagues in the Labour party opposed it because it had been proposed by the right hon. and learned Gentleman. That is the kind of nonsense that happens in the United Kingdom. I think that it would be very sensible to establish ports and border police at our seaports; indeed, I consider it reckless not to make such provision.

My constituency has an extensive river frontage. We have the port of Tilbury, which does have a dedicated police force. I am very proud of that, and so, rightly, are those who work at the port. The force is small and has no critical mass, but at least it is there, and its presence greatly reduces the likelihood of organised crime such as people-smuggling. Regrettably, the force was privatised under the last Conservative Administration, but it is staffed by dedicated police officers.

On other parts of the river frontage, there are no police officers. Boats arrive from the continent two or three times a day, and there is no Home Office immigration, no Customs and Excise and no police officer. Do you think, Mr. Deputy Speaker, that those involved in organised crime do not know that? I have told successive Home Secretaries about it. They have massaged me, as it were, by allowing me to talk to the Home Office police adviser, and a delightful man he was too, but that will not stop organised crime in and through our seaports.

Successive Home Secretaries have plugged holes at Sangatte and other places, but they have not addressed the real problem. People enter the United Kingdom via a number of seaports, especially on the east coast, because there is no police force there. We need a dedicated, highly mobile force. They cannot be at every wharf or port all the time, but the mere fact that they could be there quickly and carry out operations would

*[Andrew Mackinlay]*

enable us to combat illegal immigration, people-smuggling and other crimes perpetrated by those who go in and out of our ports with containers.

I have just returned from the United States. The question of the Dubai ports was a big issue, and I was amazed that it had not been a bigger issue here. I do not want to go into the details of a debate that amounts to a scrap between Republicans and Democrats, but the United States Administration are likely to extract a price from the Dubai ports for their acquisition of P&O to proceed. They will probably pay for increased screening of containers.

I think that only about 3 per cent. of our containers are screened at our seaports. If the Dubai ports, or any other part of the port industry in north America, has to pay more for new screening technologies, that should be good for us in the United Kingdom and western Europe too. I think that there is a powerful case for seaport security and policing to be paid for by the user, per container. A small payment on each container would help to fund a dedicated ports police in this country. What happens in the United States is not our business, but if its ports industry is to pay more for technologies to combat crime, surely we are justified in saying that we should benefit from such resources too.

Clause 9 provides for additional police powers to collect information relating to flights and voyages. I support that, because I do not dismiss the gravity of the war against terrorism. I always felt that terrorism posed a serious threat, even before 11 September, and my view has not changed. That is why I feel so strongly about our seaports, and have detained the House on the issue. Nevertheless, collecting all that information on what the Bill describes as "flights and voyages" will not be much use without law enforcement officers—police—at our ports, who are able to reach the various wharves that surround the United Kingdom, particularly those on the east coast.

The Bill also confers additional powers on trading standards authorities. I imagine that the aim is to combat such offences as counterfeiting and breach of copyright, which is most necessary. Local authorities will have to use those powers. All too often, local authorities do not exercise their existing powers, because there are not enough trading standards officers to enforce them. I hope that the Bill will enable us to will the means, and persuade local authorities that trading standards are a high priority in the combating of crime, and organised crime in particular. Illegally copied compact discs on our market stalls frequently represent the end of a major criminal operation across the country.

Clause 38 extends the police complaints machinery to those who enforce asylum and immigration policies. I consider it very necessary. I have been very distressed by raids by immigration and asylum organisations and the Home Office on families asleep in their beds at 6 am on Sundays. Families do not run. Single men who are economic migrants, are by definition transient. In many instances, it is difficult for the asylum and immigration services to arrest them.

I regret to say that we are in the numbers game. When the Home Office knows that a family is involved, its personnel will move in at 6 o'clock on a Sunday morning and round up the lot. I find that extremely distasteful, and I believe that the police officers who are in attendance find it distasteful as well. It is one of the most harrowing and unjustified situations that can be created. However, when successive politicians stand at the Dispatch Box and argue about figures, rounding up a family of seven or nine on a Sunday morning looks good in terms of headline figures. The people concerned were all together. There is no necessity for such action. I believe that, regrettably, there have been grounds for considerable complaint and investigation, and I am glad that there will now be more opportunities for people to complain and to seek reviews of what has happened.

Members have mentioned the extradition provision. I am amazed that, although the United Kingdom has entered into a treaty with the United States of America and we are acting on it in good faith, the United States Senate has not endorsed it. I cannot understand why we tolerate that. It is a two-way process. Our bargaining chip is saying to Uncle Sam "You can have this facility, provided that you do right by us." When I was in the United States last week, I expressed bewilderment that the Senate had not passed the treaty. I was given a variety of reasons, one of which was that it feared that people who had left Northern Ireland might be affected.

I would not have thought, with all the legislation that we are passing now, that that was a problem, to be candid, but I think that the Prime Minister and the Home Secretary could say, "This treaty is available. The Queen has signed it. The UK has fulfilled its side of the bargain, but the treaty cannot be triggered until your legislature delivers its side of the bargain too." It is absurd. I ask the Minister to explain the logic of that. I do not say that sarcastically. I simply do not understand why we are acting in that way when the United States legislature, the Senate, is failing to implement the treaty.

The treaty has been in existence not for months but for years. I urge the Minister to reflect on that matter. Otherwise, there is a powerful case for the Bill to be used as a vehicle for amending the treaty or suspending it. I do not talk about individual cases. I have no brief. I want wrongdoers to be brought to justice as expeditiously as possible either side of the Atlantic, but there has to be parity of treatment.

For those reasons, it is useful for Parliament to explore the Bill. It contains a variety of measures, some of which are most welcome, and some of which we should treat with caution and perhaps amend during the legislative process. Above all, I hope that the Minister will reflect on the fact that the Bill is a wonderful opportunity to beef up the powers of community support officers and constables, whether they are in Home Office forces or the other forces to which I have referred. It is also a wonderful opportunity to think again about having a highly mobile, technical border or ports police, paid for by the ports industry, and to ensure that funding for policing our airports is appropriate, fair and balanced in terms of competition and the charge that should be forced on the council tax payer.

8.1 pm

**Mr. Mark Francois** (Rayleigh) (Con): I am delighted to be the fourth Essex Member of Parliament to be called to speak in the debate, following very good

speeches by my hon. Friends the Members for North Essex (Mr. Jenkin) and for Harwich (Mr. Carswell), and by the hon. Member for Thurrock (Andrew Mackinlay). It is a particular pleasure to follow the hon. Gentleman, as he eloquently expressed his reservations about the proposed mergers in Essex, and was physical testament to the cross-party campaign that we have conducted in our county against those proposals, about which we feel strongly and to which I shall return.

I commend the speech by my hon. Friend the Member for Arundel and South Downs (Nick Herbert), who spoke powerfully and with some passion from the Front Bench. He deconstructed the problems in the Bill, not least in highlighting its centralising tendency, which I deprecate but which I fear I cannot explain as eloquently as he did.

Neighbourhood policing is a theme that, as the Government have stressed, runs throughout the Bill. That is fine in concept, but I have a couple of practical questions to ask about it. I will take an example from my constituency. We would all like to see more police, but in a particular area in my constituency, Hull Bridge, which is by the River Crouch, people have felt for some time that there has been a dearth of policing and, in particular, of regular patrols by regular officers. That has come through to me in my constituency postbag and, of course these days, also by e-mail, and while I have been out canvassing in Hull Bridge. It cropped up on the doorsteps so often that it was impossible as an MP to ignore the strength of feeling.

As a result, last summer I organised a petition to encourage local residents in Hull Bridge to express their concern and to call for a regular policing team to be allocated to the area. That, I understand, is similar in concept to neighbourhood policing.

I presented that petition of some 1,300 signatures to the House on the day we rose for the summer recess last year. I am now actively pursuing the issue with the new divisional commander who covers the area. I wrote to him about it only last week. I hope that, if neighbourhood policing is to mean something in practice, we will see local police commanders doing their best, within the constraints they face, to respond actively to local residents' strong requests for more cover. I hope that the petition will produce a definitive result.

That leads me to a related point, which I raised in an intervention on the hon. Member for Thurrock, with which I think he had some sympathy and with which I hope the Minister will sympathise, too. It is about continuity in police command appointments. In the past few years, I have seen quite a high turnover in basic command unit appointments. As I understand it, in a number of BCUs, there will now effectively be a two-tier structure—the divisional commander, who will normally be a chief superintendent, and below that a district commander. If, for example, the division covers a number of local authority areas, the district commander will be coterminous, say, with the district or borough council boundary. That is certainly the intention in one of the divisions in my constituency. Therefore, we will have both a divisional commander and a district commander.

I know who the new divisional commander of one of my divisions will be, but I do not yet know who the new district commander will be. I am keen to find out. My local police have explained to me that the appointment will be made shortly and I accept that explanation, but if those people are to become well known as figureheads in their community, so that people such as MPs can make representations to them, it is important that there is some continuity in appointments and that we do not see the relatively highly turnover in senior posts that we have perhaps seen in recent years. I hope that that is a perfectly reasonable and entirely non-partisan point. I offer it to the Minister and hope that some progress will be made.

Extradition has been raised by a number of hon. Members, not least in what was a powerful speech by my hon. Friend the Member for Henley (Mr. Johnson), who put his points across with his characteristic personality. An important point of principle is involved. When these powers were debated in the House not so long ago, Ministers argued that an extradition agreement of such power was necessary to fight international terrorism. That is why the House was asked to approve that measure. That is fine as far as it goes. We can look any other nation in the eye and say that we have stood shoulder to shoulder with our ally the United States in fighting the curse of international terror. There is nothing for which we should apologise to anyone. The problem, I understand, is that the United States authorities have begun to try to use that agreement in ways that clearly go beyond combating international terror.

I will not stray into matters that are sub judice and raise individual cases. I understand the rules, but I am given to understand that there have been a number of occasions in the past year when the US Internal Revenue Service has attempted to use the treaty to extradite people to the United States to answer charges that they have not paid sufficient tax dollars to the United States Government. I can understand why the IRS might want to try to do that, but that is not the reason that the agreement was made. It is certainly not what Parliament was told when it was asked to approve that powerful measure. As other hon. Members have said, the United States, to add insult to injury, has not ratified the agreement at their end by passing it through the Senate.

There are likely to be other occasions in the near future when the Government come to the House to ask for special powers to fight terrorism. Indeed, they did so recently when they asked for the power to detain people for 90 days. The House was not convinced of the Government's overall argument and therefore they suffered a defeat.

If the Government come to this legislature to ask for powers that restrict individual liberty in order to fight terrorism, they have a strong moral obligation to ensure that, if the House grants those powers, they are used only for the purpose for which they were requested. The danger is that, if such a situation gets worse, when the Government, whatever their colour, come to the House, perhaps in an emergency, and ask for such a strong power, the House may be reluctant to grant it. That example may be cited.

I make a genuine plea to the Minister: this is an anomalous situation and it must be cleared up. Otherwise, there is a danger that, in future, the Government, whatever their colour, will be accused of crying wolf. I hope that that is not an unreasonable point and that the anomaly can be cleared up. The point

*[Mr. Mark Francois]*

has been raised by hon. Members on both sides of the House and I hope that she will take it genuinely on board.

I now want to discuss police authority and police force mergers. The Association of Police Authorities' briefing for this Bill says:

> "This Bill deals with proposed reforms to policing which are in addition to the merger of police forces that is currently also being considered, although to some extent the Bill anticipates elements of police restructuring."

I am pleased that the Minister for Policing, Security and Community Safety is at the Dispatch Box to hear me raise this issue, because I must emphasise to her in all sincerity that there are genuinely strong feelings in my county on it. If she did not believe that before this evening, I hope that the representations that she has heard tonight from four Essex MPs leave her in absolutely no doubt. Indeed, other MPs from our county have spoken on this issue in other debates, as well.

Telephone and internet polls conducted by local newspapers show overwhelming support for the view that the Essex force should stand alone. Phone-ins to Essex radio stations have produced a similar result. There is very little support at all among the general public for the Government's proposed mergers, which is not very surprising. We in Essex have a strong sense of identity, as the Minister doubtless realises, and we do not want our policing to be performed remotely by a chief constable based in Cambridge or—dare I say it, Mr. Deputy Speaker, with you in the Chair?—even in Ipswich. We want our chief constable to be based in Chelmsford, where that person can best understand the needs, security and policing of our county.

We do not want the council tax to go up, because the policing precept would have to rise. Currently, we in Essex have one of the lowest precepts in East Anglia at £105 a year for band D properties. Norfolk's precept is £145, so under equalisation our precept would undoubtedly have to rise. It is fair to say that Essex council tax payers pay enough as it is, so there is absolutely no enthusiasm for this idea on financial grounds.

**Andrew Mackinlay:** The hon. Gentleman makes a very powerful point about Essex council tax payers having to pay more. That is true, but the efficiency of the Essex constabulary is matched by its high performance indices. It is a very successful force because it operates at relatively low cost, but maximum efficiency. The hon. Gentleman might like to amplify that point.

**Mr. Francois:** I am very grateful to the hon. Gentleman for making that point, which is entirely right. In most of the examinations carried out by the police, Essex constabulary scores rather highly, so it is not as though the system is broken. The Essex force is not broken and it genuinely does not need to be fixed.

**Mr. Jenkin:** By way of amplifying the point, our police force is among those with the highest morale in the United Kingdom. I hope that Ministers will reflect on the fact that smaller forces tend to have high morale and larger ones tend to have poorer morale. Of course, the largest force of all, the Met, has the lowest morale.

**The Minister for Policing, Security and Community Safety (Hazel Blears)** *indicated dissent.*

**Mr. Jenkin:** The Minister shakes her head, but I can assure her that that is the case.

**Mr. Francois:** When I served as a young officer in the Territorial Army, I learned a bit about morale. One of the great mottoes that was drummed into me as a junior subaltern was, "If it ain't broke, sir, don't fix it." Our police force is not broken and it genuinely does not need fixing. I agree with my hon. Friend and I hope that the Minister will take that point on board.

The Government have set an arbitrary target for Essex of some 4,000 officers, and Essex regulars currently number about 3,300. However, if the Government press ahead with building all the houses in Essex that they want up to 2021 and the population of Essex increases by hundreds of thousands as a result—I am not in favour of that policy; the Government want 123,000 new houses, which would mean an extra third of a million people, or so—it is clear that the number of police will go up pro rata. That would easily take us beyond the 4,000 limit. So if the Minister wants a rationale for her own arbitrary figure looking into the medium term, I have just given it to her.

I turn to fighting terrorism, which others have touched on. I understand that for the so-called category 2 tasks, the Minister does not favour federation. I think that such an approach has merits, but if she is convinced that that is not what she wants, I have another suggestion for her. We could meet the requirement through a beefed-up Serious Organised Crime Agency's working closely with local forces in certain parts of the country. The chief constable of Essex has suggested that certain tasks are best handled by SOCA, although in fairness, the Essex force has considerable experience in fighting terrorism because of the special facilities at Stansted. The Minister is well aware of that, and she also knows that the Essex force gave considerable assistance to the Met on 7/7. So I do not believe that we are weak in that particular department.

The Minister will have been involved in negotiations with a number of police authorities in the past few months. She will know that in several areas throughout the country—I do not mean to disparage any other part of the United Kingdom—there has not been unanimity of view. In some counties, the police authority, Members of Parliament, the county council and the chief constable have seen this issue differently and have not necessarily spoken with one voice. However, in Essex precisely the contrary is true. The police authority, the chief constable, Essex county council, the vast bulk of district and borough councils and 15 of the 17 Members of Parliament—including the hon. Member for Thurrock, the hon. Member for Colchester (Bob Russell), who has spoken on this issue before, and all Essex's Conservative MPs—publicly signed a pledge urging the Minister to listen to us and to allow the Essex police force to continue to stand alone. I cannot speak for every other county in the country—I do not have the precise data—but as I stand here this evening, I know of

no other county in which there is such firm unanimity of view on this issue as there is in Essex. As I have said, that has been physically evidenced tonight.

The Prime Minister has said repeatedly that he will listen to local people on this issue. I very much hope that he will, and we in Essex look for some real evidence of that. I very much agree with what my hon. Friend the Member for North Essex said about Essex county council's actively considering holding a referendum on this issue if the Government refuse to listen to reason. In other words, if push does come to shove, we will hold a poll across the county to allow people to express a clear opinion on what the Government are trying to do. I am very confident of what the outcome would be, and I suspect that, in her heart, so is the Minister. I ask her seriously not to put us to the trouble of doing that. Our police force is not broken. It is not perfect, but it is overwhelmingly popular. There is cross-party support for it, and political support at all levels in the county. Please, please listen to us, and allow our force to stand alone.

8.17 pm

**Mr. Edward Garnier** (Harborough) (Con): I want to begin with an apology. Like a number of Members who have spoken in today's debate, I was not here at the outset to hear the Home Secretary introduce Second Reading. My excuse is that I was obeying the law. Under the Criminal Justice Act 2003—or, at least, those of its provisions that repeal the Juries Act 1974—my exemption, as a Member of Parliament, from jury service was abolished. Until the passing of the 2003 Act, I was exempt from such service because of my membership of this House, because I am a member of the Bar, and because I am a judge. All three exemptions have gone and I was required to appear at the Old Bailey at 9 o'clock this morning to surrender to jury service.

I had no particular objection to doing that; however, I have had a frustrating day. Needless to say, on the first occasion that I was called to take part in a trial, I knew the judge and several members of the Bar. Furthermore, the case involved the trial of some prison officers—and given that I am shadow Minister with responsibility for Opposition policy on prisons and prison officers, it was thought perhaps inadvisable for me to take part in that trial. However, after lunch I was given the opportunity of another go. That trial, like the first, was projected to last for several months—well beyond the two weeks for which I had been summoned. Eighty of us were put into the jury-in-waiting, of whom 20 were selected to stand by for next Wednesday and participation in the jury. Needless to say, I was disqualified again because I knew the judge—indeed, I had lunch with him about four weeks ago—and a member of the Bar. All in all, it was a deeply frustrating day—because it meant that I was unable to enjoy the Home Secretary's speech this afternoon. I apologise, through you, Mr. Deputy Speaker, to him and to the rest of the House, but I see that I am not the only Member who missed the opening speeches. I am at least here for the closing speeches. There is a category of Member that has missed the opening speeches and the closing speeches, although if they hurry they may catch the Minister of State's response to the debate. I look forward to welcoming those Labour Members who have not found it convenient to be detained here.

The Bill is something of a curate's egg, which is hardly surprising as it is 139 pages long. It is yet another doorstop or telephone directory of a Bill. They come out of the Home Office at regular intervals and huge acreages of Norwegian or south American forests are destroyed to produce the paper for them. There are far too many Home Office Bills and while they are not wholly imperfect, they are—as so many hon. Members have demonstrated today—riddled with imperfections that require close examination in Committee. However, this Bill will not receive the necessary close examination in Committee because it will be guillotined. All sorts of good amendments and criticisms will not be discussed as a result. We will have to rely on the other place to do our work for us. That is the end of the sermon.

The Bill can be divided into three themes—police centralisation, extradition and amalgamation of police and court functions. At least, those are the themes that have emerged from the debate today. It is uncontroversial to claim that of the 18 Members of Parliament, including the Home Secretary and the Chairman of the Select Committee, who have spoken in the debate, support for the Bill has been qualified—except from the Home Secretary. Even the absent Labour Back Benchers who read out the Whips' notes were not entirely enthusiastic about the contents of the Bill. I look forward to hearing the Minister of State's enthusiastic endorsement of whatever it was that the Home Secretary said this afternoon, but the rest of us have serious concerns about the creeping centralisation of control over the police, of which this Bill is another example.

The Government say that their powers under the Bill to exercise authority over particular police authorities—they will have an easier task when there are only 12 instead of 43—will be used only as a last resort. However, we need to place that claim in the context of the project to amalgamate police forces. I appreciate that the Bill is not about amalgamation of police forces, which will be achieved by executive decree by the Home Secretary. We have already had a written parliamentary statement from him last Friday, when a sparsely attended House was presented, at a late hour, with some proposals for the amalgamation of a certain number of police forces. I doubt whether we shall ever have an opportunity again to deal with the issue in a proper parliamentary way. However, as my hon. Friend the Member for Hornchurch (James Brokenshire) pointed out in a telling speech, that so-called promise—undertaking might be a better word—not to use the powers except in exceptional circumstances is absent from the Bill. I have learned through bitter experience since 1997, when the Government came into office, that unless a promise is made at the Dispatch Box by a Minister and is recorded in *Hansard*, or is made in some other official written way, it is unlikely to be kept. So when the Government say that the powers will be used only as a last resort, I see that more as a threat than as a benign indication of intent.

The Bill is the pathfinder for the regionalisation of police forces, and my hon. Friends the Members for North Essex (Mr. Jenkin), for The Wrekin (Mark Pritchard), for Rayleigh (Mr. Francois), for Kettering (Mr. Hollobone), for Hornchurch, for Bexleyheath and Crayford (Mr. Evennett) and, of course, for Arundel and South Downs (Nick Herbert) made that very point.

*[Mr. Edward Garnier]*

It is such an obvious point that it pains me that we have to keep on making it, but the Government still seem not to have taken it on board. The essential connection between the police and the policed is being loosened.

There are more and more indications from the Government that they wish to pull in to Whitehall, disguised as strategic policy making, control over operations. Chief constables will have to follow the Home Secretary's directions or risk their jobs. I am not sure that the British public think that that is a proper way to proceed. We should always beware Government claims that the national policing improvement agency will

"assist police forces to deliver . . . national . . . priorities"

and

"support national implementation of the Home Secretary's key priorities for the police, as set out in the annual National Community Safety Plan".

Such offers of help from this Government, with their history, should be viewed with great scepticism, and I trust that in Committee hon. Members on both sides of the House will follow the example of the hon. Member for Thurrock (Andrew Mackinlay). I hope that he is a member of the Committee, although I doubt that the Government will be brave enough to appoint him. He demonstrates every time he rises to his feet that the duty of a Member of Parliament, whether on the Floor of the House or in Committee, and after acknowledging the political party to which he or she belongs and that most of us were elected as members of a particular party rather than—as the fiction has it—as individuals, is to hold the Government to account. If we do not do that, we might as well pack it in and not bother. I do not need to look far across the Chamber to find many hon. Members who seem to have given up on that duty.

If crime and disorder reduction partnerships are so good and need to work with the basic command units, why will we see a reduction in their number? That point was made by my hon. Friend the Member for Arundel and South Downs and echoed by many others. Statutory basic command units and direct control by the Home Secretary seem to march hand in hand, and it is not a particularly controversial prediction to suggest that before long the Home Secretary and his Ministers will have their sticky little fingers all over the day-to-day detailed work of the police throughout the country. Power is being drawn into Whitehall—other Members have used more colourful language—and as it goes, so too does real public accountability, a point well made by my hon. Friends the Members for North Essex, for Arundel and South Downs and for Bexleyheath and Crayford and, by implication, if not expressly, by many others.

The second matter covered in the debate was extradition. The Bill is not directly to do with the UK's arrangements with the United States, but the treaty has been much discussed and it is of genuine and proper concern among the public and my hon. Friends, especially my hon. Friend the Member for Henley (Mr. Johnson). It seems to me that the purpose of all extradition treaties is to ensure that those who commit crimes, or who are suspected of committing crimes, in other jurisdictions cannot escape justice by going to another country. We do not extradite suspects to face the death penalty or torture, which is why we have memorandums of understanding with countries such as Libya, Syria, Jordan and Tunisia. Some of those memorandums have been implemented and some have not, but the mere fact that we need them suggests that the Government realise that extradition law and the need to protect our citizens from unjust extradition law—indeed, to protect any citizen, whether a UK national or not, from unjust extradition—is extremely important.

There is a real sense of the injustice and lack of fairness in our current arrangements with the United States and although we cannot deal with them tonight, nor can we amend treaties by legislation, there should be ample room for proper, full, calm and considered discussion of the United States extradition arrangements in Committee and I trust that time will be provided for that purpose. It is not right for other jurisdictions to trawl in our jurisdiction with a finer net than we can use in theirs. If the principle of comity of nations is to mean anything, we need to revisit our treaty with the United States.

The third theme of the debate was the amalgamation of police and court functions. The separation of powers should be not merely recognised as an important part of our constitution, but entrenched in legislation, especially when the conventions that uphold that separation in our largely unwritten constitution are being shown less respect by the Government day by day. For example, the issuing of penalty tickets by weights and measures inspectors may on the face of it seem a perfectly sensible administrative step, but the inspectors are being given the power to exercise those punitive powers by a police officer, not by the courts. The power of police officers to impose penalties under conditional bail arrangements should also be looked into in the context of a proper separation of powers. If we allow such things to be ignored as matters of tedious hindrance to a Bill that is at least partly meritorious, we let ourselves down, and we certainly let our constituents down.

I was unable to be in the Chamber to hear some of the speeches, including that of the Chairman of the Select Committee, and I heard only the tail end of the speech of the hon. Member for Hornsey and Wood Green (Lynne Featherstone). However, I do none of the speeches an injustice, nor do I paraphrase them unfaithfully, when I say that everyone, apart from the Home Secretary and, I dare say, the Minister for Policing, Security and Community Safety—*[Interruption.]* I never anticipate what the right hon. Lady is about to say. I do not need to; she repeats herself with great frequency on every occasion—none the less, it is always a delight to listen to her.

The three themes that I have identified are matters of concern and even though we shall not force a Division—nor, I dare say, will the Liberal Democrats—the Government cannot allow our decision to let the Bill achieve Second Reading undermine the sincere and proper criticisms that have been made on both sides of the House in cross-party fashion.

I want to finish by reminding ourselves of what the hon. Member for Thurrock had to say about police powers and mergers. He is concerned that we tend to reorganise when we do not know the answer to a

problem. That problem was identified not by him, but by thinkers during the early centuries of the Roman empire.

**Andrew Mackinlay:** I was irritating them then, too.

**Mr. Garnier:** Yes, the hon. Gentleman was.

There is plenty of evidence that that governmental habit has been repeated decade after decade, so let me take my hat off to the Government—they win no prizes for originality, but they certainly win prizes for lifting up the pot plants to see what the roots are doing.

I want to end now because the Minister for Immigration, Citizenship and Nationality is getting restless, and I think that he would like to be elsewhere. I want him and his colleagues to have the opportunity to think—not something that he or they do often, but he may as well have the opportunity.

**Stephen Pound:** The hon. and learned Gentleman has really caught the mood of the House.

**Mr. Garnier:** I have, have not I?

I invite those hon. Members who will serve on the Committee in due course to use that opportunity to improve the Bill, to make it one that recognises the difference between the courts and the police and between the prosecution and judges—between the various limbs of our constitution—and if they do all that, although I am not hugely confident, the Bill that returns for debate on Report and Third Reading may well be a better one, but I shall not hold my breath.

8.36 pm

**The Minister for Policing, Security and Community Safety (Hazel Blears):** I am sorry that the hon. and learned Member for Harborough (Mr. Garnier) has had such a frustrating day. He is clearly far too well connected in the worlds in which he moves. Perhaps I can suggest that he would not have such a frustrating day if he did his jury service in Manchester or some far-flung part of the United Kingdom. I am grateful to him for finding time to come to the House, but I am disappointed that he has indulged in some fairly gratuitous remarks and some fairly patronising comments. I shall try to respond to the far more constructive contributions that have been made by hon. Members on both sides of the House. If the hon. and learned Member for Harborough is to join us in Committee, I look forward to many hours of discussing the intricacies of such decisions. Unfortunately, he may well be on jury service, and we will be denied the pleasure of his company.

**Stephen Pound:** In Salford.

**Hazel Blears:** I would not necessarily mention Salford; I said that the hon. and learned Gentleman could come to Manchester, which is very different from saying that we would welcome him in Salford.

The hon. Member for Arundel and South Downs (Nick Herbert), who opened the debate for the Opposition, emphasised, as did a number of his Opposition colleagues, that in his view, the Bill was very much about centralisation. I simply tell him that he is wrong about centralisation, and about all the provisions of the Bill. He is relatively new to his post speaking on police reform. If he cared to examine the White Paper, "Building Communities, Beating Crime", which we originally published in November 2004, he would see that it represented a significant departure from where policing had been until that point. That White Paper was about engaging local communities, building neighbourhood policing and introducing neighbourhood police teams that would work with local residents to set priorities. When we debated that White Paper, it was a bit of a revolution, because we were making a huge step change.

What I have heard in tonight's debate is that Conservative and Liberal Democrat Members have come on to our territory of localism, empowerment, neighbourhood policing and community engagement. I am absolutely delighted that the new Conservatives have now decided that the territory that is popular with the public involves talking about neighbourhood policing and how we engage communities. When I first started to talk in the House about community engagement, I used to get horrified looks from the Opposition, who were asking themselves, "What is this woman going on about? Neighbourhood teams and engaging local people—so much claptrap!" But what do we see now? They are desperate to be on the same territory.

**Mark Pritchard:** How can the Minister correlate moving the headquarters of West Mercia police from the three counties of Herefordshire, Shropshire and Worcestershire to the urban base of Birmingham, with making policing more locally accountable and neighbourhood policing more visible to my constituents in Shropshire?

**Hazel Blears:** Any decisions about headquarters are operational matters for the police authority to consider in due course. The hon. Gentleman's community will be concerned about local neighbourhood policing. Only this Government have given a manifesto commitment that every community in England and Wales—rural, urban and inner-city communities, and market towns—will have a neighbourhood policing team. Local people will know the names of those involved, have their e-mail addresses and be able to set their local priorities. The Conservative Government never said that there would be local neighbourhood policing teams, so I am afraid that the hon. Gentleman is wrong about centralisation.

The Bill is about establishing neighbourhood teams, strengthening the basic command unit and the crime and disorder reduction partnership, locally elected members from local authorities playing a much more visible role, and conducting face-to-face briefings by the BCU commander and the local community safety portfolio holder to provide accountability. It makes provision for the community call for action that enables local residents to trigger action on the issues that are of concern to them. It also covers the standardisation of powers for community support officers. Each of those measures is about decentralisation and engaging local people. I am afraid that the hon. Gentleman is way off target when he talks about centralisation.

**Mr. Jenkin:** I think that the right hon. Lady is a little confused. She is saying that the Secretary of State is taking powers to make those things happen. Would she

*[Mr. Jenkin]*

like to pretend to the House that the Secretary of State is giving up powers? Is that what she is saying? No, she is not. She is saying that the Secretary of State is taking more powers to control the police. That is why we regard the Bill as a centralising measure.

**Hazel Blears:** I am certainly not confused. I am absolutely clear about what the Bill is designed to achieve. It is about implementing the things that were in our White Paper about devolving power to local people, engaging local communities and making sure that they have more of a say in what happens. The Government are committed to the tripartite balance that is important to ensure the independence of policing in this country. We want to make sure that we have appropriate powers at the centre, but that there are also strong operational powers, through the chief constables and particularly through BCU commanders. We will do that by putting them on a statutory footing.

We also want to ensure that the new police authorities have increased powers. For the first time, their power to hold the chief constable to account will be in statute, and they will be given further powers through secondary legislation. In particular, they will be given the responsibility to consider diversity in policing, which will be an extremely important power for them to have. As I said, the increased involvement of locally elected councillors through the crime and disorder reduction partnerships will strengthen the tripartite balance so that we do not risk the danger of our policing losing its independence.

The issue of elected police authorities was raised. More than 18 months ago we consulted, through the White Paper, about whether there should be directly elected police authorities. The rejection of that option was virtually unanimous. There were a number of serious objections, including the danger of extremist groups obtaining representation, particularly if there was a low turnout in the elections, and the potential for single issue groups to dominate. Liberal Democrat Members have raised some of those concerns in relation to the community call for action. Another consideration was a possible move to a much more short-term approach. If elections were approaching, there would be a real temptation to direct resources into the area of the greatest political and electoral advantage. There would be the potential for the politicisation of the various accountability bodies. Any move to direct elections needs to be thought about extremely seriously.

As long ago as 1994, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) said:

> "I reject entirely the view ... that there should be directly elected police authorities. That would be a recipe for politicising the police service."—[*Official Report*, 26 April 1994; Vol. 242, c. 112–13.]

Presumably the Conservatives have entirely rejected their previous position and want direct election. Have they taken into account the whole series of serious objections that people have because of the possibility of direct elections skewing the important democratic balance of the tripartite relationship that has served this country extremely well by ensuring the independence, particularly the political independence, of our police service?

**Nick Herbert:** I am sorry that the right hon. Lady has so little faith in local democracy. She talks about maintaining the tripartite relationship. Will she comment on the concerns of the Association of Police Authorities, which has said:

> "These provisions represent a fundamental constitutional change and a significant shift in the balance of power within the tripartite relationship. The APA will vigorously oppose them."

**Hazel Blears:** I understand the concerns of the Association of Police Authorities about putting the membership of police authorities into secondary legislation. I can give the assurance again from the Dispatch Box, as I have given it personally, that putting the requirements into regulations in secondary legislation is simply a way of making sure that we do not have to have primary legislation every time that we need a change. Given the provisions relating to health or to education, the provisions for membership are in secondary legislation. We are seeking to ensure that membership of police authorities can be flexible so that we do not have one rigid formula. Some police authorities will need to be larger than others to ensure democracy so that members of each authority can be represented on the new strategic authority.

I am delighted that my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) broadly welcomed the Bill's provisions. He talked about seeking to get the balance right between driving performance, which has been absolutely key, and maintaining independence. My right hon. Friend has asked us to consider intervention powers carefully, and try to ensure that they are tailored to deal with the situations that might arise. My right hon. Friend the Home Secretary referred to a backstop and a last resort. We do not want to be coming to the Dispatch Box whenever there is an issue involving local police forces. The powers need to be flexible enough to enable us to respond to situations that might arise as a result of a public inquiry, not simply a report from the inspectorate.

My right hon. Friend the Member for Southampton, Itchen welcomed the idea of the national policing improvement agency, and asked us to ensure that there will be provision for embedding good professional practice, such as professionalising investigation projects and the work that has been done by the National Centre for Policing Excellence. I can give him that reassurance. The first three mission-critical priorities of the improvement agency will be first, embedding neighbourhood policing; secondly, responding to demands to share information, as recommended by the Bichard inquiry; and thirdly, trying to ensure that all our forces throughout the country have better provision to respond to level 2 crime—serious and organised crime. That is one of the major factors behind the restructuring process that is taking place.

My right hon. Friend also raised concerns about conditional cautions. I hope that I can give him some reassurance that it will be for the Crown Prosecution Service to decide whether a conditional caution is suitable and to identify the appropriate conditions. The hon. Member for The Wrekin (Mark Pritchard) raised

the issue as well. There is also the question of whether the police might take the lead in identifying cases that they think would be suitable for a conditional caution. It will be for the CPS to consider the conditions. There will be a separation between the arresting officer and the person who decides on the make-up of that caution, whether it is punitive or one of reparation. That is probably the right balance.

I can also give the reassurance that the process is not designed to deal with serious and violent offenders. It is very much about first-time offenders, and particularly young people. I hope that if we can get the system to work quickly, someone committing criminal damage, for example, on a Wednesday, and admitting their guilt would be given a conditional caution, and could soon be out in the local park, perhaps, making reparation. I hope that there can be a quick connection between the offence being committed and punishment. That is particularly effective when dealing with young people.

Concerns have been raised about parenting orders and ensuring that registered social landlords and local authorities are sufficiently trained and have the necessary expertise. My hon. Friend the Member for Bridgend (Mrs. Moon) raised some similar issues, as did Liberal Democrats. There will be safeguards in place and we will issue statutory guidance. Many registered social landlords are now working in partnership with social services and education authorities as part of a multi-agency team to tackle antisocial behaviour, and we will ensure that they continue to operate in that way.

My hon. Friend the Member for Stockton, South (Ms Taylor) made a telling intervention highlighting the right of the community to set priorities for local action and to ensure that both the police and local authorities are called to account to tackle those matters. That is an illustration of the fact that the Bill is about devolution rather than centralisation.

**Andrew Mackinlay:** Clause 15 gives district councillors a duty to refer a complaint by a constituent to the appropriate committee of his or her council. I do not oppose that procedure; I can see some merits in it. However, there are two things that concern me. First, the constituent's expectations will be enormously high. Secondly, as far as I am aware, this is the first time that such a specific duty has been given to a local district councillor; it has not been done by any other service. I share the House's nervousness and hesitation about whether our councillors, even the best, are fully acquainted with what the duty will involve and what its ramifications are. How will they deal with those matters, and has there been any guidance or discussion?

**Hazel Blears:** I can assure my hon. Friend that I have had extensive discussions with the Local Government Association, which is pleased that we are giving local councillors a fundamental role. They will become advocates for their local community, and that is an entirely proper role for them to undertake. It is a new and innovative power to enable local residents to call to account not just the basic command unit commander but the local authority and other partners in the crime and disorder reduction partnership when action is not undertaken. That is an extremely powerful tool.

Clearly more detail is required, including time scales, but the local councillor will play a central role. I did not want the creation of new police panels and panels to lead us to neglect the established mechanisms that work in local government. I fundamentally believe that local government and local democracy are extremely important, so making them work effectively will help to raise the esteem in which local councillors are held. If local authorities, including Liberal Democrat councils, do not use the antisocial behaviour powers as they should, local residents can use the community call for action to make them use them and address the problem of antisocial behaviour in their community.

**James Brokenshire** *rose—*

**Hazel Blears:** May I try to make progress in dealing with hon. Members' contributions? Otherwise we will all be here until 10 pm.

The hon. Member for Hornsey and Wood Green (Lynne Featherstone) supported some parts of the Bill, but was concerned about the community call for action. I hope that she is reassured that it aims to make councils, particularly Liberal Democrat ones, take action on certain issues. I was disappointed that she did not offer any positive proposals to try to address those issues, but in Committee she may provide more details. She also expressed concern about parenting orders, but I have dealt with the question of registered social landlords.

I am delighted that my hon. Friend the Member for Bridgend welcomed the coterminosity between basic command units and local authorities, which is important in tackling antisocial behaviour. I urge all hon. Members not to forget that more half of all antisocial behaviour orders are served on adults, so it is not simply young people who are involved in antisocial behaviour. Time and time again, I say that 95 per cent. of our young people are good and decent individuals who contribute to their communities and do a fantastic job. We are talking about a small minority, many of whom are adults, who simply do not abide by the rules.

My hon. Friend raised the important issue of facilities for young people, as did several Opposition Members. The first chapter of the respect action plan talks about unlocking the positive potential of our young people. The plan highlights a significant investment by the Department for Education and Skills in youth facilities. About £500,000 for the average local authority was announced in the Chancellor's pre-Budget report, particularly so that young people themselves can be involved in shaping and designing facilities, whether an internet café or a skateboard park.

Even more significantly, £100 million of public funding will be used to back the Russell commission's proposals to enable 1 million extra young people to become involved in a range of exciting volunteering opportunities. There will be short-term and long-term opportunities. Some will be full-time and others part-time, and they will give young people a chance to do the things that, in some cases, only better-off young people have had the opportunity to do. Youngsters from disadvantaged communities will have the chance to undertake if not a gap year, a gap three months or a gap six months, which will help to widen their horizons. There will therefore be a huge amount of extra help in the respect plan to give young people more places to go and better things to do. We want to make sure that we involve people in more constructive activities to reduce

*[Hazel Blears]*

crime and antisocial behaviour on our streets. I hope that my hon. Friend is encouraged by those proposals, but we need to make sure that Conservative local authorities take them seriously and involve young people in drawing up those proposals.

The hon. Member for North Essex (Mr. Jenkin) was off the mark when he said that the Bill was about centralisation and talked about the powers of intervention. A few years ago in the police service there was not even a framework for performance. Police forces will admit that over the past few years there has been a huge transformation, with the introduction of the policing performance assessment framework, which I am sure the hon. Gentleman's local force will tell him about. If he thinks that localism means hands off and a free-for-all, and allowing high crime areas not to improve as fast as low crime areas, he is not doing his constituents a service.

Localism or devolution is possible, but it must be balanced by proper standards. Among the police forces that the police standards unit have engaged with, in underperforming forces crime has fallen at twice the rate that it has in forces with which the unit has not engaged. That shows that intervention can work to drive up performance and reduce crime. Without such intervention we would not have seen the massive falls in burglary, vehicle crime and robbery over the past few years, for which all our constituents are grateful. The hon. Gentleman must get the balance right between giving people autonomy and allowing a free-for-all which leads to a postcode lottery in crime.

I am disappointed that the hon. Member for Henley (Mr. Johnson) is not in his place now. He has come and he has gone. Perhaps that will be his epitaph. He made an amusing reference to his constituent having been hoovered across the Atlantic—I am not sure whether he was referring to J. Edgar in those terms. He raised concerns about the Extradition Act 2003, and serious concerns have been expressed by several hon. Members about extradition.

Clearly, the Bill does not deal with the different evidential tests in the UK and in the United States of America, but I acknowledge the concern about the failure of the US to endorse the treaty. I can assure hon. Members that we are constantly pressing for the matter to be properly considered. I am sure it will be raised in Committee and that Members will want to make their points. The difference between the tests—that is, in terms of probable cause or information—is a product of the US Bill of Rights, which clearly cannot be amended. We have probably got the best balance that we can get in the treaty, but I understand hon. Members' genuine concerns about making sure that it is endorsed, and we will continue to press for that.

I am delighted that the hon. Member for Bexleyheath and Crayford (Mr. Evennett) wants to help to build a culture of respect in the community. I am sure that he will support his police and local authority in doing that. He also supports community support officers. I can tell him that there will be 18,000 more CSOs over the next couple of years, in addition to the present 6,000 officers, and the community call for action will be a practical power to make sure that a light is shone on problems that may have persisted for months if not years, so that we can get things done. If neighbourhood policing works as we want it to, there will be less and less need to use the community call for action, because local people will genuinely be involved in getting things done.

In an excellent contribution, my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) welcomed the powers for CSOs, especially in connection with truancy. She knows that children who are not in school are far more likely to be involved in crime and antisocial behaviour. She also raised issues concerning the ability of police officers to monitor football banning orders and to have access to people travelling to football matches.

I undertake to consider my hon. Friend's proposals extremely carefully. I have no doubt that they will be raised in Committee. She made some telling points, which I know were well informed by her local Police Federation representative, with whom she is in close touch. She also supported the proposals for the extra search powers at airports, and I am grateful for that. As usual, she is practical and in touch with her community, and makes an excellent contribution.

The hon. Member for The Wrekin (Mark Pritchard)—

**The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty):** By contrast.

**Hazel Blears:** Yes; the hon. Member for The Wrekin is not present. He raised the subject of West Mercia police, which is an excellent police force, but is not currently assessed on level 2 issues involving serious and organised crime. His contribution was reasonable, and I assure him that the proposals are designed to strengthen protective services and provide resilience for neighbourhood policing. The commitment to the provision of neighbourhood policing, together with the national quality of service standards, should mean extra neighbourhood policing in both rural areas and high-crime areas.

The hon. Member for The Wrekin said that he had not had an opportunity to debate the amalgamations on the Floor of the House, although he has had the opportunity to debate CSO powers. However, the Police Act 1996 was introduced by a Conservative Government, and we are proceeding under those provisions. The 1996 Act did not provide for referendums, so we are proceeding in the accepted way.

I entirely reject the proposition advanced by the hon. Member for The Wrekin that morale in the police service is low. The Police Federation, the superintendents, the Association of Chief Police Officers and Unison all see merit in the proposals to move to larger more strategic forces, which will give us more capacity and resilience.

The hon. Member for Hornchurch (James Brokenshire) discussed centralisation, which I have dealt with. He also discussed the establishment of the single inspectorate, which is not about saving money. We anticipate spending the same amount of money, although we may make some marginal efficiency savings. The inspectorate of prisons is important, particularly given the human rights issues concerning the treatment of prisoners in custody. We must bring the inspectorates together, but we have given an undertaking that we will not abolish the role of the

prisons inspector until we are satisfied that the new combined inspectorate can deal with such issues properly.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) discussed children and young people. I am delighted that she now welcomes the role of CSOs, and if she examines clause 4(2), she will see the provision on proper training and CSO powers. I confirm that I am working incredibly closely with the Minister for Children and Families in the Department for Education and Skills, the Minister of Communities and Local Government in the Office of the Deputy Prime Minister, and the Department for Culture, Media and Sport on all the issues in the respect plan.

I was delighted by the generosity of the hon. Member for Mid-Dorset and North Poole in admitting that parenting orders can be extremely effective. Many parents say that they wish that they had had parenting orders years ago, and that those orders are the best things that have happened to their families.

The hon. Member for Kettering (Mr. Hollobone) discussed persistent and prolific offenders. He wants the Bill to give police community support officers the power to disperse people outside as well as inside dispersal zones. The proposals for dispersal orders were fought hard by Liberal Democrat Members, and we now have provisions to disperse groups within an area. General dispersal orders would probably stretch things too far, but I understand the passion with which the hon. Gentleman made that point, because he wants to ensure that the community is safer. I think that we have struck the right balance on dispersal orders, which local authorities can use to make communities significantly safer.

The hon. Member for Harwich (Mr. Carswell) wants to see the introduction of elected sheriffs and, as he described it, "real localism". As I have said, we have some concerns about politicisation and the possibility of police authorities being taken over by those who shout loudest, and there is the possibility of extremist involvement, too.

My hon. Friend the Member for Thurrock (Andrew Mackinlay) made some excellent points about longer sentences for violent crime, and he knows that the Violent Crime Reduction Bill includes measures covering guns and knives. He said that he has "a large river frontage"—although I think that it is his constituency that has the large river frontage, rather than him. That means that he has an excellent knowledge of immigration issues and problems involving ports and borders. He called again for the creation of a dedicated force to address such matters, and we are making sure that the police force, special branch and immigration officials work more closely together to deliver a joined-up service. The current system probably does not go far enough for my hon. Friend, and I am sure that he will continue to press us. He also mentioned travel information and extradition; I am sure that he, like us, will continue to press for the endorsement of the extradition treaty.

The hon. Member for Rayleigh (Mr. Francois)—an abundance of Essex men spoke in the debate—welcomed neighbourhood policing, and asked for continuity in police appointments. That is a genuine point. North Wales adopted a system whereby the neighbourhood policing teams committed for a period of two to three years on a contract basis, which has enabled them to build relationships with their local community. That is the kind of development that I would want to see. However, these are operational matters for the chief constable; they are not to be dictated from the centre but decided locally.

I acknowledge the hon. Gentleman's strength of feeling about mergers, which he shares with other Members from Essex. We will take advice from the professionals at Her Majesty's inspectorate of constabulary, who will give us their considered assessment of the ability of the forces to cope with level 2 serious and organised crime. I know that the hon. Gentleman will want to ensure that his constituents are properly protected and at the same time have good, effective neighbourhood policing.

**Mr. Francois:** I am grateful to the Minister for acknowledging the strength of feeling in the county of Essex. She said that the Government would take advice from the professionals. No doubt they will. Will they also take advice from the most senior police officer in Essex—the chief constable, Roger Baker, who also wants his force to stand alone?

**Andrew Mackinlay:** And advice from a senior Labour Back Bencher?

**Hazel Blears:** How can I possibly resist the blandishments of my hon. Friend?

I can assure all Members that I take the views of chief constables extremely seriously, including those in areas where they have reached the conclusion that larger more strategic forces are the right way forward, because they have the capacity and resilience to cope with major crime, counter-terrorism and public order issues. I am awaiting the final assessments from HMIC for the local force of the hon. Member for Rayleigh, and announcements will be made in due course. I acknowledge his concern, but I query his saying, "If it ain't broke, don't fix it." HMIC's advice to us has been that the 43 force structure is no longer fit for purpose. Any responsible Government would be negligent if they ignored that advice and did not take steps to ensure that we fix it as far as we possibly can.

I was a little disappointed by some of the responses from Conservative Members. I think that they have lacked a bit of courage. Let me commend to them the recent speech on police reform by the right hon. Member for Witney (Mr. Cameron), who said:

"the Conservative Party I lead will not flinch from saying what needs to be said, and doing what needs to be done . . . Unless we have the courage and the determination to pursue radical police reform, we will never build the safer communities we all want to see."

The hon. Member for Arundel and South Downs (Nick Herbert) talked about the royal commission that lasted two years and was followed by a further period of implementation. If we wait for four years to do anything about police reform, we will not be taking the radical steps that we need to make a difference.

I say this to hon. Members: have courage, be prepared to reform, and do not cleave to the old ways that are not serving our communities as we want them to be served.

*[Hazel Blears]*

We need to strengthen neighbourhood policing. The Bill will put in place structures, accountability mechanisms, devolution and involvement of local communities to enable us to do exactly that, while providing us with forces that are able to protect our communities against the threats from serious and organised crime that will unfortunately grow in future.

I hope in Committee to be able to persuade hon. Members from all parties that they can be brave enough to go with radical reform that will drive down crime and give us the kind of policing service that we can continue to be proud of, and which will serve our communities even more effectively in the years to come. I commend the Bill to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

## POLICE AND JUSTICE BILL (PROGRAMME)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the following provisions shall apply to the Police and Justice Bill:

*Committal*

1. The Bill shall be committed to a Standing Committee.

*Proceedings in Standing Committee*

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 28th March 2006.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## POLICE AND JUSTICE BILL [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),*

That, for the purposes of any Act resulting from the Police and Justice Bill, it is expedient to authorise-

(1) the payment out of money provided by Parliament of—

(a) any expenditure incurred by a Minister of the Crown by virtue of the Act;

(b) any increase attributable to the Act in the sums payable by virtue of any other Act out of money so provided;

(2) the payment of sums into the Consolidated Fund.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## DELEGATED LEGISLATION

**Mr. Deputy Speaker (Sir Michael Lord):** I propose to put together the Questions on motions 4, 5 and 6.

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Criminal Law

That the draft Community Order (Review by Specified Courts in Liverpool and Salford) Order 2006, which was laid before this House on 19th January, be approved.

### Social Security

That the draft Social Security (Contributions) (Re-rating and National Insurance Funds Payments) Order 2006, which was laid before this House on 25th January, be approved.

### Electricity

That the draft Renewables Obligation Order 2006, which was laid before this House on 31st January, be approved.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## BUSINESS OF THE HOUSE

*Ordered,*

That, at the sitting on Tuesday 7th March, notwithstanding the provisions of Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of Mr Ivan Lewis to take note of various European Union documents relating to financial management not later than three hours after their commencement; proceedings may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—*[Mr. Alan Campbell.]*

## WELSH AFFAIRS

*Ordered,*

That Mrs Madeline Moon be discharged from the Welsh Affairs Committee and Albert Owen be added.—*[Joan Ryan, on behalf of the Committee of Selection.]*

## Royal Tournament

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell.]*

9.9 pm

**James Brokenshire** (Hornchurch) (Con): I am grateful for the opportunity to highlight the royal tournament, which was a feature of the national calendar until 1999. Each year for 119 years, it was a showcase event for the armed forces and a way for the public to gain appreciation of their work. It featured much pageantry, with mass bands, cavalry displays by the Royal Horse Artillery and other set-piece demonstrations of the skill and training of the armed forces. I am delighted that the Under-Secretary has entered into the spirit of that pageantry with his smart and elegant dress this evening. That pageantry was part of the royal tournament for 119 years and we have a little of that here tonight.

The royal tournament also highlighted the serious side of the work of the armed forces, with mock battles fought by Gurkhas, Royal Marines and other special units. There was the royal naval field gun competition—in many ways, the high point of the event—which showed the physical strength and prowess of those involved. I remember watching the royal tournament every year on the television as I was growing up, and the sense of spectacle that brought the work of the military service into focus. It gave an important sense of nationhood and country as well as offering the opportunity to appreciate the work of armed forces personnel past and present.

In 1998, the Ministry of Defence announced that the tournament would be scrapped, to be replaced by a more modern event. In a BBC press report, the then Defence Secretary, now Lord Robertson, said:

"The Royal Tournament has served us well for a great many years, but as we approach the millennium, it is timely for us to take a look at this traditional event. This is a new beginning, not an end of the tournament and my aim is to make it more relevant and modern whilst retaining an element of pageantry."

The event that was held at Earl's Court for many years had experienced some problems with attendance and it was probably the right time to hold some sort of review of it. Lord Robertson's comments when the announcement of disbanding the traditional royal tournament was made gave the impression that a review would be conducted and that something would continue.

A Ministry of Defence Press release, which was issued at the start of the final royal tournament in 1999, echoed those sentiments. Lord Robertson said:

"The Royal Tournament has served us well for a great many years but as we approach a new millennium it is necessary to take a fresh look at this event. The Royal Tournament has in recent years lost audiences, money and deepened overstretch in the forces. It is time to reinvent and reinvigorate the shop window of Britain's military mission. From 2001 onwards we will carry forward the spirit of the Royal Tournament by running a major showcase event in London. This will be a new Military Tattoo held each summer within the spectacular and historic setting of the Horse Guards' Parade, with ceremonial elements, massed bands and pageantry."

**Mr. Philip Hollobone** (Kettering) (Con): I congratulate my hon. Friend on securing the debate on such an important subject. Does he share my view that the long-established and much-regarded royal tournament fell victim to the unfortunate and misguided principles of cool Britannia, which dominated the early years of the current Administration?

**James Brokenshire:** It is difficult to judge. The Under-Secretary may be the best person to respond to that point, but there was a sense at the time that more traditional things were out of fashion. It is possible that the royal tournament was caught in the attempt to go for a more modern approach. Indeed, the statements by the then Defence Secretary emphasised that sense of modernity, even though I have to say that there was a need to review the role and structure of the royal tournament to reflect changes within the armed forces and the more modern service that we now have. There was certainly a good opportunity for a review.

Although one can debate the merits of the argument, Lord Robertson certainly appreciated the need to retain a high-profile national event to showcase the tremendous work of our armed forces. On the basis of those comments, I wondered why I could not recall reading or hearing about what sounds like a significant high-profile event that was intended to follow on year after year. I therefore asked a written question on how many times the royal tournament had been replaced by a military tattoo at Horse Guards parade in London, as Lord Robertson's comments had suggested would be the case. The Minister replied:

"Following the last Royal Tournament in 1999 it has been replaced once by a military tattoo at Horse Guards Parade. The Department continues, however, to participate in a wide variety of smaller events such as Open Days, ships visits, County Shows and showcase events such as the Edinburgh Military Tattoo and the Fairford Royal International Air Tattoo".—[*Official Report*, 20 December 2005; Vol. 440, c. 2763W.]

Despite Lord Robertson's initial statements that there would be a military tattoo in London each summer, the much-vaunted replacement was, in fact, only a one-off.

I hope that the Minister will be able to explain in his response what changed. Lord Robertson clearly recognised that the royal tournament was a significant and important event to showcase the work of our essential modern military forces. As we have heard, he described it as

"the shop window of Britain's military mission".

With significant overseas commitments and increasing financial constraints on our armed forces, if it is now simply impossible to organise such a large-scale event on an annual basis, perhaps we could understand the decision-making process that has taken place. However, I am not aware—I am sure that the Minister will correct me if I am wrong—that any such formal explanation has been given. If that is not the reason, why has Lord Robertson's commitment not been followed through?

Against that backdrop, it is hardly surprising that one of my constituents, Mr. Steve Thomas of Bruce avenue, Hornchurch, wrote to me in the following terms:

"Do you remember the Royal Tournament, which was held at Earls Court every year and which was chopped by the Government in 1999? You probably saw it as a kid. I went to it many times over the years from age 10. It was always a great night out and we all got to meet our armed forces in person. I believe it was also very effective in gaining future recruits to the service. It was a tragedy when it was so brutally ended after 119 years. Yes 119 years of history means nothing to this present government. At the time it was claimed that it was costing too much and that it was far too patriotic . . . what nonsense. It was a very popular show

*[James Brokenshire]*

right up to the end. We need to restore some pride in our country and there's no better way than to have an annual display of 'skill of arms' held in London as it was for 119 years."

I am sure that that sentiment is shared by many people in the House and across the country. Perhaps those comments were compounded by the lack of a proper replacement for the royal tournament as was previously promised, a lack of clarity as to why circumstances had changed and about what was to follow and by the fact that we do not really have a national event to mark the service of our armed forces and to recognise their tremendous efforts for this country.

I note that the Minister has announced the formal establishment of a veterans' day on 27 June, which we are told will happen each year and act as an important opportunity to thank veterans for their contribution to our life in the UK today. In his letter to all hon. Members, he said:

"It will be a day to focus on veterans of all ages and to celebrate and raise public awareness of their achievements and the contribution they have made and continue to make to society. We will also seek to highlight the support and advice available to veterans from official and voluntary sources and the role of ex-Service organisations. Finally the day will offer opportunities to celebrate the service by those currently serving in the Armed Forces".

I welcome this event. It is important that we have a veterans' day to mark the service of all those who have made such a huge contribution to the life of this country. Obviously, we have Remembrance day each November, on which we remember those who have given their lives in the service of this country, and it is important that we continue to recognise their service year after year. I am proud that we have a significant Remembrance day event each year in Hornchurch; it is an important part of our calendar, and rightly so. I hope that veterans' day will sit alongside that, to recognise the veterans of the armed forces who have given service to this country, but who are still very much alive, even though they may have suffered injuries and other trauma as a consequence of that service.

I welcome the proposals for a veterans' day. I hope that it will be a successful event every year, that it will result in the individual events that the Minister hopes will take place up and down the country, and that it will become an important part of our national life. Before this debate, I was heartened to see that there was to be some recognition of armed forces personnel, and that the veterans' day was in part intended to recognise the service of current members of the armed forces.

I was also heartened to see that the inaugural event would involve a high-profile celebration in London. I wonder whether I may read into the Minister's announcement that that might be some kind of high-profile tattoo or replacement for the royal tournament, as was promised by Lord Robertson. However, the Minister's letter did not go on to say that the high-profile event in London would be an annual event. My concern, therefore, is that we could end up in a similar situation to the one that pertained before, namely, that we should be given the promise of an inaugural event to mark veterans' day, but that after that it would be spun off into smaller, more local or regional events—as the Minister's letter seems to suggest—important though those are.

It is important to have a high-profile national event in London to attract the attention of the media and of the public to something as important as this. I hope that the Minister will be able to clarify this matter because his proposals appear to be for a one-off event, rather than a commitment to an annual high-profile event in London that would act as a proper way to thank armed forces personnel, past and present.

We need a meaningful opportunity to demonstrate the capabilities and sheer professionalism of our soldiers, sailors, air crew and support staff, and that was what the royal tournament did. It provided that focus. Yes, perhaps it needed reform, but it had the ability to garner support and to focus the attention of the television companies and the media generally on the tremendous work that our armed forces do in the service and defence of this country. Our armed forces do an outstanding job in defending this country and its interests overseas in increasingly difficult, dangerous and complicated situations. It is important that there is a significant national event in London, the capital, to recognise that work and show our appreciation for everything they do.

The royal tournament provided that opportunity for 119 years. For all the men and women who put their lives on the line for this country, I urge the Minister and his Department to have a rethink and provide a suitable replacement for the royal tournament so that we have a proper opportunity to pay tribute to our armed forces personnel and everything they do.

9.25 pm

**The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig):** I thank the hon. Member for Hornchurch (James Brokenshire) for his kind comments on my sartorial elegance this evening. I have just come from a dinner in Speaker's House, where I was addressing the armed forces parliamentary scheme. Due to the change of business, it was necessary to come to the Chamber as quickly as possible. Perhaps I shall set a new standard.

I congratulate the hon. Gentleman on securing this debate and thank him for his early-day motion, in which he pays great compliment to the servicemen and women of this country. I am sure that we all agree with his sentiment that the vital work the services do should be publicly appreciated. Our difference will be on the best way to do that and, in particular, how best we inform the public about the work of our services.

Historically, we have used a range of means to do that, including tournaments and tattoos, but those activities have, by necessity, changed and evolved with the times. Old formats have given way to new, and what once was a good way to inform and entertain people is no longer judged to be so.

The hon. Gentleman is right in saying that the royal tournament ran for 119 years, and for much of that time it was hugely popular. The then Secretary of State recognised that fact in the House in October 1999, when he paid a warm and well deserved tribute to those who had organised and participated in the tournament over the years. On the same occasion, however, he had to point out that attendance at the last few tournaments had dwindled quite considerably. In turn, that meant

that the 1998 tournament incurred a loss of £400,000. The tournament was a charity, so making such a loss was a significant problem.

There may have been a number of reasons for the fall in attendance, but we could not avoid the fact that, in part, it was due to changed public tastes and interests. The tournament was no longer attracting either the size or type of audience we wanted, which meant it no longer provided us with the showcase we needed.

Those problems were compounded by the considerable demand on personnel that the tournament imposed. As the House was informed in October 1999, a minimum of 30,000 man-days per year were needed to run the tournament. Had it still met our publicity needs, that might have been justifiable, but when it no longer did so, the commitment became unacceptable. In sum, the royal tournament was an event of its time. It had served us well, but as times changed a new approach was required, as the hon. Gentleman conceded.

The hon. Gentleman also rightly pointed out that the initial plan had been to replace the royal tournament with an annual tattoo on Horse Guards parade and a regional event. Those activities were referred to as the Defence 2000 series of events. Between 2000 and 2002, events did take place. There was a tattoo on Horse Guards, which he referred to, in 2000, and in 2002 the Royal Navy's international festival of the sea was used to showcase equipment and capability. They were a success, but circumstances and tastes were still changing.

It has always been our aim to make the best use of existing regional events. The services already participate in hundreds of public events annually, as the hon. Gentleman conceded, and those range in size from school visits through to major set piece national events such as the royal international air tattoo at Fairford and the Edinburgh military tattoo. Those all provide opportunities to inform and educate the public on the outstanding contribution made by our servicemen and women.

**Mr. Peter Bone** (Wellingborough) (Con): When the royal tournament was running, was it not given complete television coverage each year? Does that not represent something of a loss in publicity terms?

**Mr. Touhig:** I believe that it did receive television coverage, although I do not know how many people watched. However, my point is that numbers dwindled considerably over the last few years of the tournament.

**Mr. Hollobone:** The Minister mentioned the Edinburgh military tattoo, which is a huge success. Why does he think that it has continued to attract crowds, whereas crowds were lost from the royal tournament?

**Mr. Touhig:** I cannot say. I believe that the tattoo is a special event in Edinburgh and that there are celebrations at that time, but I can speak only from experience of the royal tournament, whose audience was dwindling. What I say later may help the hon. Gentleman to understand my argument.

I think the House will agree that since the announcement of the inception of the Defence 2000 series of events, our armed forces have been increasingly busy. I am sure that the House will also agree that operational commitments must always be paramount. In May 2004, my right hon. Friend the Minister of State, Ministry of Defence and the Minister responsible for the armed forces told the House that the Defence 2000 series was to be discontinued. The principal reason was that during a period of high levels of operational commitment and the associated demands placed on service family life, it was felt that the greatest benefits would be gained from focusing on existing events. Resources were already committed to those events, and many were already sharply focused on specific audiences such as visiting schools and potential recruits.

However, the decision was also based on changing public tastes. Our research shows that people increasingly look to a more complex range of sources for their information. That applies particularly to the young people who are potential recruits, and who were once the backbone of those who attended the royal tournament.

In the era of the internet and multi-channel television, tastes have changed and diversified. That does not mean that shows and events no longer have a place; rather, it means that we must now engage the public with a broader spectrum of more sophisticated approaches. Of course, our cadet organisations still provide a marvellous opportunity for young people around the country to enjoy challenging activities in a military context. Given the impressive range of events and activities in which the services are already involved, it was concluded that there was no longer a requirement for another military tattoo. Our position on that has not changed. For that reason, we cannot agree with the hon. Member for Hornchurch that we should examine the options for re-establishing an annual military tattoo in London.

The hon. Gentleman also spoke about veterans day. Veterans day follows last year's very successful veterans awareness week. That week came at a difficult time. We experienced the July bombing, and the country rallied. There was also the special commemoration of the anniversary of the end of the second world war. We decided that there should be a veterans day every year. I have proposed 27 June: on whatever day of the week it falls, the date will remain the same. I believe that on that day there should be a national event of some sort in the capital.

I also want it to be understood that veterans come in all shapes and sizes. Every year, 23,000 people leave the forces. A veteran is not necessarily someone who fought in the last war or did national service; a veteran could be someone in his thirties who has done some service and has now returned to civvy street. I want to convey that message to the country.

When I attended an armistice parade in my constituency, I talked to a chap who was covered in medals. I said, "Today we are announcing the extension of the veterans badge." He said, "It does not apply to me, Don: I am not a veteran." I asked him what he meant. He said, "I did not fight in the last war." There is a perception that a veteran is someone who fought in the last war. We need to get the message across that veterans do come in all shapes and sizes, and in all ages. Although I think it important for us to have a national event in London, I hope that Members throughout the

*[Mr. Touhig]*

House will promote events in their constituencies to honour our veterans. Such events would not be intended to replicate armistice day, a solemn and special occasion on which we remember our dead. They would be more of a celebration of the commitment and sacrifices that people have made to our services over the years.

**James Brokenshire:** I am heartened by what the Minister has said in the context of veterans. I agree that veterans come in all shapes and sizes. Indeed, I argue that veterans include current service personnel who have served and defended this country. Will he clarify what is intended by the national event? What he has said goes some way to assuaging my concerns about having a national event that recognises and celebrates the work of service personnel both past and present.

**Mr. Touhig:** I am tempted to stray down the path that the hon. Gentleman entices me to go down but, if he will bear with me and be patient, I expect to make a statement very shortly setting out details of how we propose to celebrate veterans day this year. If he and other colleagues will be patient another week or so, I hope then to bring forward quite extensive information and proposals on what we plan to carry out.

Having explained our position, may I briefly outline what we are doing to keep the public informed about the excellent work of our servicemen and women? First, we are focusing resources on some of the existing shows and events that we attend. Both within and between each of the services, there is increased emphasis on supporting high-priority events. Those hon. Members who were at the London boat show in January will have seen a combined Navy and RAF presence. Further similar joined approaches are being considered. We are piggy-backing on to events where we can offer the forces a showcase, which perhaps would not have happened if we had stayed with the tattoo.

In addition to the boat show, the services participate in the London motor show and the London air show. When those are added to the considerable number of state ceremonial events that take place in London, there is certainly no lack of opportunity for members of the public to see the services in London.

Secondly, we are increasingly using events designed to commemorate past endeavours to highlight current achievements. Again, those of us who witnessed the marvellous celebrations last summer that marked the 60th anniversary of the end of the war will have seen plenty of evidence for that. The historical link between the generations was one of the commemoration's main themes. Plans are in train to mark the 150th anniversary of the Victoria cross and the George cross. Those will be among the activities on which we propose to make announcements this year.

Across the Department, an increased range of activities is being more specifically targeted at key audiences. The wide range of activities in schools and colleges bears testimony to that. Those go from service career adviser visits through to a highly developed curriculum support activity, delivered by a mixed team of military and civilians, on the theme of citizenship.

Having already talked about our increasingly sophisticated audiences, I should mention the work being done on all the MOD websites. Both the Army and the RAF sites are currently undergoing significant enhancements and the new look MOD website went live three weeks ago. Even more technologically ambitious projects are ongoing, including the streaming direct on to mobile phones of images from the Army team that will shortly be climbing Mount Everest. As the hon. Gentleman conceded, we are looking for new ways to promote knowledge and understanding of the experience of our forces.

As I said, I have just come from a dinner at Speaker's House. I am sorry that the hon. Gentleman was not there. If he had come, he may have talked to colleagues in the services. They appreciate the huge contribution that the royal tournament made in the past, but from the conversations I had—the few conversations, I admit—they do not think that resurrecting the royal tournament would be the answer in seeking to promote knowledge, understanding and appreciation of the value of our forces.

I happily endorse the praise that has previously been given to the royal tournament and similar events. They served their purpose well in their time, but times have changed and so have the public's expectations. Increasingly, we must take a more sophisticated approach, embracing new technologies and new communication channels. The existing range of public events still have their place in our portfolio, but they must now be supported by other approaches, which are often more effective. Our modern, high-tech, mobile and agile armed forces want and deserve to be shown off. The medium of a military tattoo is, I fear, not the right way to do that, but I am open to any suggestions, advice or comments from any Member of this House, so that we can ensure that we get across to our people the message of the huge commitment made by our servicemen and women.

I have no doubt that our servicemen and women serving us around the world are held in very high regard in the hearts of the British people; we owe them a great debt and it is important that we continue to acknowledge that. I hope that the hon. Gentleman will join me in recognising that fact, and if there are other, more appropriate ways in which we can demonstrate what our armed forces do in the service of their country, we will certainly pursue them. I welcome any such proposals.

I am sorry that I cannot give the hon. Gentleman, who wanted restoration of the royal tournament, better news, but I hope that, having considered my remarks, he will feel that we are going down the right road and that he, too, has a contribution to make in helping us to find new ways to promote interest in, and knowledge and appreciation of, our armed forces.

*Question put and agreed to.*

*Adjourned accordingly at nineteen minutes to Ten o'clock.*

# House of Commons

*Tuesday 7 March 2006*

*The House met at half-past Two o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## DEPARTMENT OF HEALTH

*The Secretary of State was asked—*

### Rehabilitation (Visual Impairment)

1. **Mr. David Amess** (Southend, West) (Con): What the responsibilities of local authorities are to provide rehabilitation services for blind and partially sighted people. [56290]

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** Local authorities and the NHS are responsible for providing rehabilitation services for the visually impaired that are based on need. We have increased investment in both to ensure that commissioners have more money over the next two years with which to develop services.

**Mr. Amess:** In a written answer to me on 28 November last year the Minister said that it was the responsibility of local health and social care bodies to commission facilities according to local needs. As he will know, Guide Dogs for the Blind conducted a survey which showed that 20 per cent. of such bodies did not provide rehabilitation services because of lack of funds and lack of qualified staff. Will he please do all that he can to deal with that?

**Mr. Byrne:** The hon. Gentleman is the secretary of the all-party parliamentary group on eye health and visual impairment, and has done a great deal to draw attention to the issues. I think there is consensus in all parts of the House that local communities are best placed to design the shape of services, but we made it clear in a recent White Paper that the director of adult social services will need to undertake a strategic assessment of local needs. Given that more than 300,000 people in the country are blind or visually impaired, we expect their needs to be given prominence in the plans.

**Mr. John Baron** (Billericay) (Con): Despite what the Minister says, the fact remains that, as we have heard from my hon. Friend the Member for Southend, West (Mr. Amess), some local authorities are simply not providing essential services. Given that Guide Dogs for the Blind estimates that at least 80,000 people are not receiving any dedicated rehabilitation services just because of where they live, and given that the Minister's Department has even refused to be represented on the Guide Dogs for the Blind project group that is looking into the issue, will the Government stop washing their hands of the problem, and end the postcode lottery by establishing minimum entitlements to care for all blind and partially sighted people so that they can lead more independent lives?

**Mr. Byrne:** We set out clearly the standards that we expect to operate in the national service framework that was published last year. It is incumbent on us to specify the right pathways of care, and we have done that, along with Guide Dogs for the Blind. It is also incumbent on us to ensure that the right level of resources is there, which is why local government is entering its ninth successive year of real-terms increases.

The Opposition cannot on the one hand say that we should abolish all targets and have some sort of clinical free-for-all, and on the other hand say that there must be some kind of central direction. They cannot have it both ways. What we must do is ensure that the framework is right and the resources are there, and that is exactly what we have done.

### Home Oxygen Service

2. **Sandra Gidley** (Romsey) (LD): If she will make a statement on recent changes to the domiciliary oxygen service. [56291]

**The Minister of State, Department of Health (Jane Kennedy):** The home oxygen service has seen little change since 1948. Patients and health professionals have been pressing for a modernised service for some time. Of the approximately 60,000 patients who use the service, 30,000—the majority of the highly dependent patients—transferred to the new service before 1 February following an agreement between the suppliers.

**Sandra Gidley:** The Under-Secretary of State for Health, the hon. Member for Don Valley (Caroline Flint), the Minister responsible for public health, is on record as stating that the new oxygen service

"was always planned to be phased in over a six-month transition period and not 'suddenly switched'."

Will the Minister confirm that if the new oxygen regulations had been in force as planned, doctors would not have been allowed to write prescriptions after 1 February and pharmacists would not have been able to supply according to those prescriptions? They would not have been able to bail the system out as they have, in effect saving lives. Will the Minister acknowledge that an administrative blunder has actually eased the situation?

**Jane Kennedy:** It is a shame that the hon. Lady added that last point. I very much appreciate the way in which community pharmacists, in particular, have worked with primary care trusts to deal with the problems that occurred during the first few weeks of the new service. As for the first part of the hon. Lady's question, if we

phased in the service we clearly had to phase in the way in which we managed patients—exactly the way in which we have managed the 30,000 patients who are the most dependent of all. Obviously we must ensure that the oxygen service gives each patient the service that he or she requires, and that is why, when it is operating fully, the new service will prove very effective indeed.

**Mrs. Linda Riordan** (Halifax) (Lab): Is the Minister aware that, in west Yorkshire, Air Products, which was contracted to supply home oxygen from 1 February, has failed to do so, leaving patients high and dry? Local pharmacists who have lost their contracts with Air Products are kindly supplying the much-needed oxygen and keeping hospital admissions down. Will the Minister explain why the system has been changed, given that it was working so well before?

**Jane Kennedy:** The system was not working well. Only 55 per cent. of pharmacies supplied oxygen cylinders. Supplies were delivered to the most dependent patients by other suppliers. This is not a process of privatisation; it will deliver a better service to patients—precisely the service that patients and health care providers have been asking us to deliver.

**Andrew Rosindell** (Romford) (Con): Does the Minister not accept that the system that her Government have imposed simply is not working? Many of my constituents are suffering as a result, as are constituents of my hon. Friend the Member for Hornchurch (James Brokenshire). Many of the patients of Mr. Tariq Mahood, a pharmacist in the Mims pharmacy in North street, Romford, have not had the oxygen that they desperately need. Will the Government please review this policy as a matter of urgency?

**Jane Kennedy:** We have been doing that, and I followed the operation of the new service not only from 1 February but during the weeks beforehand. We have seen a surge in the number of general practitioner orders for patients with continuous or long-term needs, and it is not yet clear precisely why that has happened. There could be a number of reasons, including GPs reviewing the number of patients using high volumes of cylinder oxygen, or people beginning to exercise choice across the wider range of services now available. We are working closely with primary care trusts, GPs and patients to ensure that patients receive precisely the service that they need. As I have said, I am grateful for the way in which pharmacies and PCTs have co-operated with suppliers to ensure that these early problems with the service are ironed out very quickly.

**Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): One of my constituents has experienced the problem of oxygen cylinders that delivered the previously prescribed speed of oxygen no longer being available. That has prevented him from going to a day care centre, which is not willing to cope with the potential medical crisis. Might not such problems have been avoided if the scheme had been piloted? That way, they could have been identified in just one area and the lessons learned before the scheme was rolled out across the country.

**Jane Kennedy:** I am grateful to my hon. Friend for raising the case of her constituent; I will look into the detail of it. Clearly, the intention is to improve the service on offer, not to diminish it. The new service was consulted on extensively and it is a response that we have been planning since 2003. My hon. Friend suggests that we could have piloted it, but as I have said, 30,000 patients went on to it before 1 February and the suppliers have co-operated to ensure delivery. Once we have ironed out the early problems that some patients are experiencing, the new service will prove very popular indeed.

**Steve Webb** (Northavon) (LD): Back in the middle of January, I challenged the Minister in a written question on the changes to the home oxygen service, making specific reference to the impact on patient safety. Her reply was blandness itself. Does she now accept that the change-over has been botched and that, potentially, lives have been lost? Will she take responsibility?

**Jane Kennedy:** I congratulate the hon. Gentleman on his re-appointment to the Front Bench as health spokesman. His question was posed in characteristically robust terms, but no, I do not accept that patients' lives are at risk in the way that he describes. As I explained in my earlier answers, I am aware that there have been problems, and we are working very hard to address them. As I have also said, it is important that the new service delivers oxygen to those who need it when they need it. These early problems have come about for a range of reasons, and I anticipate that we will get over them very rapidly.

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): Does the Minister not understand that this has been a shambles? The position is very simple. She says that there are many reasons for the problems, and no doubt she will find many people to blame for the shambles, but the reality is that pharmacists were de-stocking on oxygen cylinders because they expected the contractors to provide them, and GPs believed that they could send orders through to the contractors and did not seem to realise that they should do so only for repeat prescriptions. The net result is that the contractors ended up with thousands of orders that they had no means of prioritising or responding to. The Minister says that she examined the new service beforehand, but as I say, it is a shambles. She should have thanked the pharmacists for bailing the Department out in her first answer to the hon. Member for Romsey (Sandra Gidley), not in her second. She should also say sorry to the patients, pharmacists and GPs who have had to cope with the Department's failed administration.

**Jane Kennedy:** I have not blamed anyone for the shambles—*[Interruption.]* Opposition Members should wait for my answer. I have said that there were problems, and that we are working hard to overcome them. As perhaps we should have anticipated, one of the problems was that some patients would ring up to inquire about the new services on offer. We did not have the number of telephone lines that we could have made available had we anticipated those inquiries, and we can learn lessons from that. The suppliers have experienced difficulties in responding to telephone orders, and have

increased the number of lines available for dealing with queries. Equally, there have been variations in the amount of details being given as we have changed from using prescriptions to using proper order forms for arranging supplies. The order form requires GPs to give more details than was the case in the past.

We are learning from all those factors, and we are working with suppliers and the health service to ensure that the service that we deliver is precisely the one that we intend to deliver, and the one that suppliers are committed to delivering in the future.

### Colorants

3. **Mr. John Leech** (Manchester, Withington) (LD): What assessment she has made of the level of use of colorants in the manufacture of medicines; and if she will make a statement. [56292]

**The Minister of State, Department of Health (Jane Kennedy):** The addition of small levels of colorants to medicines can often be justified as a way of identifying and distinguishing the different types and strengths of a medicine. That can be very important to patients taking several medicines, for example. However, the use of any substance in a medicine, as well as the drug itself, must be justified under EU legislation before it is granted a marketing authorisation.

**Mr. Leech:** I thank the Minister for that answer. I became interested in this matter when a constituent told me about the difficulty of finding a medicine that did not have a particular colorant. My constituent needed the colorant-free version because of an allergy. However, I was surprised to be told by the Medicines and Healthcare products Regulatory Agency that one reason for the use of colorants was to improve appearance. Given the obvious danger that young children will consume medicines and pills because they think that they are sweets and drinks, and the recent tragic case—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. The hon. Gentleman must sit down when I stand up. Will he now please put his question precisely?

**Mr. Leech:** I am sorry, Mr. Deputy Speaker. Does the Minister agree that we need to rethink the use of colorants as a way to improve appearance?

**Jane Kennedy:** I do not accept that that is necessary. The MHRA will investigate any reports of an adverse reaction to a medicine, whether that is due to the colorants or any other additive, or to the medicine's basic ingredients. It will also investigate any reports suggesting that there is a wider problem related to a particular colouring additive that may alter the benefit from the use of that medicine. Any company that wants to use an additive in a medicine has to receive approval for its use. I believe that the system is working pretty well. I shall look at the point raised by the hon. Gentleman, but I do not think that there is any need for a review at the moment.

### Access to GPs

4. **Mr. Mark Todd** (South Derbyshire) (Lab): What assessment she has made of access to general practitioners in South Derbyshire. [56293]

**The Secretary of State for Health (Ms Patricia Hewitt):** I should like to take this opportunity to express my heartfelt thanks to Sir Nigel Crisp, who announced today that he will retire at the end of this month, after more than five years as chief executive of the NHS and permanent secretary at the Department of Health. Under his leadership, there have been record improvements in NHS performance. I want to thank him for that and to congratulate him on his elevation to the other place. I have placed a copy of the full announcement in the Library of the House.

To turn to the question, in February 2006 the Derbyshire Dales and South Derbyshire primary care trust and the Greater Derby PCT reported that all primary care practices in their areas were able to make an appointment with a GP within two working days, and with a primary care professional within one working day.

**Mr. Todd:** The preface to that answer made me think that Sir Nigel was taking a personal interest in South Derbyshire, and I was saddened by the announcement. How adequate does my right hon. Friend think are the tools to deal with rapid population growth, such as the Swadlincote area has experienced over the past 10 years? There has been a predictable increase in demand for primary care, and many of my roughly 10,000 extra constituents concentrated around Swadlincote often struggle to get registered with a GP. Relying on a local improvement finance trust scheme to deliver that service means that they face a very long wait.

**Ms Hewitt:** I understand my hon. Friend's concerns and I am glad to say that in the allocations that we have made and announced for the next two years for primary care trusts we take account as far as we possibly can of anticipated as well as previous population growth. He refers to the new health and social care facilities at Swadlincote, and they will be an enormous improvement in the facilities that are offered to his constituents. I am sure that the local primary care trust, with the additional funding that it will continue to receive over the next few years, will do everything possible to go on improving services for his constituents, as we have been doing.

### Business Services Authority

5. **David Taylor** (North-West Leicestershire) (Lab/Co-op): If she will make a statement on progress with the establishment of the Business Services Authority. [56294]

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** The Business Services Authority was established in October 2005. It will gain legal status on 1 April when the arm's length bodies that are merging into it are due to be abolished.

**David Taylor:** It is richly ironic for there to be no published business case for the creation of the Business Services Authority, which has been beset by undue haste, poor advice and wildly optimistic time scales. I extend my sympathies to my hon. Friend on inheriting that mess. Does he agree that the BSA has become an expensive parking bay for the five NHS agencies involved? Has he made any estimate of the cost of that sad and sorry saga so far?

**Mr. Byrne:** Our priority is front-line care, where patients are served, and we are increasing resources at such a rate in the NHS that there is an obligation on us to use the money well. Plans for the BSA have brought together existing ideas for all four separate agencies and I hope to meet hon. Members soon to brief them. I know that my hon. Friend is concerned about one point in particular, and I wish to give him a word of reassurance. Where those plans will have an impact on working people, we will seek views from the Public and Commercial Services Union, Unison and others, because we recognise that they are working hard to protect their members' interests.

**Mr. Elfyn Llwyd** (Meirionnydd Nant Conwy) (PC): Will the Minister confirm that the BSA will underwrite all the costs of change and the redundancies inevitable in the transfer and outsourcing? If not, it will hide the true cost of the outsourcing and effectively shift the risk on to the public service, leaving the bidding contractors to cream off the maximum profit. Will he assure the House that that is not the case and will not happen?

**Mr. Byrne:** I assure the hon. Gentleman that no final decisions have been taken, but as the business cases are finalised over the months to come, I can assure him also that if there are transfers of staff, we will observe best practice and ensure TUPE protection for any staff who are transferred. Furthermore, we will follow the joint statement of good practice that was agreed between Government, industry and unions in October last year, which sets out the standards on pay, conditions and service that we all expect to be observed.

**Kelvin Hopkins** (Luton, North) (Lab): Apparently, PricewaterhouseCoopers put out a report suggesting that the contracting out of the pension scheme administration would be challenging and pose a degree of business continuity risk. Is not this simply an attempt to privatise, driven by dogma?

**Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): I think so.

**Hon. Members:** Answer!

**Mr. Byrne:** One answer or two? As my hon. Friend the Member for Luton, North (Kelvin Hopkins) knows, about 50 per cent. of the Pensions Agency work is already outsourced and, under the terms of that contract, the winning contractor—out of the 33 organisations that bid—has first rights to bid on any expansion of that contract. That bid is under development now and our first assessment will need to be whether that bid is value for money, before it goes any further.

**Mr. Stephen O'Brien** (Eddisbury) (Con): Without scapegoating strategic health authorities or the as yet non-operational NHS Business Services Authority, will the Minister give a guarantee that, in line with the Government's target, the Department will now stop the deliberate policy of long and damaging delays of due payments to suppliers to the NHS, such as PJ Care Ltd. in Milton Keynes and the Shred Safe Ltd. of St. Neots, which have waited more than 120 days to be paid? Is he not a little embarrassed that NHS trusts, by those unfair means, seek to mask their deficits, which were incurred as a direct result of implementing Government policy?

**Mr. Byrne:** The obligations of everyone in the public sector to pay their bills on time is well set out. If there are instances of that not being observed which the hon. Gentleman wants to bring forward, I will happily look into them.

## Clinical Advisory Liaison Services

6. **Tony Baldry** (Banbury) (Con): What advice she has given to primary care trusts concerning the setting up of clinical advisory liaison services. [56295]

**The Minister of State, Department of Health (Jane Kennedy):** The Department's director of access wrote to all PCT chief executives in July 2005. The letter stated that referrals to community-based clinical assessment services and other such centres should happen only where that adds genuine clinical value for patients.

**Tony Baldry:** How on earth can it make sense for GPs who have not seen the patient to be paid £60 an hour to second-guess and vet the referral letters of GPs who have seen the patient and who know their patients? How can it make sense for every referral letter from every GP in Oxfordshire to be sent to some central lubyanka in the middle of Oxford in some Stalinist process to be second-guessed? What on earth does that say about the system's confidence in GPs to make appropriate referrals and the integrity of GP commissioning?

**Jane Kennedy:** The hon. Gentleman opened his question with the phrase, "How on earth". He must be on a different planet, because the description that he just gave is not what I recognise. If he is referring to the concerns that the British Medical Association has raised recently, I should say that even the BMA acknowledges that there is real benefit to be had in a different way of managing referrals, so that the patient goes to the person whom they need, depending on the nature of their complaint.

## Dental Services

7. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): What recent assessment she has made of the supply of dentists and capacity for dentists' training. [56296]

**The Minister of State, Department of Health (Ms Rosie Winterton):** The most recent assessment of dentists' numbers was the 2004 "Report of the Primary Care Dental Workforce Review". Since April 2004, we have recruited the equivalent of an extra 1,100 dentists in the NHS. Last year, we announced that we would

increase dental training places by 170 each year, and in January we announced the opening of a new dental school at the Peninsula medical school.

**Linda Gilroy:** I welcome the resources that my hon. Friend and her Department have found for the new dental school in Plymouth, especially as it will bring 150 jobs and capacity equivalent to about 20 dentists even in the early years. However, does she agree that preventive health care will make the biggest difference to dental treatment and the availability of dental health care to our constituents? Will she urge the new dental school to consider what it can do to drive that agenda forward?

**Ms Winterton:** I congratulate my hon. Friend on her assiduousness in pressing for the dental school in her constituency. She is absolutely right to say that that preventive care is extremely important. Not only do we have a public health strategy for oral health, but an important part of the new contract is that it allows dentists to spend time on preventive health care, as well as other treatments.

**Sir Paul Beresford** (Mole Valley) (Con): I declare an interest—it is becoming a habit. I am fascinated by the Minister's reply. She will be aware that dental students need academic clinical teachers. Does she agree that the 6 per cent. reduction in the number of academic clinical teachers over the past year could present a problem? Some 20 per cent. of those teachers are over 55, and 33 per cent. of them are aged 45 to 55. Does she agree that we must face the fact that there is a possible problem with a new school, more places and more students, but fewer teachers?

**Ms Winterton:** The hon. Gentleman raises an important point, which we have been looking at in relation to the way that we deliver dental training. As well as training to recruit more academics, we can consider other things, such as outreach schools, where students spend more time perfecting their skills in the community, as well as in the school. He is absolutely right to suggest that this issue is important, and I can assure him that we are looking at it.

**Mr. Paul Truswell** (Pudsey) (Lab): Is not one of the immediate problems about the supply of NHS dentists the fact that those who opt out of the service are writing to patients inviting them to opt into a Denplan contract on a first-come, first-served basis, before those patients know whether there will be any NHS re-provision in the area? Would that not have been prevented if the cut-off date for agreeing the contract had been somewhat earlier?

**Ms Winterton:** We had the cut-off date for the contract fit in with the financial year, which also gave the NHS time to prepare for it. My hon. Friend is absolutely right, however, to say that some patients have found the position misleading, which has angered many people in the primary care trusts. The impression has been given that NHS dentistry is not going to continue if a dentist withdraws, but the fact is that the PCT will, under the new system, have money locally. Whether a dentist decides to take up a new contract is up to the dentist, but the primary care trust will re-provide dentistry from elsewhere, and many NHS dentists are coming forward to say that they want to do that where others do not.

**Mr. Douglas Hogg** (Sleaford and North Hykeham) (Con): Given that NHS dentistry is largely unavailable in Lincolnshire, and given further that there is a precedent for the national health service paying for operations that cannot be performed within it within a stated time, why is the same principle not applied to private dental fees incurred by patients who cannot get NHS dentistry because it is not available? Why, in those circumstances, does not the NHS pay those private dental fees?

**Ms Winterton:** Most NHS dentists are, in fact, independent contractors. The NHS contracts with them, and in future that will be done in an improved way. We have had no control: if a dentist left the NHS, there was no way in which the local primary care trust had the money to recommission local dentistry. The reforms that we are introducing change all that.

I am aware that there are particular problems in Lincolnshire, which has received substantial access money to increase availability. As I have said, however, that money will be available locally. Meanwhile, it would be interesting to know whether purchasing in the way that the right hon. and learned Gentleman outlined is now Conservative party policy.

### Dentists' Earnings

8. **Steve McCabe** (Birmingham, Hall Green) (Lab): What estimate she has made of average earnings of NHS dentists under the new contract; and if she will make a statement. [56298]

**The Minister of State, Department of Health (Ms Rosie Winterton):** Under the new contract, a highly committed NHS dentist can expect to earn, on average, around £80,000 per year, with additional money for practice expenses. That will be guaranteed for three years, along with a 5 per cent. reduction in work load.

**Steve McCabe** (Birmingham, Hall Green) (Lab): Eighty thousand plus! Given that figure, is it right for dentists in Birmingham to claim that they are being ripped off by the Government? In some cases, like doorstep cowboys, they have been attempting to blackmail elderly people into purchasing private insurance that they do not need and cannot afford. Surely that is no way for professional people to conduct what is essentially a trade dispute.

**Ms Winterton:** My hon. Friend is right to point out that we are offering £80,000, plus practice expenses, guaranteed for three years, and a 5 per cent. reduction in work load—which seems to me to be a fair offer to dentists—as well as introducing a system that will greatly benefit patients. He is quite right, too, to say that many primary care trusts have been worried by some of the information disseminated to patients, which quite frankly has been unnecessarily alarmist. Patients should not feel that they must be driven into private insurance. If a dentist decides not to come with us but to leave the NHS, the money will be available locally to recommission dentistry from other dentists.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I understand why the Minister does not allow dentists to use 0870 telephone numbers, but why has she allowed the practice to persist in the NHS as a whole, particularly for patient hotlines?

**Ms Winterton:** I am not sure whether I understand the hon. Gentleman's point. Is he saying that patients have to use a different number to make an appointment? That is not current practice. Most people contact their dentist by ringing an ordinary number.

**Mr. David S. Borrow** (South Ribble) (Lab): Does my hon. Friend agree that it is totally unacceptable for dentists who have rejected the contract and who have moved into the private sector to tell elderly patients with false teeth that they must sign up to Denplan, which costs £200 a year? They do not need their teeth cleaned or examined; all they need is access to a dentist when their false teeth need repairing or upgrading.

**Ms Winterton:** My hon. Friend is right to say that that practice is unacceptable. We are making changes to the registration of denturists, who can undertake some of the work that he has mentioned; with appropriate training, they can undertake some of those tasks separately, too.

**Tim Loughton** (East Worthing and Shoreham) (Con): Given that the Government are making an offer that dentists apparently cannot refuse, and that the deadline passed at the end of last month, will the Minister tell us whether more NHS dentists will be providing services after 1 April? Has there not been a distinct lack of dentists signing up to the new contract in the Minister's Doncaster constituency? As a result, more patients will pay more for treatment, if they can get it, while dentists who do sign up will be paid less for performing the same work.

**Ms Winterton:** All the indications suggest that the vast majority of dentists will sign up to the new contract. As I have said, if dentists do not want to sign up, local primary care trusts now have the money to recommission dentistry.

**Tim Loughton:** Where from?

**Ms Winterton:** Some NHS dentists say that they will expand their lists if other local dentists do not want to sign up. Over and above that, international recruitment has taken place, and 1,000 recruits are going through the international qualifying examination. In addition, there are corporate bodies that want to undertake NHS dentistry. An extra £315 million is going into NHS dentistry compared with two years ago, so we can increase capacity and access for patients. The deal is good for dentists, but, importantly, it is good for patients, too.

## Primary Care (West Bromwich, West)

9. **Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): What steps her Department is taking to improve access to primary care services in West Bromwich, West. [56299]

**The Parliamentary Under-Secretary of State for Health (Caroline Flint):** I am pleased to say that in my hon. Friend's constituency primary care practices report that the number of patients able to see a GP within two working days increased from 73.8 per cent. in June 2002 to 100 per cent. in December 2005. Our recent White Paper, "Our health, our care, our say", looks at ways to develop and extend choice, and to make sure that those reports match patient experience.

**Mr. Bailey:** Although I recognise the huge improvement in primary care services in my constituency, we are still under-supplied with doctors, who are being helped out by United States accredited physicians' assistants. What is the Minister doing to improve the training, and thereby the number, of British accredited physicians' assistants to help constituencies such as mine?

**Caroline Flint:** We are expanding training generally, and I shall be happy to write to my hon. Friend on that particular issue. I am pleased to see that his constituency contains two primary care access centres to support GPs, a pharmacy minor ailments scheme that has been developed across Sandwell and two local improvement finance trust schemes, one of which is already open; the other is due to open later this year.

## NHS Expenditure

10. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What estimate she has made of the total level of overspending in the NHS in 2005–06. [56300]

**The Secretary of State for Health (Ms Patricia Hewitt):** The month six forecast was for overspending of £620 million in this financial year. I stress that the majority of NHS hospitals and other organisations are not only improving patient care, but doing so within their increased budgets. As the hon. Gentleman knows, we have already provided additional management support to the small number of organisations with the worst problems, and I am determined to do everything possible to return the NHS to financial balance by the end of the next financial year.

**Mr. Bellingham:** Is the Secretary of State aware that PCTs in Norfolk, Suffolk and Cambridgeshire now face a combined shortfall of almost £100 million? Is it true that hospitals in Norfolk have been told to halt additional sessions, peg operating capacity at current levels and put a brake on making further inroads into waiting lists? The Secretary of State keeps saying that everything in the NHS is perfect, but she should try saying that to consultants and staff who are now closing wards and cancelling operations.

**Ms Hewitt:** What I have said on several occasions, both to the House and to the hon. Gentleman when I have met him to discuss the situation in his constituency and the wider area, is that although most NHS institutions are continuing both to improve patient care and to live within their budgets there are serious financial problems in a small number of organisations and in some areas. We are therefore working with the strategic health authorities to do everything possible to

ensure not only that we continue to meet our targets—for example, waiting no more than six months for an operation anywhere—but that we deal with the financial problems in that minority of organisations.

**Jim Cousins** (Newcastle upon Tyne, Central) (Lab): Will my right hon. Friend bear in mind the position of hospital managers in Newcastle, who are containing spending and growing services against a background of trying to carry out a big PFI project and to cope with money following patients, no certainty about the future structure of commissioning bodies, a big switch of resources away from acute care and into primary care, and the possibility of their application to become a foundation trust being turned down next month because they cannot guarantee long-term stability in their financial base? Will she consider the situation of managers faced with that sort of uncertainty?

**Ms Hewitt:** I would like to take the opportunity offered by my hon. Friend's question to pay tribute to the excellent managers whom we are fortunate to have across the national health service. They are helping to ensure that one of the largest and most complex organisations in the world is treating more patients better and faster than ever before. That is due to the superb work of our front-line staff, supported by management and backed up by the investment that we have made.

I would also like to point out that the tradition over many decades in the NHS has been for overspending in some areas, notably the south and the east of the country, to be matched by underspending in the north. That is not fair, it is not efficient and it cannot continue.

**Dr. Richard Taylor** (Wyre Forest) (Ind): Will the Secretary of State tell the House how many trusts have minimised their deficits for this year by one-off brokerage, which cannot be repeated in 2006–07?

**Ms Hewitt:** The hon. Gentleman raises an important issue. The sort of informal one-off brokerage to which he refers has been a feature of NHS financial management for the best part of 60 years, and I do not regard it as a good feature of financial management. Part of our work this year and next will be to ensure much greater financial transparency, so that we can both get better services for patients and obtain best value for patients and for public money. I hope that the whole House endorses that aim.

**Mr. Kevin Barron** (Rother Valley) (Lab): Will the overspending in the NHS that my right hon. Friend describes be dealt with by those who overspend, and not by the wider health community?

**Ms Hewitt:** My right hon. Friend makes an extremely important point. Unfortunately, the scale of the overspending and the accumulated deficits in a small minority of areas and organisations is such that it is simply not possible for those organisations—or even, in some cases, the wider areas in which they sit—to solve the financial problems on their own. We are working closely with strategic health authorities to put in place the necessary action to ensure that the NHS returns to financial balance at the end of the next financial year.

**Robert Key** (Salisbury) (Con): I support the Secretary of State's requirement that primary care trusts should balance the books and I want that to succeed, but will she ask for a report into the consequences of that for Amblescroft unit at Fountain way in Salisbury, where 12 elderly vulnerable people have been told to leave by the end of April because the unit is being closed, and for the Greencroft centre, where 150 people with mental problems face the closure of the centre, because of the interface with the county council and the provision of social services? A tab of some £2 million has been picked up this year because of overspend in the health service. Much as we might wish to reduce that debt, it has consequences for a small number of the most vulnerable people.

**Ms Hewitt:** I will be happy to look at the two specific cases that the hon. Gentleman has raised; perhaps I could write to him on that point. More generally, I stress the point that we made in our recent White Paper that it is absolutely essential in future that we get the social services authority and the primary care trust working much more closely together, with joint care plans, particularly for the most vulnerable people, and, where possible, pooled budgets and joint commissioning.

**Rosie Cooper** (West Lancashire) (Lab): Will the Secretary of State comment on the difference in the treatment of debt between trusts where brokerage is available and those where the trust debt is treated as in deficit control, and the impact that that might have on the financial recovery of trusts such as Southport and Ormskirk in my constituency?

**Ms Hewitt:** Most organisations that at month six predicted an overspend for the end of this financial year have a relatively small problem. With a little extra focus and effort, it should be possible to bring the situation back under control in the very near future. There are, however, other organisations, including particularly the 15 or so where we have appointed additional financial management support—the turnaround directors—where the problems will take longer to resolve. That is why strategic health authorities have the necessary discretion to treat different organisations differently depending on the nature of the problem that they face.

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): Four months ago, in reply to our debate, the Secretary of State said that she had all the recovery plans in place to deliver a net deficit in the NHS below £200 million this year. Now she says that it is £620 million as at month six, and she simply will not tell the House what her latest figures on months 10 and 11 are telling her. We can see the reality from board papers across the country; the deficit is approaching £800 million.

I am sure that the House joins the Secretary of State in appreciating Sir Nigel Crisp's contribution to the NHS, not only in his present role as chief executive, but in previous roles. Perhaps he does not yet appreciate to what extent he is going to give a last service to the NHS, or at least to the Secretary of State, by acting as fall guy for the lack of financial control in the NHS. Will the Secretary of State at least have the courtesy to come to the Dispatch Box and tell the House her current estimate of the projected deficit this year, which has caused the

Department of Health to send threatening letters to chief executives the length and breadth of the NHS? Will she say now that she will take responsibility for the end-year financial outturn?

**Ms Hewitt:** I regret the tone of the hon. Gentleman's comments about Sir Nigel Crisp, who has made an outstanding contribution to the NHS in a variety of roles. I can tell the hon. Gentleman that the £200 million end-year deficit that I told the House last year I hoped that we would be able to achieve looks increasingly unlikely. We are, however, absolutely determined to keep the end-year deficit as low as possible. We are putting all our efforts into working with the strategic health authorities and the individual organisations with the worst problems to ensure that that is the case. As soon as I have the end-year management figures I shall, of course, publish them for the House, as I did last year. I underline the point that I was making: not only are we determined to keep this year's deficit as low as possible, but we are already putting in place the necessary steps to return the service to balance in the next financial year.

## Mixed-sex Wards

11. **Tom Brake** (Carshalton and Wallington) (LD): How many NHS trusts in England have hospitals with mixed-sex wards. [56301]

**The Parliamentary Under-Secretary of State for Health (Caroline Flint):** Some 97 per cent. of NHS trusts now provide single-sex accommodation. The Department does not collect information at the level of individual wards. The position of each NHS trust on this matter was published on 26 May 2005 and is available on the Department of Health website and in the Libraries.

**Tom Brake:** I thank the Minister for her response. Can she say exactly how many trusts are still affected? Can she say also how many patients have been through mixed-sex wards in the past 12 months? Can she comment further on why at Sutton hospital, nine years after the Government made their pledge, the work has still not been completed?

**Caroline Flint:** I will seek some detailed information, if it is available, on the hon. Gentleman's question. I understand that there are about three places in which there is still some work to be done to do with building. I understand from the strategic health authority that covers his area that work is being completed at the Epsom general hospital and elsewhere. It is hoped that there will be 100 per cent. compliance by the end of this year.

## Readmission Rates

12. **Mr. Philip Hollobone** (Kettering) (Con): What the readmission rate was for in-patients at acute general hospitals in England in the latest period for which information is available. [56302]

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** Information is collected only on the number of emergency readmissions, and on a PCT basis. The latest available data for the fourth quarter last year indicates a readmission rate of 6.7 per cent.

**Mr. Hollobone:** I have been contacted by a constituent who writes to say that in order to meet Government targets his daughter, who is a hospital ward manager, has been ordered to discharge patients against her recommendations when they are not ready. Many of these patients have had to be readmitted. Does the Minister share my concern over this news?

**Mr. Byrne:** If that is the case, I would share the hon. Gentleman's concern. I would be pleased if he were to write to me with the specifics so that I could investigate the matter further.

## PCT Mergers

13. **Philip Davies** (Shipley) (Con): What steps are being taken to maximise public involvement in the merged primary care trusts. [56303]

**The Secretary of State for Health (Ms Patricia Hewitt):** It is important that public and patient involvement is not only retained but strengthened in the new PCTs. That is why I have been clear that strategic health authorities, when preparing their reports on the local consultations now under way, need to set out how the excellent work of many of the patient and public involvement forums will be safeguarded and developed in the new organisations.

**Philip Davies:** I thank the Secretary of State for that reply. The merger of PCTs in Bradford will clearly mean a reduction in the number of members of the public directly involved in decision making on health care provision throughout the district. Will the right hon. lady perhaps encourage the new PCT to adopt the excellent example set by the North Bradford PCT in having its own consumer council, which will enable the consumers' voice—the patients' voice—to be heard strongly?

**Ms Hewitt:** The hon. Gentleman is right. Where PCTs merge there will be fewer PPI forums in future, but that does not necessarily mean that there will be fewer people involved in them. The work of the consumer council, to which the hon. Gentleman referred, is a good example of the different ways in which it is possible to involve patients and users of services in decisions about how those services are improved in future. Harry Cayton, from within the Department, is leading an expert panel to examine the different ways in which we can promote exactly this sort of user involvement.

**Mr. Bob Blizzard** (Waveney) (Lab): Is my right hon. Friend aware that at the public meeting on the reconfiguration of PCTs in my constituency about 300 people were packed into a room, and that there were about 100 or 150 people outside who could not get in? When she comes to evaluate the proposals put to her by the strategic health authority, will she bear in mind the

overwhelming volume of public opinion in my area that favours a merger between the Waveney PCT and the Great Yarmouth PCT, which is backed by every strand of medical opinion locally?

**Ms Hewitt:** I compliment my hon. Friend, who has made a strong case on behalf of his constituents and the two local PCTs. Of course, the strategic health authority, in evaluating the consultation, will take account of all representations. I will consider the matter extremely carefully when the time comes to make a decision.

## Telephone Charges (Hospitals)

15. **Helen Jones** (Warrington, North) (Lab): If she will make a statement on charges made to hospital patients for telephone calls. [56307]

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** Bedside telephones represent an enhanced service, providing additional choice for patients. Outgoing calls cost 10p per minute. Patients not wishing to use those services, which are made available at no cost to the NHS, remain free to use hospital payphones, as they have always been able to do in the past.

**Helen Jones:** I am grateful to my hon. Friend for that reply, but what would he say to a constituent of mine, a pensioner, who found that she was being charged 49p per minute to ring to her husband in hospital via Patientline and was forced to listen to a minute of blurb from Patientline before she even got through? It was also costing her husband 20p before he got through to her. Does that not represent an exploitation of vulnerable people? Will the Minister issue some guidance to trusts on negotiating those contracts to ensure that patients are not exploited in this way?

**Mr. Byrne:** My hon. Friend raises an important point, which was highlighted by Ofcom recently. Partly as a result of that report, the Department of Health has set up a review group to explore the issue of costs to users of those systems, including the price of incoming calls. The first meeting of that group is today.

**Mr. Peter Bone** (Wellingborough) (Con): The hon. Member for Warrington, North (Helen Jones) has raised an important matter, but what she failed to say is that if someone rings Patientline and listens to the two minutes of blurb but the patient is not there, they are still charged 49p a minute. It is outrageous. We do not need a review; we need that stopped.

**Mr. Byrne:** The hon. Gentleman makes an interesting point. However, market research shows that 72 per cent. of patients thought that the system offered good value for money—*[Interruption.]* As my hon. Friend the Member for Warrington, North (Helen Jones) has pointed out, there are concerns, but it provides a service worth £150 million at no cost to the NHS. However, this is an issue that needs further consideration. That is why the review group has been set up.

## Smoking

16. **Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): What steps the Government are taking to tackle smoking; and if she will make a statement. [56308]

**The Parliamentary Under-Secretary of State for Health (Caroline Flint):** A comprehensive tobacco control programme is in place to reduce smoking in England and I am pleased to say that we are making good progress. The current smoking rate—25 per cent. of adults—is the lowest on record, and indicates that the Government are on track to meet the target of 21 per cent. smoking prevalence by 2010.

**Meg Hillier:** In my constituency good work is going on and the primary care trust is trying to reduce smoking, the incidence of which is unfortunately above the national average with 31 per cent. of men and 25 per cent. of women lighting up. Can my hon. Friend give assurances to people in my constituency who suffer from heart disease and cancer—the two biggest killers in our borough—about the future of cancer and heart services at Barts hospital?

**Caroline Flint:** Of course we want to show the progress that we have made with cancer and heart treatment, and we want it to continue. However, prevention has an important role, rather than relying on treatment. We know that smoking is a killer. The more we can do to discuss services outside hospitals, and legislation to ban smoking in all enclosed public places, the more we will help with prevention. I hope that my hon. Friend will join me in campaigning in her constituency and elsewhere for prevention as well as treatment.

**Miss Anne McIntosh** (Vale of York) (Con): Will the Minister join my campaign to ban smoking in prisons?

**Caroline Flint:** As the hon. Lady will be aware—I am sure she has followed the debate closely—some prisons, particularly young offenders institutions, already have a smoke-free policy. As I said during the debate on the Bill, we are in discussion with the Home Office on how we can balance the rights of individuals in their private space with a much more comprehensive smoke-free atmosphere in our prisons, for prisoners and staff. I shall be happy to discuss the issue with the hon. Lady at a later date.

## Dental Services

17. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If she will make a statement on NHS dentistry. [56309]

**The Minister of State, Department of Health (Ms Rosie Winterton):** In the past two years we have invested an additional £250 million in NHS dentistry, recruited the equivalent of an extra 1,459 dentists and funded an additional 170 training places per year. From April, the NHS will implement major reforms, including devolving commissioning to local level and introducing new contracts for dentists.

**Mr. Crabb:** Last week, in a debate in the House, Members from across the country expressed concerns about the possible negative impact of the new NHS dental contract. Will the Minister promise to review the new contract if, as many people predict, it leads to a further exodus of dentists from the NHS?

**Ms Winterton:** I can assure the hon. Gentleman that all the early indications are that the vast majority of dentists will take up new contracts. None the less, I understand that there are big changes for dentists and I have written today to a number of organisations to announce that I intend to set up an implementation review group to look into how the changes are bedding down so that we can discuss their effects with all involved. However, as I have said, I believe that the deal will be a good one for dentists and for patients.

**Mrs. Betty Williams** (Conwy) (Lab): Does my hon. Friend agree that the problems in NHS dentistry that we are experiencing in England and Wales are due to the previous contract, and that it needed to be reviewed? Does she agree that the closure of dental schools, too, was a cause of the problems that we face now?

**Ms Winterton:** I could not have put it better myself—but I shall try. My hon. Friend is right to say that immense problems were caused by the previous contract, and also by the cut in dental fees that the Conservatives introduced when they were in power. We have had to reverse the damage done by the Conservatives, which is why we are introducing a new contract that will take dentists off the drill-and-fill treadmill and allow them to spend more time with patients, for reasonable remuneration of £80,000 a year for a highly committed NHS dentist in return for a 5 per cent. lower work load, guaranteed for three years. As I said earlier, I believe that the vast majority of dentists will take up the new contract, but where they do not, it is now within the power of PCTs to recommission dentistry from other NHS dentists in the area.

## Immigration (Work Permits)

3.31 pm

**Keith Vaz** (Leicester, East) (Lab) (*Urgent Question*): To ask the Secretary of State for the Home Department if he will make a statement on the new managed migration points system for work permit holders.

**The Secretary of State for the Home Department (Mr. Charles Clarke):** I am today publishing the Government's response to the recent consultation on a new points-based system for managed migration. This is being published as "A Points-Based System: Making Migration Work for Britain", and copies are available in the Library.

I am very pleased to be able to publish our detailed policies for a new managed migration system, which are a result of an intensive consultation process involving face-to-face contact with 1,200 stakeholders, as well as 517 written responses. The United Kingdom needs a world-class migration system to attract the brightest and best from across the world, while being robust against attempted abuse. The new system will give employers and educational institutions a stronger role in the managed migration system, and will introduce a more transparent and objective method of points-based structured decision making, which will significantly improve the quality of decision making and reduce the opportunities for abuse.

**Keith Vaz:** I thank my right hon. Friend for his statement and welcome the Government's attempts to simplify a complicated system. However, I remain gravely concerned that the new scheme will not address certain skills shortages in some areas—for example, chefs in south Asian restaurants. There are 10,000 south Asian restaurants in Britain, contributing £3.2 billion to the British economy, and there are 20,000 vacancies. The scheme will not address their problems. Today, the Home Secretary has also abolished the sector-based scheme for certain quotas. I welcome his commitment to EU labour markets, but the people coming to the UK under the EU enlargement process take employment in those areas for only a short period and then move on quickly, creating even longer periods for vacancies in the sector. Will my right hon. Friend give the House an assurance that there will be the longest possible transition time, that the scheme will be monitored carefully and that if there are any problems with it he will report them to the House immediately so that a new scheme can be instituted?

**Mr. Clarke:** As the House knows, I very much respect my hon. Friend's contribution on these matters and am keen to agree with him on the best way to introduce our proposals, but I have to say that on this narrow question I do not really agree with the substance of what he says. If there are skills shortages in the catering sector, and I certainly believe that there are—my personal catering adviser, Delia Smith, tells me that we are about 10,000 catering staff short—

**David Davis** (Haltemprice and Howden) (Con): Is that the right hon. Gentleman personally?

**Mr. Clarke:** No. Personally, I am well looked after from the catering point of view, including in south Asian restaurants in my constituency.

On a more serious level, there is an important issue to address—skills development for catering. Centres for vocational excellence, including those in my constituency, are doing some strong work on that. The correct route, if there are skills shortages in south Asian catering, is to invest in skills development in that sector. I said so in Leicester some time ago to develop that precise area. We will of course monitor the situation closely, as my hon. Friend suggests, and we will do our best to make sure that if problems arise they are dealt with, which is why the skills base panel will assess the need for skills throughout the sector.

**Damian Green** (Ashford) (Con): As I live next door to a south Asian restaurant in my constituency, I am tempted to stick to the fairly narrow point made by the hon. Member for Leicester, East (Keith Vaz), but we should widen the discussion. We welcome the principle of a points-based system for economic migration. We have been calling for one for some time because we believe that a firm, fair, controlled immigration system is best for people who want to come here and best for people who already live here.

The introduction of the new system is an implicit admission that the current system has failed. The Government have no control over our borders and no proper information about the most basic facts and figures. For instance, they thought that about 13,000 people would come here from the new EU member states, but in fact 200,000 come here every year. They also have a history of grand announcements on immigration, such as the plan to remove 30,000 failed asylum seekers a year, which win a day's headlines but are then quietly dropped. I hope that the new system will be an improvement, but I wish to ask the Secretary of State a few helpful questions. First, what is the cost of setting up and running the system—or at least the current Home Office estimate? Does he agree with his predecessor, who said that there was "no obvious upper limit" to immigration into this country? If not, is the new system designed to increase or reduce the numbers coming here to work? Under tier 3 of the system, which applies to low-skilled migration, the document says that there have been concerns that employers should be required to recruit from the domestic labour force first. Do the Government intend to enforce that requirement?

At the heart of the system is the skills advisory board, which decides how many people can come in under tiers 2 and 3. Why are the Government only considering the skills aspect, which means that other vital factors, such as the increased need for new houses and extra pressures on public services, will not be taken into account? There is no discussion of those absolutely central issues in the document. Why not? We may know the answer to that question. There is much common ground on the principles. We all want a civilised and credible immigration system, but there are serious questions about the plan. We wish it well, and we hope it does not go the way of previous failed Government immigration policies. This country needs a properly controlled immigration system and we will support measures that genuinely bring that about.

**Mr. Clarke:** I am grateful for the hon. Gentleman's best wishes, and I congratulate him on abandoning "Fantasy Island" policies, including withdrawal from

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the United Nations refugee convention and the absolute ceiling on numbers, both of which were authored by his right hon. Friend the Member for Witney (Mr. Cameron) in the Conservative manifesto at the last election. As for the points made by the hon. Gentleman, the cost will be subject to a tendering process, which is exactly the right way for any Government to proceed. As for whether the measure will increase or reduce the number of people, it is important to acknowledge—I think that the hon. Gentleman does so in his article in *The Observer*—that migration to work and migration to study are important to our economy and society, so we should welcome and encourage them. Illegal migration, however, is not acceptable, which is why the system is in place.

On the proposal that employers should be required to recruit from the domestic work force first, our straightforward position is that we encourage people to work, both from this country and from the European Union. If people come from outside that area to work, they should do so on the basis of this country's national priorities. It is therefore right to set skills as the top issue. It is because skills are absent in this country that we need to say that we should draw in people with the skills to fill the gaps. That is why the skills advisory board plays an important role. It does not decide what happens in tiers 2 and 3 but, none the less, it is an important advisory board.

**Mr. Andrew Smith** (Oxford, East) (Lab): Can my right hon. Friend say more about the basis and procedure for determining what counts as a skills shortage? In relation to his argument that we ought to be training people in the United Kingdom to fill vacancies, does not that argument apply equally to all areas of skills shortage? Can he therefore give me an assurance that south Asian catering workers—would-be chefs—will be treated no less favourably than anyone else?

**Mr. Clarke:** I can give my right hon. Friend that assurance, and I agree with him completely. We should look at skills in the round, and if there are particular sectors where there are skills shortages, for example, south Asian chefs—I cite that example because our hon. Friend the Member for Leicester, East (Keith Vaz) raised it—that is the area where we need to develop the skills capacity to deal with it. In his role in developing skills in the economy over recent years, my right hon. Friend made a major contribution in that regard. It is precisely because that work has been done that we can, in the document published today, talk about a skills advisory body based on that knowledge, which enables us to take it forward. That is the central issue that we must address, as we will do. It is important that we monitor it throughout because the way in which the skills advisory bodies will work is based on the sector skills councils, each of which has an analysis for its sector of the strengths and weaknesses of labour supply in its part of the economy. That will inform the judgments that are made about migration into the UK and points to be allocated on that basis.

**Mr. Nick Clegg** (Sheffield, Hallam) (LD): I, too, on behalf of Liberal Democrat colleagues give a cautious welcome to the announcement. Anything that takes the politics out of the immigration system and introduces a degree of objectivity to a system that has too long been plagued by subjectivity and arbitrary criteria is welcome. However, I have questions about two aspects. If I had been longer in my present position, I would probably have a longer list of question, but as I have not been, my questions are blissfully short. [HON. MEMBERS: "Oh."] I thought that might elicit a positive response in all parts of the House.

First, the credibility of the system will necessarily hinge on the operation of the skills advisory board. Could the Home Secretary provide more detail on the composition of the board? An assumption has been made in the past that employers' organisations, trade unions, the public sector and the private sector would all be represented. The composition of the board is essential to ensure the right balance in an assessment of skills. Is it the right hon. Gentleman's expectation that the skills advisory board would try to pin down quotas—a specific quantification—for the skills in each sector? If so, that would have a great effect on the operation of the new system.

The second aspect on which I seek clarification is the effect that the system will have on the immigration of unskilled labour. If the purpose is to make the immigration of skilled labour more organised, we hope that that will not have an unduly restrictive and punitive effect on sectors that still need unskilled labour. In certain parts of the country fruit pickers are short of unskilled labour and, as we saw in Morecambe Bay last year, excessive amounts of unskilled labour going under the radar would lead to exploitative behaviour by employers.

**Mr. Clarke:** First, I welcome the hon. Gentleman to his role. The longer he is in the role, the shorter his questions will be, in contrast to the way some parties operate. I look forward to working with him.

On politics and subjectivity, we will never remove politics from this area of national life, but I agree that objectivity and transparency in the system are exceptionally important. The system is intended to raise the quality of decisions. I hope that we can work together to ensure that the national debate on these matters is conducted in constructive and positive terms, rather than in the terms in which it has sometimes been conducted in the past.

On the hon. Gentleman's particular questions, the skills advisory board will be directly related to the sector skills councils and therefore the Sector Skills Development Agency, which organises and develops those councils. It will also directly involve trade unions and business in a wide variety of sectors that will report directly to the board. I think that many hon. Members are still not fully aware of the developing role of sector skills councils and the way in which they are drawing in employers, vocational trainers and employees in each area. As they develop their work, they will be able to give detailed assessments of the skills shortages in their sectors. That is unlikely to lead to quotas in the sense of specific numbers, but it is likely to lead to information that will help the system to decide how many points should be allocated to people with particular skills in certain areas.

That, too, will be the principle on the unskilled labour side, which will particularly inform tier 3 of our five-tier system. It will address the lack of skills in those sectors just as in all the others. As a former Secretary of State for Education and Skills, I would say that the right response to unskilled labour is to develop the quality of our skills training across the whole range.

**Mrs. Gwyneth Dunwoody** (Crewe and Nantwich) (Lab): Will the Home Secretary, in conjunction with the Secretary of State for Work and Pensions, take a hard look at employment agencies that are recruiting and importing large numbers of workers from eastern European states, exploiting them by charging them for every conceivable service, leaving them with very little of their own money, and suggesting that there is an enormous pool of unskilled jobs to be filled in the United Kingdom? That is not in anyone's interests and does this country's reputation enormous harm.

**Mr. Clarke:** I am rather shocked to say it, but I agree with every word of my hon. Friend's remarks.

**Mrs. Dunwoody:** I will not tell anyone.

**Mr. Clarke:** My hon. Friend is notable for her reticence, so I am sure that we can be confident that nobody will discover this unaccustomed level of agreement.

It has been a scandal in many parts of our national life that people have been able to work illegally in a system where people are drawn in from across the world to work in the most appalling and exploitative circumstances. My hon. Friend is right to say that that needs to be addressed. It was a central theme of the five-year strategy that we published last year. The gangmaster legislation has also been important in this regard, and we have published proposals jointly with the Department of Trade and Industry, the TUC and the CBI. The system is working better now, and we have had a significant number of arrests and convictions in precisely the areas that my hon. Friend describes. However, she is entitled to press still harder to ensure that we enforce the existing law in the most rigorous way. As she suggests, there is still a long way to go.

**Mr. Tim Boswell** (Daventry) (Con): The Home Secretary will be aware of the importance attached by large areas of the agricultural and, in particular, horticultural industries to the role of unskilled seasonal workers in the harvesting of perishable crops. Can he assure me that those arrangements, which have worked successfully under the seasonal agricultural workers scheme, will not be materially affected by his proposals?

**Mr. Clarke:** I cannot give that absolute assurance. I have discussed the matter at length with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, and we have agreed that by 2010 the scheme that the hon. Gentleman mentions would be wound up and the system that applies everywhere else would be in operation. I can give him the assurance that he seeks until 2010—*[Interruption.]* I am advised that we will not be in government then, to which I would say, "Wait and see." Beyond that, I can give the hon. Gentleman the assurance that we continue to monitor the situation closely in conjunction with the farming communities and the agricultural industry, and that my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs and her colleagues keep it under review.

**Ms Diane Abbott** (Hackney, North and Stoke Newington) (Lab): The whole House welcomes the Government's efforts to improve the system and to bear down on abuse. However, I return to the point made by my hon. Friend the Member for Leicester, East. The south Asian restaurant sector, which is only tiny, has the particular problem that even top-quality chefs on the sub-continent are unlikely to have paper qualifications the like of which this scheme turns on. Equally, they are less likely to be in large sector-based organisations to make their case. All that we asking is that the Government pay particular attention to that sector so that our Indian, Thai and Chinese restaurateurs may be assured that the Government understand the significance of their sector and the contribution that they make to the quality of life in our big cities.

**Mr. Clarke:** I can give two assurances. First, the Government understand the importance of the sector. My hon. Friend the Member for Leicester, East gave some important figures about the economic contribution of its members to the economy. It is fair to say that that contribution is not only to our economy, but to the breadth of our society and culture. I therefore give the assurance that my hon. Friend seeks and stress that we will continue to monitor the position closely. The real answer is investment in people in this country to develop their skills. The Government are committed to making that happen.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. May I say to the Home Secretary that I know that he is trying to make eye contact with the questioner, but it means that he loses contact with microphone?

**Mr. Julian Brazier** (Canterbury) (Con): The House, I am sure, applauded the Home Secretary's comment about the need, in the first case, to train people locally. In the light of the quadrupling of the number of work permits since the Government took office, from approximately 40,000 a year to about 160,000, will he answer the question of my hon. Friend the Member for Ashford (Damian Green) about what that means for overall numbers?

**Mr. Clarke:** I am delighted to have eye contact with the hon. Gentleman. I cannot and will not answer the question because it derives from a proposition that, somehow, migration to work and study here is undesirable. I do not accept that. If one were to talk to people from many sectors of the economy, they would say that they welcome and need migration. I accept that it is necessary to tackle illegal migration and people who try to evade the system in various ways. The new system is designed to address that. It does not signpost a specific number—up or down—of people who migrate here to work or study. One of the reasons for the country's opposition to Conservative party policy at the general

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election was that people clearly understood that one could not simply pick some arbitrary number, but that the system had to be run well and effectively. The proposals are designed to achieve that.

**Mr. Neil Gerrard** (Walthamstow) (Lab): The Home Office expects the largest number of people who come here to do so under tier 2. The document states:

"Applicants will need to have a job offer from an employer who is registered with the Home Office on a list of approved sponsors".

How will that system of approving sponsors work? One could envisage many small organisations and companies, such as the restaurants that have already been mentioned, wanting to bring in a skilled employee. I hope that the system will be neither bureaucratic nor without an appeal mechanism for someone who is refused inclusion on the list of approved sponsors.

**Mr. Clarke:** I can strongly assure my hon. Friend that the proposal is not intended to be bureaucratic. Indeed, the reverse is true. We want to work in partnership—perhaps a new word for the Home Office in the context that we are considering—with large and small employers and universities, who ask people to come here to study and get much of their business from it, to administer and run the system in a non-bureaucratic way, thus resolving many of the problems of people needing to extend or change matters, sometimes using 80 different lists of migration routes into the country. I give my hon. Friend an absolute assurance that we will guard against a bureaucratic approach and work with large and small employers to make the system work effectively.

**Mr. John Redwood** (Wokingham) (Con): Does the Home Secretary accept that there must be some limit on the overall number of economic migrants every year because of the pressure on water resources, transport capacity, housing and land, or will he tell us how those problems can be solved so that we can have unlimited economic migration?

**Mr. Clarke:** A similar argument could be made for limiting by state diktat the number of people born every year. The country will operate on the basis of the number of economically active people who are in this country. Migrants fall into that category and they should and will contribute to the country's economic development, rather than the opposite. I know that the right hon. Gentleman acknowledges that that is the case in general. I hope that he agrees that our focus should be to stamp out abuse of the system rather than simply stopping people migrating here.

**Mr. George Mudie** (Leeds, East) (Lab): Speaking as one who represents an inner-city seat in Leeds, may I offer the Home Secretary a warm welcome for his proposals? I also congratulate the Home Office on the extent of the consultation that has taken place on these measures. In the document, it is suggested that applicants will start at the first tier and move through the tiers. Will the Home Secretary tell the House how long it might take someone to go through that process and finish the scheme? What will happen to applications in the meantime?

**Mr. Clarke:** I am grateful to my hon. Friend for his support. I know that, from his knowledge of Leeds—one of the great cities to have benefited from migration over the years—he will agree with what we are trying to achieve. We envisage a time scale of between 18 months and two years for implementing the whole process. We will simply go through the process stage by stage, steadily implementing the proposals, if they get the support that will enable them to be carried through in every part of the country, as I believe they will.

**Dr. John Pugh** (Southport) (LD): Does the Home Secretary acknowledge that no sane plan can work unless we curb the activities of illegal gangmasters, snakeheads and organisations such as 14K? Does he also acknowledge that that will require better security and intelligence at our regional ports and airports?

**Mr. Clarke:** The House will be shocked to hear that I agree that the activities of gangmasters and snakeheads are antisocial and should be driven out. The answer to the hon. Gentleman's question is that we will go through this whole approach policing rigorously the system to deal with organised crime. As I said to my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), measures to deal with people trafficking are a central priority in the system, and we shall carry that proposal through.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): The Governor of the Bank of England, among others, has stated that immigrant labour has been essential to maintaining the buoyancy of our economy. Will the Home Secretary ensure that those workers who come here and make a contribution can stay for as long as possible? Will he also take the opportunity to work with vice-chancellors to ensure that people from China and India who can provide graduate skills can stay here, perhaps using a similar system to the American green card, to make a contribution to our economy?

**Mr. Clarke:** Yes, I can give my right hon. Friend that assurance, provided that the contribution continues to be made. The important thing for everyone who migrates here is that they should continue to make a contribution. Working together with businesses and universities is the best thing for us to do, because they are best able to guarantee that that contribution is being made.

**Mr. John Greenway** (Ryedale) (Con): As the Home Secretary knows, the Council of Europe Migration Committee, on which I am happy to serve, is looking at these issues in considerable detail. I warmly welcome what he has said—these are some of the most challenging issues for the Government, and it represents a great step forward that we have all-party consensus on these proposals. I particularly agree with the comments of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). Sadly, there is a great deal of evidence of abuse of migrant workers, not only irregular migrants but those who are here legally. Will the Home Secretary give the House an assurance that, across

Government, those abuses will not be tolerated, and that these people will be given the welcome that they deserve?

**Mr. Clarke:** First, may I pay my respects to the work that the hon. Gentleman has done in this field? I strongly agree that achieving cross-party consensus on this matter is the best way to proceed, and I am grateful for what he said on that. I can absolutely give him the assurance that he seeks. I had a press briefing earlier today with the TUC and the CBI, both of which are utterly committed, with the Government, to maintaining precisely the civilised standards of employment that are a requirement that should operate for everyone in this country. I acknowledge, as I did to my hon. Friend the Member for Crewe and Nantwich (Mrs Dunwoody), the fact that there remains a great deal of work to be done in this area. However, we are all committed to moving in the same direction.

**Gwyn Prosser** (Dover) (Lab): I want to add my welcome to the new proposals, not least because they will enable us to crack down on the abuse of the immigration system in this country, just as past and present measures have enabled us to crack down on the abuse of our asylum system. The new proposals will involve the reintroduction of embarkation controls, which the Tories abandoned in 1994. How does my right hon. Friend propose to reintroduce embarkation measures in busy ferry ports such as Dover without interrupting the essential flow of traffic and people?

**Mr. Clarke:** There are two things to say about this. The first is that one of the effects of the scheme will be that it will be much easier to make applications internationally, so that many people seeking to enter the country who might previously have arrived at Dover will not need to go anywhere near it, because they will already know where they stand, the decision having been properly made in the country from which they come. The second, more substantive, answer to my hon. Friend's question is that our e-borders proposals, which we have already published, and the development of biometric documentation will enable us to address these questions at ports such as Dover much more effectively.

**Stewart Hosie** (Dundee, East) (SNP): I warmly welcome the move to a points-based migration system. Paragraph 111 states that the UK skills advisory body will publish

"a Scotland-wide Shortage Occupation List."

Given the recognition of specific problems in Scotland and the comments published by CBI Scotland, would it not make more sense for the Scottish shortage occupation list to be developed fully by the Scottish Parliament? Will the Home Secretary consider that during the passage of any legislation?

**Mr. Clarke:** If the hon. Gentleman is suggesting, as I think he is, that we should change the law to devolve migration issues to Scotland, I am afraid that I cannot agree. We believe, I think rightly, that this is a UK-wide issue. I am glad to say, however, that we are working closely with our colleagues in the Scottish Executive. We consider its fresh talent initiative to be a positive contribution that sits within the frame of the document. However, I think that it would be a grave mistake to establish key labour-market issues simply on a Scotland-England, or indeed a Scotland-England-Wales, basis. It should be done on a UK basis, and we will ensure that that continues.

**Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): I share many of the concerns raised by my hon. Friend the Member for Leicester, East (Keith Vaz), among others, about the effect of the scheme on south Asian restaurants. The Home Secretary seems to be suggesting that the problem will be solved by the provision of more training, but Milton Keynes has a dynamic local economy in which plenty of other jobs are available, providing much more attractive hours and conditions than those in the catering trade. I fear that if the supply of labour from the sub-continent is not allowed to continue many restaurants in my city will close, to the detriment of those in my constituency, including me, who enjoy them as part of a range of restaurants there. Will my right hon. Friend assure me that he will keep the matter under review and will be able to act quickly if the fears raised by my hon. Friend and others prove to be justified?

**Mr. Clarke:** I can certainly give that assurance. As I said in answer to my hon. Friend the Member for Leicester, East (Keith Vaz), we will indeed keep the matter under close review. As I have said, however, what we want in all our productive industry—including the service industry, which involves catering—are high skills, high wages and high productivity. That is what we should seek to achieve, in those sectors as well as others. Individual businesses and shops that keep going on a basis of low skills, low productivity and low pay do not represent the future of this country in the most effective way. That is why I have returned consistently to a central theme of the points-based system, namely, the skills basis for assessment of skills shortages.

That said, I accept my hon. Friend's point completely. We certainly do not want to cause serious damage to a very important sector of the country's economy and society. That is why we will keep the matter under close review.

**Mark Pritchard** (The Wrekin) (Con): Given the new responsibilities that the policy will place on Her Majesty's diplomatic service, will the Home Secretary be having words with his colleagues in the Foreign Office to stop the closure of British diplomatic missions and embassies across the world?

**Mr. Clarke:** We have worked extremely closely with our colleagues in the Foreign Office, and I have discussed the issue with my right hon. Friend the Foreign Secretary on a number of occasions. The main agency, UKvisas, is a Foreign Office agency, but works closely with the Home Office in providing a service throughout the world.

I was in some north African countries last week, discussing precisely this question. It is possible to outsource some of the work in certain circumstances. It is also possible, by means of the distance approaches established by the points-based system, for many applications to be made online in a very direct way. My answer to the hon. Gentleman's question is yes—we will continue to work closely with the Foreign Office to ensure that the service is available as widely as possible.

## Small and Medium-Sized Enterprises (Exemption from Regulation)

4.3 pm

**Nick Herbert** (Arundel and South Downs) (Con): I beg to move,

That leave be given to bring in a Bill to exempt small and medium-sized enterprises from regulation; and for connected purposes.

Small business makes an immense contribution to the economy. Small enterprises—those with fewer than 50 employees—make up over 99 per cent. of all businesses and half all employment. As the economy moves toward higher, value-added activity, the share of it taken by small firms will only grow, so the weight of regulation now pressing on small businesses and hindering their wealth creation is an issue for us all. The Better Regulation Commission has estimated that the total cost of regulation facing the economy is now some £150 billion. The Hampton review found that national regulators alone send out 2.6 million forms a year.

Inevitably, this burden falls disproportionately on small businesses. Large companies are able to employ people to deal with regulation; small businesses simply do not have that option. Academics from the London School of Economics have found that regulatory costs per employee are five times higher for small firms than for larger ones, that small employers spend five times as many hours per employee dealing with regulation, and that they spend almost 5 per cent. of their annual turnover on compliance. Equally, the Federation of Small Businesses has shown that the administration of pay-as-you-earn costs a business with fewer than five employees £288 per employee per year, yet for a firm with 5,000 employees, the cost is just £5 per employee. The Government's Carter review concluded that

"there is no doubt that the weight of payroll obligations falls disproportionately on small businesses".

Other regulations of particular concern to small businesses include the quarterly VAT return, the very frequent inquiry forms from Government Departments and the Office for National Statistics, and the new employment regulations, of which there have been 17 since 1997. The growing weight of regulation strongly suggests that the deregulation efforts of successive Governments have not been sufficient. Over the last two decades, the Enterprise and Deregulation Unit has been replaced by the Better Regulation Task Force, which, in turn, has been replaced by the Better Regulation Commission, but still the red tape has grown. The Regulatory Reform Act 2001 has had less than half the predicted impact; the total cost of regulation has increased by 50 per cent. in less than nine years. The Legislative and Regulatory Reform Bill now before the House does not actually refer to deregulation. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) tabled an amendment to it proposing

"specific provision to reduce the regulatory impact on small businesses where appropriate".

I regret that his amendment did not pass, which helped to persuade me that an entirely new approach is needed.

My Bill would confront the problem of regulation in three ways. First, it would give Ministers a duty to consider alternatives to, and exemptions from, existing regulations affecting small and medium-sized firms, and a power to create those exemptions. Secondly, because the impact of regulation on microbusinesses—those with nine employees or fewer and an average annual turnover of just £130,000—is particularly disproportionate, the Bill would create a presumption that microbusinesses are exempted from any future regulation. That would protect over 4 million businesses from future regulation. Thirdly, in respect of all future regulations the Bill would impose a statutory requirement to carry out a regulatory impact assessment—surprisingly, that is not a current requirement—and to consider alternatives to regulation in doing so.

Many precedents already exist in terms of exempting small businesses from legislation. There are small business exemptions of one kind or another relating to tax and VAT returns, statutory audit requirements, trade union and employee representation, stakeholder pensions and Sunday opening hours. Other developed countries have also adopted the practice of exempting small businesses from regulation. Last year, France deregulated firms with fewer than 20 employees in order to encourage higher youth employment. In Italy and Germany, there are small business exemptions relating to statutory audit requirements, and trade union and employee representation. There are also numerous examples of small business exemptions in many states of the United States of America.

This idea would be popular with businesses themselves. Last year, a Federation of Small Businesses survey found that 80 per cent. of small businesses support regulatory exemptions for the sector. The federation is in favour of the principle of exempting small businesses from regulation wherever possible, and it is particularly supportive of the idea of placing a duty on Ministers to consider alternatives to regulation. However, it is not just commercial enterprises that would benefit. Small charities, which often rely on voluntary help, find coping with regulation particularly difficult. My right hon. Friend the Member for Witney (Mr. Cameron) has proposed social enterprise zones with lower regulation, in order to assist in the development of the voluntary bodies that can play such an important part in delivering support to our most deprived communities.

The Bill is a balanced measure that would not automatically abolish existing regulations for small and medium-sized businesses such as those affecting the rights of disabled people in the workplace, or, indeed, other employment rights. It would simply give Ministers a duty to consider alternatives to regulation, and suitable exemptions. They would then have a power to create such exemptions, subject to proper parliamentary approval. Similarly, in relation to microbusinesses, Ministers and Parliament would still be able to override the presumption of exemption from regulation if they so wished.

The idea of exploring alternatives to regulation is simply to ask whether its benign objectives could be achieved by other means. For example, we should be anxious to maintain strong standards of health and safety, but we should be ready to examine whether they could be achieved through insurance mechanisms for the smallest firms, where the risk to employees is low.

It might be argued that the Bill would create a disincentive for businesses to expand. The Better Regulation Commission considered that question and

concluded that there was little evidence to support it. I believe that we should be looking to reduce the regulatory burden on all businesses, but the disproportionate impact on small businesses justifies special measures to help them.

The Prime Minister has argued that

"excessive regulation ... impairs wealth creation as well as corroding welfare."

The Chancellor has said that much current regulation is "ridiculous", but words are not enough. As CBI deputy director general John Cridland says in a letter to *The Times* today,

"What business asks is that we begin delivering on deregulatory promises from all parties."

If we are going to be serious about lifting the regulatory burden, a new settlement is needed, creating a presumption of deregulation for the smallest businesses, placing the burden of proof on the regulator, while maintaining proper parliamentary scrutiny of the process. That is the purpose of this Bill.

*Question put and agreed to.*

Bill ordered to be brought in by Nick Herbert, Mr. Richard Benyon, James Brokenshire, Greg Clark, Mr. David Gauke, Mr. Greg Hands, Mr. Adam Holloway, Mr. Nick Hurd, and Mr. Shailesh Vara.

SMALL AND MEDIUM-SIZED ENTERPRISES (EXEMPTION FROM REGULATION)

Nick Herbert accordingly presented a Bill to exempt small and medium-sized enterprises from regulation; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 16 June, and to be printed [Bill 140].

## Merchant Shipping (Pollution) Bill [*Lords*] (Programme)

4.12 pm

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** I beg to move,

That the Order of 25th January 2006 (Merchant Shipping (Pollution) Bill [*Lords*] (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the motion for this Order.

Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the motion for this Order.

Given the expedient way that we dealt with this Bill in Committee, I have no doubt that we can do equally well in the two hours that we have allowed for the small number of amendments selected, and the hour for Third Reading.

4.13 pm

**Mr. Julian Brazier** (Canterbury) (Con): I share the Minister's confidence, but want to put on the record that it is an extraordinary testimony to the Government's control-freak tendencies that we should have a programme motion when there is so little business to get through. However, I do not oppose it.

*Question put and agreed to.*

# Orders of the Day

## Merchant Shipping (Pollution) Bill [*Lords*]

*As amended in the Committee, considered*

### New Clause 1

REPORT ON BREACHES OF ANNEX VI

'The Secretary of State shall publish and lay before Parliament annually a report listing breaches of Annex VI of the MARPOL Convention that have taken place in United Kingdom waters and the action that was taken in respect of those breaches.'.—[Paul Rowen.]

*Brought up, and read the First time.*

4.13 pm

**Paul Rowen** (Rochdale) (LD): I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** With this it will be convenient to discuss amendment No. 5, in page 3, line 2, clause 2, after 'ships)', insert

'and any subsequent review of Annex VI agreed by the International Maritime Organisation subject to an order in Council laid before and approved by resolution of each House of Parliament.'.

**Paul Rowen:** Annex VI of the MARPOL convention extends pollution control of shipping to include air pollution for the first time. Although it is admitted that pollution from ships is small compared with other sources—with 4 per cent. of sulphur dioxide emissions and 7 per cent. of nitrogen oxide emissions—it nevertheless has a significant effect on our environment.

Aside from the Malacca straits, the waters around the UK are the busiest in the world. It is predicted that by 2020, the size of the merchant fleet will have doubled and the size of ships is steadily increasing. It is also estimated that the provisions contained in the annex will save £3 million a year in damage to buildings and structures from $SO_2$ emissions, and the reduction in ozone emissions will result in 20 fewer deaths and savings of £26 million a year.

4.15 pm

I am pleased, therefore, to see in the draft copies of the secondary legislation that have been placed in the Library the adoption of the North sea as an $SO_2$ emission control area. That will involve more stringent controls on sulphur emissions, with a reduction to 1.5 per cent., compared to 4.5 per cent. in other areas. Those controls were discussed and agreed by the Marine Environment Protection Committee at its 53rd session in July 2005. Given past concerns on pollution in the North sea, and the fact that air pollution knows no boundaries, I am pleased to see those limits adopted.

Some 23 states have already adopted the annex and I hope that more will do so. All UK ships have to have an international air pollution prevention certificate and other ships in UK waters that have adopted the annex must also have one. The purpose of the amendment is to ensure that there is an annual reporting mechanism for breaches of the convention and action is taken. I know that concerns have been expressed in previous debates about flagships that have not adopted the annex, and while I appreciate that we cannot control those breaches, we need to ensure that appropriate action is taken against all ships that have signed up to the agreement but do not meet its controls. The new clause seeks to introduce a regular reporting mechanism so that Members can see what progress is being made in what is a first for shipping—the introduction of controls on air pollution.

**Mr. Julian Brazier** (Canterbury) (Con): The official Opposition have little problem with new clause 1. The MARPOL convention is a cornerstone of international maritime regulations and we welcome being provided with more information on it. We should remember that shipping is arguably the greenest method of transport. In ball-park terms, goods going by sea in a typical bulk carrier cause one tenth the emissions of $CO_2$ of an equivalent crate of goods going by land. Abiding by the MARPOL convention will make that difference even greater.

The publication of the report will add an incentive to ensure inspections are carried out regularly and will essentially name and shame any offenders. I hope that the convention will also encourage shipping companies to follow the example I gave on Second Reading of P&O's The Pride of Kent—I approve of the name, as I am sure does the Minister, given that he represents South Thanet—which has seen its sulphur emissions slashed to zero and its nitrogen oxide emissions down by four fifths since the introduction of a newly invented water scrubber. The more technology is encouraged in this area, the faster we will see our emissions fall.

As far as I can tell, the hon. Member for Rochdale (Paul Rowen) has got into a bit of a muddle with amendment No. 5. The intention is to ensure that revisions to the treaty cannot be incorporated without an Order in Council following a debate in the House. That is not, in fact, what the amendment would do.

The advice that I have been given is that the amendment would allow the Government to amend the treaty without recourse to a full Bill. I see the Minister nods in agreement. When even the Government who proposed the Legislative and Regulatory Reform Bill, which is designed to bypass parliamentary scrutiny on a range of issues, do not require further extra parliamentary powers on this issue, I am strongly disinclined to give such a power. I cannot believe that that is what the hon. Gentleman intended, and I am certain that he will not want to press the amendment to a vote.

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** I am grateful to the hon. Member for Rochdale (Paul Rowen) for his interest in the Bill, and I assure him that I understand what he is trying to get at. The Government take every bit as seriously as he does the need to enforce the national legislation that implements the MARPOL convention and its annexes.

We take any breach of the MARPOL convention very seriously. Of course, when we find that someone has breached the convention, we prosecute them, and information on all successful prosecutions are put on the Maritime and Coastguard Agency's website. What the

hon. Gentleman is asking the Government to do in the new clause represents a disproportionate response—we are already doing what he suggests. It would be much more efficient if those people who were interested in such information simply referred to the MCA website, where successful prosecution are always listed. Of course, unsuccessful prosecutions, where they do occur, would not be listed there. However, since 1997, no such prosecution has been unsuccessful. With the reassurance that the information is put in the public domain, that we take all breaches seriously and that we will ensure that they continue to be put in the public domain, I hope that the hon. Gentleman will agree that making another report to Parliament would not be a good use of resources and therefore that he will be happy to withdraw the motion.

The hon. Member for Canterbury (Mr. Brazier), who is my parliamentary constituency neighbour, was absolutely right about amendment No. 5. I obviously do not know what was in the mind of the hon. Member for Rochdale when he proposed the amendment, but it would make it unnecessary for us to introduce primary legislation to implement any future revision of annex VI of the MARPOL convention. I certainly do not want to quarrel with his aim in any way at all—I certainly would not want that to be done by primary legislation—but he is probably not aware that, by virtue of clause 2, an entry for the protocol that adds annex VI to MARPOL is inserted in the list of agreements covered by section 128(1) of the Merchant Shipping Act 1995. Consequently, the amendment is redundant, because the Bill—in combination with the 1995 Act—will achieve the required effect. I hope therefore that the hon. Gentleman will be happy not to press the amendment to a vote.

**Paul Rowen:** I should like to respond to a couple of the points that have been made. The Minister rightly says that successful cases are published. My noble Friend Lord Bradshaw quoted some statistics when speaking in the other place to show that there were about 500 instances of pollution from ships in UK waters last year, yet only 10 of them went to court. Obviously, we are dealing with a new issue—airborne emissions, which have not been subject to controls previously. I will happily withdraw the motion, following the Minister's assurance, but in proposing the new clause, I was seeking to ensure that there would be some measurement of the extent of pollution and the number of pollution cases that were successfully brought to a conclusion.

With regard to amendment No. 5, the National Environment Protection Council at its 53rd session in July last year agreed that there would be a review of the nitrogen oxide technical code of annex VI, with a view to taking account of revisions and improvements in technology, further to reduce emissions from ships, including particulate matter, and to look at extending emission controls to ships adopting fuels alternative to diesel. That will result in a report in 2007, and as the Minister says that he already has the enabling legislation to let a revision be adopted after that report, I am happy to beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**Clause 1**

POWER TO GIVE EFFECT TO REVISIONS OF THE INTERNATIONAL ARRANGEMENTS RELATING TO COMPENSATION FOR OIL POLLUTION FROM SHIPS

**Mr. Brazier:** I beg to move amendment No. 1, in page 1, line 9, at end insert—

'(c) "international agreement" means any agreement adopted by the International Maritime Organisation.'.

**Mr. Deputy Speaker:** With this it will be convenient to discuss amendment No. 2, in page 2, line 26, at end insert—

'(e) make such provision only in concordance with an international agreement.'.

**Mr. Brazier:** When the sacred chickens failed to eat their grain and give Appius Claudius Pulcher the omens he desired when commanding the Roman fleet against the Carthaginians, he had them thrown into the sea, proclaiming, "Let them drink if they will not eat." I say that not just to suggest that he might have made a good new Labour Cabinet Minister, but to remind people that discharges of one kind of another go back a long way.

The amendments are intended to prevent the use of the wide powers delegated to the Minister by Orders in Council under the Bill to incorporate EU directive 2005/35/EC into British law, or indeed to prevent future Governments from having the ability to incorporate into law by secondary legislation any international treaty that does not enjoy the blessing of the International Maritime Organisation.

There are two issues. First, the directive is highly dangerous to our maritime interests. Secondly, the Conservatives, and much of the shipping industry, from the British Chamber of Shipping to the unions, are strongly opposed to the development of regional agreements instead of proper, IMO-approved international ones. I am aware that the Government are themselves suspicious of the directive, and I am sure that I will receive reassurances in a moment from the Minister that the Government have no intention of adopting it. The amendments are intended to ensure, however, that no future Government—we may have a less maritime-friendly Minister in post at some point—can misuse the term "international agreement" to apply to an agreement between member states of the EU alone.

**Mr. Philip Hollobone** (Kettering) (Con): I am glad my hon. Friend has tabled these amendments. Is not the danger of the EU directive that it introduces the concept of serious negligence? Conservatives believe that people should not be prosecuted for something that they did not intend to do.

**Mr. Brazier:** Indeed. My hon. Friend is exactly right and echoes the lengthy debate we had on that matter in Committee. We are not allowed to cover exactly the same ground on Report, and Mr. Deputy Speaker would rightly restrain me from doing so, but my hon. Friend is right to say that one of the problems with the directive is that it suggests that criminal sanctions should be brought against people guilty neither of intentional discharge nor of reckless disregard in that matter.

*[Mr. Brazier]*

For the benefit of Members unaware of issues behind the amendments, I may say that the European Commission passed the directive last year, and it seeks to criminalise the accidental discharge of oil in the way mentioned by my hon. Friend in cases of "serious negligence". That term is so far undefined in law but major shipping companies fear it will be interpreted strictly, as has already started to happen in France, where it has already been incorporated into law. The consequences of including it in UK law would be grave. Hans van Rooij, president of the International Salvage Union, representing the salvage boats that act as the last line of defence against the kind of catastrophic pollution for which the Bill seeks to compensate, said:

"If a directive introduces the 'serious negligence' concept, salvers will have no choice but to seek immunity before intervening in the waters of EU states with a reputation for aggressive behaviour in maritime accident situations."

That is surely an unintended consequence.

The directive would have a serious negative effect on rescue efforts when ships sink in EU waters and create considerably more pollution in the event of an accident than the Bill will ever prevent. It would also undermine the Government's effort to recruit and retain merchant seamen. Indeed, a joint press release from a coalition of interested parties, which includes the largest cargo and tanker firms, Lloyd's of London and the International Salvage Union, declared:

"The Directive already has had a detrimental effect on the morale of seamen, and this will have adverse implications for the retention and recruitment of high quality crews."

4.30 pm

The directive is particularly worrying because it involves one region unilaterally making maritime law without reference to the rest of the world, which is our second objection. One of the most impressive changes to the international shipping regime in the past 50 years has been the international nature of the laws and treaties implemented by flag states around the world. There is broad agreement that, if we want to criminalise or discourage certain activities, the correct forum in which to do so is the International Maritime Organisation and that the correct method is a genuinely international treaty.

The directive affects only the European Union, and consultation has taken place only within the European Union. Both the UK and the European Union are lobbying hard to persuade the United States to stop acting unilaterally and to join major international treaties, but I fear that we would have no credibility in such lobbying if we were to act unilaterally, which is why we support the amendment. We would like reassurance that the Bill cannot be used to slip that unpopular directive or some part of it through the back door.

We would also like to know whether the only use of the royal prerogative permitted by the Bill is to implement genuinely international treaties—in other words, treaties approved by the IMO.

**Dr. Ladyman** *indicated assent.*

**Mr. Brazier:** I am grateful to the Minister for nodding, but he knows that I must put that point on the record in *Hansard*. I am aware that he swears that the legislation will not be used to implement the directive, and I believe him, but future Ministers will not necessarily share his scruples in similar situations, and the amendment would make it doubly certain that the porthole is locked and bolted.

As I said to my hon. Friend the Member for Kettering (Mr. Hollobone), we are not against criminalising intentional discharge. Appius Claudius, to whom I referred earlier, was condemned to death for impiety. However, accidental discharge does not demand punishment or prohibition unless it is the result of deliberate recklessness, which is especially true of punishment or prohibition conducted by one part of the world without reference to the other maritime states. I commend the amendment to the House.

**Paul Rowen:** Britain has a proud maritime history. We were founder members of the IMO and have played a great part in the IMO's development and the adoption of many of the conventions that we now take for granted. I agree with the hon. Member for Canterbury (Mr. Brazier) that in this particular case an EU directive, which is only a regional agreement, should not be allowed to take the place of any international agreement that may come into force. If there is such an EU directive, it should be subject to normal IMO procedures, which is the soundest way to ensure that unilateralism is not exercised by the US or other states. I hope that the Minister will support the amendment.

**Dr. Ladyman:** I am always impressed by the ingenuity that hon. Members use to secure an opportunity to make a specific point that is completely irrelevant to the business on the Order Paper. The hon. Member for Canterbury (Mr. Brazier) should be proud of the ingenuity that he has shown on this occasion, but I do not think that he seriously believes that the Government would use the Bill to put the European directive on the statute book. I am fairly sure that he knows that we could not, even if we were minded to do so. However, he has taken the opportunity to make some important points about the failings and weaknesses of the directive, and I share his view on those.

I assure the hon. Gentleman and the hon. Member for Rochdale (Paul Rowen) that the Government are wholly committed to the IMO and to having maritime agreements agreed internationally. We made that clear during our presidency of the EU in the last six months of 2005, and we are continuing to do so now, as we assist Austria on maritime issues during its presidency—for obvious reasons, Austria's resources in relation to maritime issues are limited. We have made clear our belief that such agreements should only be agreed internationally.

A few weeks ago, when I attended a ministerial conference in Copenhagen, I found unanimity among the maritime nations of Europe on the necessity of such agreements being not regional, but international. One of the pleasures and honours that I have had in the past 10 months as a Minister has been meeting the Shipping Ministers of pretty much every partner state in the European Union. I have found absolute unanimity on that point—complete agreement that we should not impose restrictions on our European fleet that would make it uncompetitive, that we should seek

international agreement wherever possible, and that only in the most extraordinary circumstances should we impose in the Union an agreement that has not been agreed by the rest of the international maritime sector.

To put our view on the record, the powers in clause 1 are restricted to the implementation of the supplementary fund protocol and the implementation of instruments that revise or replace the civil liability convention, the international oil pollution compensation fund convention, or the supplementary fund protocol. Each of those instruments was adopted through the IMO and it is inconceivable that they would be amended other than through the IMO. There is therefore no need for the suggested definition of an international agreement in amendment No. 1.

Amendment No. 2 would provide that an Order in Council would only make provision in accordance with an international agreement. Combined with amendment No. 1, that would mean an international agreement adopted by the IMO. I hope that I have already made it clear that there is no scope in clause 1 to give effect to anything other than an international agreement and that such agreements will inevitably be adopted by the IMO.

I hope that I have given the hon. Member for Canterbury the specific reassurance that he seeks. More generally, I assure him that I share his concern that the European maritime sector should remain competitive and that maritime issues should be dealt with through the IMO and not unilaterally.

**Mr. Brazier:** I am happy to beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Order for Third Reading read.*

4.38 pm

**Dr. Ladyman:** I beg to move, That the Bill be now read the Third time.

I thank the House and the Opposition parties for the constructive and helpful way in which they have approached the Bill. It was deliberately made a short and focused Bill to speed its passage through Parliament. The whole House agrees that we urgently need the protection of the legislation. Once it is on the statute book, it will improve greatly the compensation available for oil pollution and give us powers to introduce measures to reduce air pollution from ships.

The international oil pollution compensation fund currently provides up to £168 million of compensation, but, unfortunately, in the case of major incidents such as the Prestige, that amount is not always sufficient. During our consideration of the Bill, the hon. Members for Canterbury (Mr. Brazier) and for Scarborough and Whitby (Mr. Goodwill), for example, noted that compensation payments in respect of the Prestige were for a long time limited to just 15 per cent. of the amount claimed. The IOPC funds have now arranged for payments to be increased to about 30 per cent. of the amount claimed, but, unfortunately, there is no more money available and we know that those claims will never be paid in full.

Even when the overall costs of an incident do not exceed the limit of the IOPC fund, full payment of claims has often been delayed until the full extent of the damage is known and the final costs of an incident can be accurately assessed. Depending on the incident, that process could take months or even years. We experienced such delays following both the Braer and the Sea Empress incidents. With the Bill, I hope that we will not have to face such a situation again.

In Committee, my hon. Friend the Member for Great Yarmouth (Mr. Wright) drew our attention to an incident that occurred some years ago. The Eleni V ran aground in May 1978, spilling 5,000 tonnes of persistent oil, which affected shellfish areas and recreational beaches. I understand that the local authorities incurred considerable costs in responding to the incident and payment of compensation was delayed for three or four years. The IOPC fund entered into force five months after the incident. Had it been in force, I suspect that those claims would have been settled much more quickly. That incident demonstrates the importance of implementing such instruments as quickly as practicable. A delay of months, or just weeks, can have serious consequences, so I am grateful for the support and co-operation that we have received from both sides of the House as the Bill has progressed.

The Government intend to accede to the protocol as soon as possible. We have drafted the Order in Council that will be used to implement the supplementary fund protocol under clause 1. An advanced draft of the Order in Council was sent to all Members who attended Second Reading. Copies were also placed in the Library. The draft order is now undergoing final checks, which will be completed in the very near future so that the order is ready by the time that the Bill receives Royal Assent. I repeat my grateful thanks to the House for its co-operation and commend the Bill's Third Reading to the House.

4.42 pm

**Mr. Brazier:** I, too, am pleased that we are reaching the end of the legislative process for the Bill and I, in turn, congratulate the Minister on the way in which he has handled the proceedings. He was always open with us in Committee and during the earlier stages. Like any good mariner after a long voyage, I am pleased to see the lighthouse ahead and know that the journey is nearly over—and that we have not had any spillage during the process, accidental or otherwise.

Without wishing to introduce a sour note, it is a pity that we have missed another opportunity to slip the Harbours Bill into port as well. It is uncontentious and both sides would have welcomed it. I hope that we will hear from the Minister shortly that the Government intend to schedule a little time for it. That said, it is important that the Bill is passed into law as soon as possible, and I am delighted to hear that that will happen. The crash in the Suez canal just last week involving a Liberian tanker—it was a relatively small affair compared with the incident that the Minister mentioned, but, nevertheless, involved the spillage of 3,000 tonnes of crude oil—emphasises the urgency of the matter.

The two treaties ratified by the Bill are the product of many years of careful negotiating. They have been agreed by the International Maritime Organisation and, although one is not compulsory, have the blessing of the international community as a whole. For the

*[Mr. Brazier]*

international law of the seas properly to work, it is essential that all such treaties are agreed to at as wide an international level as possible and that regions do not splinter off and agree their own rules, as we discussed earlier in relation to the amendments. I was glad to receive the assurances from the Minister.

There are some areas in which the Government could have been proactive. We hope that there will be a little action before long on getting the large shipping registers to sign up to the supplementary fund protocol, which is the main subject of the Bill and something on which we spent time in Committee.

Conservative Members are pleased that the Government have heeded the calls that we made in Committee and those of environment groups such as the Royal Society for the Protection of Birds for the introduction of marine environmental high-risk areas, which were recommended 13 years ago by Lord Donaldson. It is one thing to use supplementary funds to provide compensation after an oil spill, but it is much better to prevent a spill in the first place, especially in sensitive areas. Redirecting ships away from areas of outstanding beauty or environmental significance is a sensible way of achieving that.

I disappointed that the announcement on the MEHRAs made them merely advisory. I hope that the Government intend to consult relevant interested parties and, after a suitable period, find out how well the scheme is working. Given the effort that was put into establishing the areas, it would be a tragedy if they were simply ignored by the ships that were most likely to cause a disaster.

Putting those small points aside, I am pleased to support the Bill. The statistics that have been cited throughout our debates need no repeating. Although major oil spills are thankfully very rare, when they do happen they cause untold and often irreversible damage to the environment, wildlife and economy of an affected area. The supplementary fund will of course be used very rarely, but when it is used, it will be needed precisely because the scale of the disaster will be so big.

The incorporation of the latest stage of the MARPOL convention into British law will reduce emissions from ships, especially harmful nitrous oxides. That will make what is already the cleanest major form of transportation even cleaner and help the UK to hit its emissions targets.

The Government have had the support of the Opposition throughout the Bill's passage. I commend the Bill to the House, and, once again, urge the Government to find time for consideration of the Harbours Bill.

4.47 pm

**Paul Rowen:** On behalf of the Liberal Democrats, I am pleased to support the Bill. I commend the work of the Minister in Committee and on the Floor of the House. Although the Bill is short, it will have an important and wide-reaching effect because it ratifies two important treaties and agreements on oil pollution and controls on air pollution by ships, which are being introduced for the first time.

The catalyst for the first aspect of the Bill was the Prestige disaster, and we heard in Committee about its catastrophic effect. Some 64,000 tonnes of oil were spilled and there was a bill of more than $1 billion. Our one worry about the supplementary allowance is that it would not have paid 100 per cent. of the cost of the Prestige disaster, but nevertheless we realise that we have come a long way since the Torrey Canyon disaster in 1967. Remarkable improvements have been made on both the amount of oil spilled each year in international waters and the way in which we have dealt with it. I remember my geology professor, Lord Energlyn, who advised Harold Wilson on how to deal with the Torrey Canyon disaster, talking about the technology used at the time, which included the use of Buccaneer bombers to disperse the oil. The way in which we deal with such disasters and the compensation arrangements available have come a long way since then. We support the provisions of the Bill that will help people much more than was the case in the past.

There are still legitimate worries about flags of convenience and the state of such fleets. It is estimated that at least one in 12 vessels that visit British ports are unseaworthy and that the figures for other ports are much higher. Nevertheless, with continuing pressure, more states will ratify the agreement. It is to be hoped that that will reduce some of the consequences that we had with the Prestige disaster.

I move on to the MARPOL index. It is a start in dealing for the first time with air pollution. It is limited, and the number of signatures to the convention is low. Like the hon. Member for Canterbury (Mr. Brazier), we look forward to hearing what the Government will do with regard to the ports Bill. We would have liked to see an opportunity to tackle air pollution of ships while in port. That is called cold ironing, and it already operates in Los Angeles and Vancouver. When the Bill is introduced, we hope to have an opportunity to consider that process as going one stage further in dealing with pollution, not only on the high seas but within UK ports.

I commend the Bill to the House in recognition of the work that will be done under its provisions.

4.51 pm

**Mr. Hollobone:** I welcome the Bill. As the Minister said, a sharpened focus is no bad thing. Perhaps other Departments could draw a lesson from the way in which the Bill made its passage through Parliament. It chimes with the environmental concern of our times and, if it makes our planet a healthier place, that must be a good thing. I have enjoyed listening to the debates on the Bill. Perhaps for the first time in my brief time in the House, I can say that this is a Bill that I can wholeheartedly support.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## EU Financial Management

*[Relevant documents: The Fifth, Sixth, Tenth, Eleventh, Fifteenth and Eighteenth Reports from the European Scrutiny Committee, Session 2005–06; European Union Document No. 10326/05, Commission Communication on a roadmap to an integrated internal control framework; Report of the European Anti-Fraud Office: Supplementary activity report for the year 2004; European Union Document No. 5509/06 and Addendum 1, Communication Action Plan towards an Integrated Internal Control Framework.*

4.53 pm

**The Economic Secretary to the Treasury (Mr. Ivan Lewis):** I beg to move,

That this House takes note of European Union Documents No. OJ C 301, the European Court of Auditors 2004 Annual Report; No. 11216/05, European Court of Auditors Special Report No. 1/2005 concerning the management of the European Anti-Fraud Office; No. 11452/05 and Addenda 1 and 2, Protection of the financial interests of the Communities: fight against fraud, Commission's annual report 2004; No. 12493/05 and Addendum 1, Commission Report: follow-up to 2003 Discharge Decisions–Council recommendations; No. 12494/05 and Addendum 1, Commission Report: follow-up to 2003 Discharge Decisions–European Parliament Resolutions; No. 12712/05, Commission Staff Working Document: follow-up to the 2003 European Court of Auditors Annual Report; and No. 13532/05, Member States' replies to the Court of Auditors 2003 Annual Report; and supports the Government's promotion of measures to improve the level of assurance given on the Community budget.

I am pleased that we can have this debate on the report and other relevant documents that are before us for the first time in a long time. It is an indication of how importantly Parliament regards EU financial management and the protection of EU taxpayers' financial interests. I heard a rumour that the hon. Member for Stone (Mr. Cash) is on his way to join us in the Chamber. I advise all Members that if we can make the debate snappy, we may have half a chance of an early night. However, the purpose of the debate is to secure transparency and scrutiny, even if we have to listen to the hon. Gentleman. It will be interesting to see whether he reflects the new Conservative party's movement to the centre, certainly in terms of domestic policy, and in terms of the EU moving ever further to the right. It is an interesting development and one in which we shall see whether the debate reflects where the Conservative party is at the moment on the EU.

I shall cover three areas in my opening remarks. First, I shall set out the main points that are presented in the various reports that are tabled for debate and the Government's response to these various issues. Secondly, I shall highlight what has been done to address problems identified previously and debated in the House. Thirdly, I will set out what we see as the key next steps.

There have been, and continue to be, improvements in our view in both the quality of financial management of the EU budget and in financial management information. However, we cannot be complacent or satisfied with the status quo. There is much more for us to do.

What are the main issues and what are the Government's views on them? The main issues are presented formally in the annual report that is presented by the European Court of Auditors, the ECA, on how the Commission has implemented the Community budget. The ECA has also been required, since 1994 under the treaty on European Union, to give a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions.

The first part of that statement of assurance has always been positive. The ECA has observed every year that, despite some qualifications, the accounts faithfully reflect the revenue and expenditure for the communities for the year and their financial position at the year end. The qualifications relate to the recording of sundry debtors, assets and liabilities, which the Commission's accounting system was not designed to handle adequately.

The other half of the statement of assurance concerns the legality and regularity of the underlying transactions. Frankly, that is where the problems lie. But it is not all bad news: the ECA audits revenue, commitments and payments and has always given a positive statement of assurance for revenue and commitments. It is in payments where we find the most difficulties.

**Mr. William Cash** (Stone) (Con) *rose—*

**Mr. Lewis:** I am delighted to give way to the hon. Gentleman, having referred to him earlier in his absence.

**Mr. Cash:** I have been absent for only the best part of 30 seconds of the Minister's speech, but he seems to have introduced my contribution rapidly.

Does the Minister agree that the Government's explanatory memorandum states:

"The reservation is that in the absence of effective internal controls the ECA cannot be certain that transactions relating to the sundry debtors item were properly recorded"?

For practical purposes, it is clear that the Government believe that the Court of Auditors is right to say that there should not be a discharge because it does not know exactly what is going on.

**Mr. Lewis:** Yes. The Government's position is reflected in the statement that the hon. Gentlemen read out, and we continue to have that concern. However, as the debate progresses we need to take a balanced judgment on the true situation, how much progress has been made in recent times and what we can hope to achieve in the near future. I do not disagree with his comment.

**Mr. Ian Davidson** (Glasgow, South-West) (Lab/Co-op): I draw to the Minister's attention that I was motivated to come to this debate when I heard him refer to the absence of the hon. Member for Stone (Mr. Cash). Indeed, I was pacing out to arrive here as quickly as I could when I was overtaken by the right hon. Member for Wokingham (Mr. Redwood), who passed me at a rate of knots. I suggest that the Minister refer to other Members who might be brought into the debate.

**Mr. Lewis:** Had I known what effect my original reference would have, I might not have referred to the

*[Mr. Lewis]*

hon. Member for Stone, but I am always delighted to see my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) in the Chamber, as well as the right hon. Member for Wokingham (Mr. Redwood), who has a long track record on these issues and who I am sure will want to contribute.

**Mr. Philip Hollobone** (Kettering) (Con): To put this report in the context of a public limited company, were a plc to announce its annual results and have its accounts qualified, there would be a huge impact on its share price. Yet, the European Union carries on from year to year with no effect, and with no real concern from Her Majesty's Government.

**Mr. Lewis:** It is a shame that the consensus has broken down. To say that there is no real concern from Her Majesty's Government is unfair nonsense. During the course of our presidency, I, together with others, made this a priority. I agree with the hon. Gentleman that, if he is talking about the credibility of the European Union and the relationship between it and taxpayers in the nation states, the issue is incredibly important. As long as the accounts continue to be qualified, they undermine and damage the credibility of the European Union as an institution. Perhaps the difference between us is that I am unhappy that the credibility and integrity of the European Union are undermined whereas I suspect that Conservative Members and, perhaps, one or two of my hon. Friends, are delighted for this continual undermining of the European Union as an institution to continue. The difference is that I want an improvement in the situation so that we cease to qualify the accounts with the consequence that the relationship between the European Union and taxpayers is improved. We should all share that objective. It is also true that the qualification is not, as it is often explained, largely to do with fraud; it is largely to do with inappropriate accounting methods and the difficulty of monitoring expenditure. I do not make any excuses, but sometimes 100 per cent. of the problem is defined as fraud, which is misleading and inaccurate. I share the reservations of the hon. Gentleman, and as long as the European Union's accounts are qualified, any democratic politician should be concerned. Indeed, anybody who believes in the EU as an institution should be concerned and want the situation changed.

**Mr. Cash:** In respect of proportionality and in terms of whether a discharge is given, does the Minister agree that the amount of money involved is highly relevant? Does he dispute the fact—I doubt that he will as I have the document here—that, with regard to irregularities in expenditure under the European agricultural guidance and guarantee fund, the total amount for 2004 was €82,064,000 and that on structural measures the amount was no less than €531,744,438 in the same year? Does he agree that that is a considerable sum for irregularities?

**Mr. Lewis:** Yes. There is no difference between us in respect of the continuing concerns about the inability to give full endorsement of the accounts year on year and about the fact that it still appears to be difficult to monitor expenditure under significant budget headings. That is especially a source of concern for Members who believe that the EU is a positive institution, making a positive contribution to the world. The question is not whether we condemn or criticise, but what action we can take—

**Mr. Cash:** To find out.

**Mr. Lewis:** Indeed, but also to improve the situation. As I shall explain, we moved things on during our presidency; we did not solve all the problems but we said that the issue must be given more prominence and importance at Council level. As a result, progress has been made.

I acknowledged earlier that we had found most problems in respect of payments. In most years, the ECA has been able to give a positive statement of assurance only for administrative payments that were a small part of the budget—about 6 per cent. I am pleased to note that, in the 2004 report, the ECA considers that a substantial part of the agriculture budget—59 per cent.—merits a positive statement of assurance. That is the part managed under the integrated administration and control scheme—IACS—and it amounts to €26 billion from a total agricultural payments budget of €44.3 billion in 2004.

**Mr. Robert Goodwill** (Scarborough and Whitby) (Con): It must be true that none of the funds has been deployed wrongly by the Department for Environment, Food and Rural Affairs this year, because no farmers have received their cheques. No fraud is taking place this year because so far no money has been given to our hard-pressed farmers.

**Mr. Lewis:** I am sure that the hon. Gentleman has raised that point with my ministerial colleagues in the relevant Department, but if he wants me to look at the situation after the debate I shall be happy to do so and write to him.

The ECA considers that IACS, where it is properly applied, is effective in limiting the risk of irregularities to an acceptable level. In addition, the 2004 report concludes that pre-accession aid also merits a positive statement of assurance. Taking the large share of agriculture spending, and all pre-accession aid and administration costs, about 35 per cent. of the 2004 budget has been assured by the ECA. As I am sure Members will be at pains to point out, that still leaves a long way to go, but it is an improvement over previous years.

**Mr. John Redwood** (Wokingham) (Con): The Minister has a difficult task and I am grateful to him for giving way. The OLAF report shows that the financial impact of cases acknowledged by 31 December 2004 was a massive €5.8 billion, yet figure 27 shows that the office has managed to retrieve only €198 million. Can the Minister give us some idea of how much more might come back? I presume that much more is owed to taxpayers.

**Mr. Lewis:** I cannot give the right hon. Gentleman a direct answer, but I can attempt to find that information for him. At this stage, I am not in a position to give him

a definitive answer, but I am grateful for his expression of sympathy for my responsibility in this debate. I assure him that there was not a queue of Ministers wishing to lead on these matters.

There have been relative improvements in the 2004 audit, but two thirds of the EU budget does not meet acceptable standards. The sum involved is about €68 billion, or £46 billion, but honesty and transparency are required, as the true extent of the problem must be defined. Fraud has taken place—I shall comment on that—but there are also errors or irregularities. If the ECA's audit leads it to believe that amounts calculated by member states differ in value by more than 2 per cent. from what it assesses to be the correct figure, it cannot give a positive assurance on that part of the budget. That does not mean that the whole budget sector is subject to error—it is still only a relatively small part. We must be careful, too, to distinguish between irregularities, where payments have been made in contravention of the rules, or where it was not possible to show that the correct procedures have been followed, and fraud, where money has clearly been stolen or used for entirely inappropriate purposes.

Those issues are examined in detail in the "Fight against Fraud" report that was published by the Commission and which incorporates data from the European anti-fraud office—OLAF—to which the right hon. Member for Wokingham referred. For the first time, in the 2004 report, OLAF has succeeded in identifying the amount of suspected fraud reported in agriculture and the structural funds. The relevant figures were 13 per cent. of the total agriculture irregularities and 17 per cent. of the irregularities in the structural funds.

**Angus Robertson** (Moray) (SNP): I apologise for missing the start of the debate, which began earlier than I expected. Does the Minister accept that many concerns about irregularities in the budget are the result of action by so-called whistleblowers such as Miss Andreasen, Dorte Schmidt Brown and Jules Muis? Will he comment on how the European Union has dealt with those whistleblowers? Does he believe that the situation will improve, as we depend on such people raising concerns if we are to get to the bottom of issues such as fraud in the EU budget?

**Mr. Lewis:** I am not going to comment on individual cases. There are different sides to stories about personnel and human resources in any organisation. The hon. Gentleman is right to make the general point that we should welcome the fact that people working in the organisation are willing to expose legitimate material that is being withheld from democratically elected politicians or the public for no good reason. We should only do so, however, if they do not contravene their employment responsibilities as employees of that organisation. There is a fine tradition of people working in organisations who are willing to expose unsavoury practices that the organisation would prefer to leave unexposed.

**Mr. Davidson:** My hon. Friend welcomed whistleblowing provided that it does not contravene employment responsibilities, but is not that the exact argument that the European Union consistently uses to try to hammer whistleblowers into the ground? Does he agree that the true difficulty in the EU is the culture, which is much more about covering up errors than welcoming people who reveal them? Unless we break that culture, the future for whistleblowers is extremely dark.

**Mr. Lewis:** I agree with much of what my hon. Friend said, but there is also a history of employees in various organisations—not just the European Union—justifying behaviour that represents an unacceptable employment practice by saying that they are fulfilling their wider public duty. That does not always prove to be the case, because people have an axe to grind, a problem with management or their own agenda. All I am saying is that we must be careful not to generalise, without referring to people's responsibility to abide by their contracts of employment. If we do not acknowledge their importance, we may as well not have contracts of employment. However, if people choose to disclose evidence that the European Union is seeking to cover up information that should be in the public domain or be available to democratically elected politicians, that has historically been an important part of getting organisations to face up to the difficulties and challenges confronting them. Ideally, as my hon. Friend suggested, the belief that it was management's responsibility to take these matters seriously would be built into the culture of the Commission and other elements of the European Union. We will be able to improve the credibility of the EU only if we tackle these issues head on—if we are honest about them, rather than pretending that they do not exist or trying to hide them. Ultimately, that will do nothing to enhance the reputation of the EU or the relationship between the EU and the taxpayers of Europe.

**Lorely Burt** (Solihull) (LD): The Minister speaks about the culture in the European Union and in member states. Does he agree although we have grave concerns about the amount of fraud and other irregularities, the problem is largely that other countries—not necessarily the UK—are not meeting the basic audit standards? That is causing much of the problem. Does the Minister agree that—

**Madam Deputy Speaker (Sylvia Heal):** Order. The hon. Lady is relatively new, but interventions must be brief.

**Mr. Lewis:** I agree with the hon. Member for Solihull (Lorely Burt). It is true that much of the problem is connected with the ability, capacity and willingness of nation states to monitor expenditure. That is another reason why the attacks on the European Union or "Brussels" are sometimes inaccurate. In the end, it is a matter of nation states not fulfilling their responsibilities.

Later, I shall come to what we were able to do during our presidency to improve the situation. A central part of that is the willingness of nation states to take their responsibilities for monitoring expenditure more seriously than they have done.

**Mr. Mark Francois** (Rayleigh) (Con) *rose—*

**Mr. Peter Bone** (Wellingborough) (Con) *rose—*

**Mr. Lewis:** I give way first to the hon. Member for Rayleigh (Mr. Francois), who is on the Front Bench.

**Mr. Francois:** I thank the Economic Secretary for his courtesy in giving way. He was making an argument a few moments ago that, in order to help restore credibility, it is important that the European Union and its institutions should be as transparent as possible about their financial circumstances. No doubt we would all agree with that sentiment. Does he agree in principle that that should also apply to Her Majesty's Treasury in relation to information that it holds about our financial relationship with the EU?

**Mr. Lewis:** Of course I agree with the statement that we ought to apply those principles to Her Majesty's Treasury. I am not sure where the hon. Gentleman's intervention is leading, though I am sure I will find out later on. The same principles of transparency and openness should apply. In the context of a debate such as this, it is important to state that, in this country, in the political process and the government—not this Government, but the government of the country—we are remarkably free of corruption, compared with many other countries. We parliamentarians and politicians should be proud of that. The way our democratic system works should be a cause for celebration.

I give way to the hon. Member for Wellingborough (Mr. Bone) and wish him all the best in the World cup.

**Mr. Bone:** I appreciate the Minister's comments. I should perhaps declare an interest as a chartered accountant. I am aware that auditing in this country and in western Europe is of a very high standard, and it is a bit rich to suggest that member states are somehow to blame for the fact that the European Union—this Alice in Wonderland organisation—cannot get its own accounts audited.

**Mr. Lewis:** I am not sure that there would be universal acclaim for the idea that accountants are the most perfect human beings in the world; indeed, I can hear hissing and booing from the Benches behind me. However, as Economic Secretary to the Treasury, I have to acknowledge—urgently, before I get into serious trouble—that our accountancy standards are very high by any international standards.

The EU is sometimes presented as "Brussels"—an homogenous institution that spends and accounts for all this money as one entity. That is not true. Much of the expenditure is ultimately filtered through nation states, and much of the difficulty as regards the ongoing qualification of accounts is connected to their inability always to account properly and appropriately for the way in which the money is spent. Frankly, it suits some Conservative Members, and perhaps one or two of my hon. Friends, constantly to use that as a stick with which to beat the concept of the European Union. Many elements of this issue play into that view in the context of the broad debate about the integrity and reputation of the European Union and the fact that a massive gap has opened up between the people of Europe and the EU as an institution.

**Kelvin Hopkins** (Luton, North) (Lab): My hon. Friend is making a strong case. He correctly said that corruption is less common in Britain than it is in the European Commission. Indeed, there are many examples in the papers that we have before us today. Is not that a powerful argument for Britain and other member states doing more and the European Union doing less?

**Mr. Lewis:** Since I have been spending time in the European Union, I have certainly found that some people's instincts are to want to authorise every increase in budgets for the Commission although in some cases the most effective way in which to tackle the problems relating to the budget headings that we are discussing would be through nation states. They sometimes want to create ever-increasing budgets to build an empire within the European Union even when, to achieve effective outcomes, it would be better if the money were filtered through nation states.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): The Minister said that he recognises the gap that has grown up between people and politicians. He now says that the solutions to some of the problems that are emerging should be retained within the nation state. Are not we getting ever closer to the time when it is necessary to have a referendum to confirm, or otherwise, the British electorate's approval of the European status quo? Should not we give them an opportunity to say whether they approve of the direction of European policy?

**Mr. Lewis:** I thank my hon. Friend for giving me the opportunity to become a very famous politician overnight by responding positively to his invitation, but I am certainly not going to. [HON. MEMBERS: "Oh."] I am sorry to disappoint; that is the story of my life, I am afraid.

It is important that we are clear about where we stand. My position is that much about the European Union could be better and that much about certain people's vision of what it should be about is very damaging to the relationship of the people of Europe with the EU as an institution. Nevertheless, I wholeheartedly believe that this country's place should be at the heart of Europe, arguing and fighting for it to be reformed and made more relevant to its population. That is where I part company from some Conservative Members and some hon. Friends who would like the solution to be our departure from the European Union. I believe that that would be incredibly damaging to our foreign affairs and our economy. It would not reflect the global realities.

**Several hon. Members** *rose—*

**Madam Deputy Speaker:** Order. I remind all hon. Members that we are debating EU finances.

**Mr. Ian Taylor** (Esher and Walton) (Con): I am grateful for that guidance, Madam Deputy Speaker. However, I endorse the Economic Secretary's most recent comment. It would be absurd for this country not to be in the EU, and that is why we take such an interest in improving it. To avoid a sense of sharing sanctimonious pleasure, will he confirm that the UK Government distribute approximately £2 billion in benefit fraud per annum, which far exceeds fraud in the whole EU? That puts the matter in context, not least because the National Audit Office has qualified the accounts of the Department for Work and Pensions on more than one occasion.

**Mr. Lewis:** I do not know whether the hon. Gentleman is in the mainstream of his party on the

issues that we are considering. The Tory party is undergoing change, and I am therefore unsure whether he is in the mainstream. Of course he is right to say that such issues must always be put in context—unless one is deliberately setting out to prove an argument that portrays the EU as a negative and corrupt institution. Some people want to present the EU in that light because they believe that the country should leave the EU. That is a legitimate point of view, but it would be wrong to portray the budgetary position out of context, in a way that misleads public opinion in an unfortunate direction.

**Angus Robertson:** I agree with the point that the Economic Secretary is making, but does he accept that it is incumbent on those of us who support the idea of the EU working properly to point out its shortcomings? The most recent Commission report on its reform claims that adopting accrual accounting based on International Federation of Accountants standards could help it to become a leader in the field. That is not credible.

**Mr. Lewis:** It is important that organisations should not be in denial. It is vital that we tackle the fundamental problems, are honest about them and do not run away from them. This is reminiscent of those who are rightly passionate about the EU but continually want to go down ever more federalist paths, when the people of Europe do not want that sort of EU. However, that position is not the status quo in the EU.

It is important to make the case for the EU, and the best way to do that is to show people how it adds value, makes a difference to their everyday lives and responds to some of the genuine challenges that face us in a global economy. The EU adds considerable value in the best interests—indeed, the national interest—of this country and its citizens. Those who claim otherwise are disingenuous about the sort of world in which we now live.

**Mr. Cash:** The answer to the question of whether the money belongs to the EU is clear. It is stated as categorical fact that the moneys that devolve into the EU's budget are those of the EU. Is it not disingenuous—to use the Economic Secretary's expression—to say to member states that fraud happens in the nation states but all the money belongs to the EU? It cannot do the job properly. Why cannot our Public Accounts Committee and National Audit Office audit the moneys that go into the EU's coffers? After all, we are talking about our taxpayers' money.

**Mr. Lewis:** On the subject of the auditors' inability to give a statement of assurance, they and independent reports by respected European parliamentarians have identified one of the problems at the heart of the matter as individual nation states' inability or unwillingness to account for money that they end up spending. There is no point in denying that. The Court of Auditors has identified it as a major reason why the qualification of accounts is to continue. There has to be co-operation between the nation states and the Commission if we are going to crack this nut and eventually arrive at a point at which the accounts do not have the qualification attached to them. That is simply plain fact. If we do not get the nation states signed up to working in partnership with the Commission on these issues, we are always going to struggle.

**Lorely Burt:** *rose—*

**Mr. Lewis:** I shall give way once more, then I must make some progress. I have been incredibly generous in giving way.

**Lorely Burt:** I am grateful to the Minister for giving way. He talks about the individual nation states taking their share of the responsibility. Does he agree that the EU should perhaps not allocate subsequent funding to nation states that do not fulfil that responsibility? Would not that bring them into line very quickly?

**Mr. Lewis:** We are trying to achieve co-operation and consensus on this matter. Of course, at some stage in the process the concept of using a stick might well come into play. If it were absolutely clear that certain rogue states were unwilling to be held to account for their use of these resources, sanctions would of course be an option that ought to be considered. However, at the moment, that is not part of our strategy for reaching a point at which the accounts do not have the qualification attached by 2009. That might be part of the solution in future, but I hope that it will not be necessary. Sanctions are not part of the plan, but they might become part of the solution.

**Mr. David Drew** (Stroud) (Lab/Co-op) *rose—*

**Mr. Lewis:** As my hon. Friend has not yet contributed to the debate, I shall give way. Then I must make some progress.

**Mr. Drew:** I thank my hon. Friend for giving way. I want to be constructive and helpful to him. That marvellous organisation called OLAF, which deals with anti-corruption measures, was set up with a great fanfare as an improvement on the previous arrangements. I have been reading the documents, and surely one of the problems is that it has not had much impact at all. What are we going to do with these cases of fraud? Clearly they just get kicked into the long grass, and everyone gets more cynical. That is no good to anyone, is it?

**Mr. Lewis:** I think that my hon. Friend is being a little unfair. OLAF has made a difference. We are debating the year 2004, and obviously, quite a bit has happened since then. The overall judgment on OLAF is that it has been a good thing. It has begun to address some of the cultural issues, and to get them taken more seriously. Has it been the solution in itself? Until now, certainly not—but I do not think that that was ever the intention. However, to say that it has not made a difference is unfair, given some of the improvements that are now under way. I do not know whether my hon. Friend would agree with that, but perhaps we can discuss the matter on another occasion. OLAF is a pretty new organisation, and there is evidence that improvements and progress have been made.

I shall now return to my speech. The relevant figures were 13 per cent. of the total agriculture irregularities and 17 per cent. of the structural funds irregularities, or

*[Mr. Lewis]*

about €11 million in agriculture and €118 million in the structural funds. These figures are a far cry from the allegations typically made in the media claiming fraud and waste of €5 billion. There is hard evidence to back up OLAF's figures. Of course, that is nothing to be complacent about; it is not acceptable. But I support and commend OLAF's efforts to put the figures on the table, so that we are better informed about the extent and nature of the fraud.

The "Fight against Fraud" report also contains an analysis of the amount of irregularity—as opposed to fraud—reported by member states. In 2004, 9,463 cases were reported, involving a total amount of €982 million. That is an increase over 2003 levels, although the increase was mainly in the structural funds sector. Indeed, irregularities in own resources and agriculture decreased. The overall increase is, of course, bad news, but, as I have said throughout, it must be seen in proportion. On the expenditure side, reported irregularities accounted for 0.19 per cent. of the agriculture budget and 2 per cent. of the structural funds budget. To be responsible, we must put the figures in context, particularly if we are to have a meaningful dialogue with the public.

**Mr. Davidson:** Will the Minister give way?

**Mr. Lewis:** I will give way one last time.

**Mr. Davidson:** The Minister is being very generous. The fact that we can have a dialogue of this kind shows the benefits of our system. Does the Minister agree, however, that it is misleading to say that those very small figures represent the limits of waste, in particular? The number of value-for-money studies that the European Commission undertakes is minimal, unlike the number undertaken by the National Audit Office here. We have no comparable examination of waste in the European Union; all that we have is an examination relating to theft and misappropriation. The questions of waste and efficiency of spending are not adequately measured and never have been, and that is not proposed even under the Barroso plan.

**Mr. Lewis:** That may be so, but I think it unfair to suggest that there is no desire or attempt, as part of the future management of finances, to examine the whole question of value for money, best value and waste. If my hon. Friend had said that the commitment was not as great as he would like it to be, perhaps we could agree—but to suggest that there is no desire to tackle the issue of waste in the European Union seriously is slightly unfair.

The second issue that I want to discuss is what is being done to improve financial management. The issues in the reports are all too familiar to Members, but, as I have said throughout, that does not mean that nothing has been done to address the problems. In recent years, the United Kingdom has championed a number of measures that have demonstrably improved the quality of financial management by the Commission, and that of the information that we receive. Many of them were introduced under the direction of Lord Kinnock—I am sure that that will prompt applause from Opposition Members—when he was vice-president of the European Commission. For example, the revised financial regulation clearly defined the roles of those accountable for the budget, introduced an independent internal audit facility, required all directors general to sign an annual declaration of assurance on the budget, and ensured that all expenditure was subject to the setting of objectives and the evaluation of their achievement.

A little earlier, the UK was instrumental in shaping the structure and remit of the anti-fraud office, OLAF. The Chancellor called for a strong independent anti-fraud office, which would have the power of immediate and unannounced access to all European institutions.

Anti-fraud measures have been adopted. The Commission's report for 2004 summarises achievements such as the conclusion of an agreement with the cigarette company Philip Morris International, which will establish an effective system to combat cigarette smuggling and counterfeiting in the future. The Commission also considers the issue of co-operation with member states, particularly on the effectiveness of the mutual assistance provisions for the exchange of information concerning irregularities detected, and the methods and practices used in suspected fraud cases.

As for the quality of financial management information, Members will know that the Commission introduced a modern accounting system ahead of most member states, on time and within budget, on 1 January 2005. It will provide full accruals accounting, and should sort out the qualifications raised by the European Court of Auditors. The proof of the pudding will be in the ECA's report on the 2005 budget, which we expect to receive in November this year.

On the institutional side, there has been considerable debate about how to optimise effectiveness and efficiency. I shall say something shortly about the Commission's "Roadmap to an Integrated Internal Control Framework", but let me first consider OLAF's work in response to the points that have been made. How good a job does it do? Is it effective in the fight against fraud? Does it have the right management and organisation to make a difference?

That latter question was considered by the ECA in its special report on OLAF. Its main conclusion, with which we agree, is that it is not appropriate to change the status of OLAF, which currently operates as a service within the Commission. It has a hybrid structure and its director has operational independence so far as investigations are concerned, but it supports the Commission in other duties such as policy development.

From time to time, there have been calls for OLAF to become totally independent of the Commission, but the ECA believes that OLAF's hybrid structure has not adversely affected the independence of its investigative function, and indeed brings with it some advantages. For example, it shares the Commission's power to carry out on-the-spot checks in member states under existing sectoral legislation. The ECA considers that OLAF's resources are sufficient and that it has made considerable improvements in its procedures, but of course it is only fair to say—my hon. Friend the Member for Glasgow, South-West will be interested to hear this—that the report was not without its criticisms. The ECA criticised OLAF's relations with its supervisory committee and its performance in respect of human rights. OLAF acknowledges that its relationship

with the committee could be better, and I hope that it will take the opportunity to review that and to make a new start with the new committee that has recently been appointed. OLAF has already addressed the human rights issue through its proposed amendments to its governing regulation.

Last year, we considered the complementary evaluation report, which showed that OLAF had handled a total of 1,688 cases up to 30 June 2004, in addition to inheriting 1,408 cases from its predecessor, UCLAF. Since 1999, OLAF has reduced the average duration of an investigation from 29 months to 22 months, and the total financial impact of cases closed by OLAF was around €4 billion. The supplementary activity report—produced to cover the six months from July to December 2004, because OLAF intends in future to report on a calendar year basis—updates and expands those performance figures. OLAF has handled a further 720 cases, and the total financial impact of cases that it has closed now stands at €5.8 billion. A total of €198 million was recovered from 2002 to 2004. So the figures are improving and show that the fight against fraud is beginning to succeed.

What will happen next with OLAF? We expect a revised proposal to amend its governing regulation later this year and we will ensure that that takes account of the ECA's findings. I hope that OLAF will continue to analyse the true extent of fraud, for only when we have a reliable understanding of frequency of occurrence and identification of high-risk areas can we target effective preventive action.

That brings me to the third area that I wanted to cover: the key next steps. The action plan has been established by the Commission and was agreed by Ministers in ECOFIN on 8 November last year. It covers the steps to be taken by the Commission, member states and the ECA. It bears repeating that the management of agriculture spending and structural funds is shared between the member states and the Commission. Those headings account for about 80 per cent. of the total EU budget, which is one reason why the ECA has frequently highlighted problems in its past reports. As we have discussed today, member states have vastly differing systems and organisations for managing these funds, and the Commission is often unable to obtain the degree of assurance that it seeks in order to satisfy the ECA.

In response to calls from the European Council and the European Parliament to take action following the ECA report of 2003, the Commission issued a "Roadmap to an Integrated Internal Control Framework"—a snappy title if ever there was one—in June last year. That road map provided a real opportunity to deliver results—to deliver more concrete trust and visible belief in EU financial management and control systems. During its presidency, the UK was very willing to play an active role in taking that forward. The road map was proposed by the ECA itself and in its view, the answer to the problems that it uncovers every year is a system with a number of characteristics. Controls should be applied to a common standard in an open and transparent way, so that the results can be relied on by all parts of the system.

**Keith Vaz** (Leicester, East) (Lab): I thank my hon. Friend for giving way, and I apologise for not having been present for his opening remarks. I very much welcome the proposed action plan, but does he agree that the arrival of President Barroso and the new Commission has been of great benefit to the EU's transparency and accountability? Also important is the fact that benchmarks will be in place to make sure that all the points agreed on will be reviewed regularly. That will ensure that the transparent arrangements that are so necessary in the EU are in place.

**Mr. Davidson:** Give him a job.

**Mr. Lewis:** First, may I express my gratitude to my hon. Friend for attending this debate? My other hon. Friends have a slightly different perspective on the matter, although I have enjoyed their contributions. I agree with my hon. Friend, but the cultural change in the new Commission will be judged by actions, not words. We are discussing one very tangible area where the Commission can demonstrate that it is serious about reform that is directly related to its own credibility and relationship with EU taxpayers. As long as the qualification of accounts continues, it will continue to erode and damage perceptions about the EU. As we know, some of those perceptions are unfair and misleading, but significant progress in this area will improve the EU's credibility and reputation.

**Keith Vaz:** Will my hon. Friend give way again on that point?

**Mr. Lewis:** I shall give way once more, and then move on.

**Keith Vaz:** I am most grateful for my hon. Friend's generosity. Does he agree that the impetus for the reform agenda comes from the UK, and stems from the letter that my right hon. Friend the Prime Minister signed with Gerhard Schröder in February 2002? That letter dealt with all the aspects of financial management, accountability and transparency. The reform agenda is Britain's agenda, and we should pursue it as much as we can.

**Mr. Davidson:** Who was the Minister for Europe then?

**Mr. Lewis:** I agree entirely with my hon. Friend the Member for Leicester, East (Keith Vaz). We have led the argument for reform in all sorts of EU policy areas, including the Lisbon agenda covering productivity, competitiveness, our response to the challenges of globalisation and the EU's relationship with the US. We have been a constructive player at the heart of the EU, and we have begun to move the EU in the direction that we think that it should take to meet the challenges that we all face at the beginning of the 21st century. Other matters on which the UK has taken a lead include international security and terrorism. The UK is seen as a credible player that wants to make Europe work, and not as a nation that constantly wants to debate whether we should be in Europe at all. Our approach has gained us significantly more influence and a greater capacity to achieve change than was the case before 1997, when Britain had no credibility in the EU.

I shall move on, as I do not want to provoke any more interventions. The other criterion laid down for the road map was that the basis of the internal control system

*[Mr. Lewis]*

should be a chain of control procedures, with each level having specific defined objectives that take into account the work of others. The ECA also believed that the cost of these controls should be in proportion to the overall benefits that they bring.

In the road map, the Commission undertook to make a gap assessment, based on comparing its current control systems with the system proposed by the ECA, but it also proposed a way of gaining the assurance from member states that they currently lack. Building on the ECA's integrated internal control framework, the Commission suggested that each member state should produce an annual declaration of assurance in respect of its systems for managing Community funds and how they had performed—in much the same way that Government Departments in this country produce an annual statement on internal control, signed by the relevant accounting officer. The European Parliament wanted those member state declarations to be signed by the Finance Ministers, in order to demonstrate accountability and responsibility.

Although I have no difficulty with demonstrating accountability and responsibility, there are legal and organisational problems with the European Parliament's idea. Moreover, the ECA did not say that national declarations were the answer. Without such an indication from the Court, there was little or no chance that member states would be persuaded.

What was important was our joint ability to reach a practical and unanimous consensus. For the UK presidency, it was vital that the road map should provide an acceptable path for all member states, in the full spirit of co-operative action. ECOFIN on 8 November agreed conclusions that committed both the Commission and member states to take action to improve financial management and the level of assurance that we can give the ECA on the management of the Community budget.

Those actions included an assessment by the Commission of the present controls at sector and regional level, and the value of existing statements and declarations. That will force improvement and allow a realistic evaluation of how the information currently provided can be made more effective and useful. They also included an examination and report by the ECA on how the integrated internal control framework would affect its audit approach, taking account of current international auditing standards. That will help to drive further the changes that the Court has already introduced into its methodology. It will also bring it closer into line with the methods used by the United Kingdom's National Audit Offices, similar bodies in other member stated and the private sector. Another action will be a professional assessment of the level of risks that can be tolerated for different kinds of transactions. At present the ECA applies a blanket 2 per cent. materiality rate for all policy areas, without taking account of complexities. The Commission intends to launch an inter-institutional process this month.

With those conclusions, the Council has taken action to help to address the criticisms of EU financial management made by the Court of Auditors. Under the UK Presidency, we have tackled this issue for the first time at Council level, and have agreed actions that will commit member states and the Commission to co-operate in playing an effective role in the shared management of the Community budget. The Commission has now produced its action plan to implement the ECOFIN conclusions, and we intend to monitor progress closely.

The Commission has made it a strategic objective to strive for a positive DAS by 2009, but that will not be achieved without the co-operation of member states. The Government will play an active role in strengthening that co-operation.

I am well aware that the European Scrutiny Committee is somewhat sceptical of what it considers to be the Government's optimism with regard to the potential for improvement in financial management and control of the EU budget. I am also aware that people feel that they have been told that improvements are on the way for a long time. What has changed is that we now have a transparent process and action plan that will lead to the tangible changes, supported by evidence, that those of us who continue to believe in the European Union want to see.

This issue is at the heart of the credibility and integrity of the European Union. It is about the relationship between the EU and the taxpayers of Europe. I believe that the UK has played an honourable part in recent times, especially during our presidency, in saying that the issue is exceptionally important. The Commission now has a very different culture and I am optimistic that the 2009 objective can be achieved. However, it will not be achieved if we look to the Commission alone to solve all the problems, because it will also require each member state to take full responsibility for improving their own systems in relation to the expenditure.

This process has been an interesting exercise in comparing the respective positions of the parties on the European Union. This is an important issue, and it is good that for the first time in several years we are having this debate on the Floor of the House.

5.48 pm

**Mr. Mark Francois** (Rayleigh) (Con): It is a pleasure to be called to speak on behalf of the Opposition in this debate, which encompasses several European institutions, their related spending programmes, and the process by which those are examined by the European Court of Auditors. I am pleased to debate these issues with the Economic Secretary, who was temporarily under the weather after Christmas. I am genuinely pleased to see him back in his place on the Treasury Bench this evening, in his usual humorous good form. He will recall that he and I have debated these topics on several occasions in recent months, including in European Standing Committee A on 1 November, when we focused on the Government's then draft proposals for the EU budget and combating fraud, and subsequently in a Statutory Instruments Committee on 14 December when we looked in some detail at the UK's economic performance relative to our European neighbours in the aftermath of the pre-Budget report. I give the Minister notice that a few questions remain outstanding from those sessions, which fortunately also touch on our business this evening. I hope that he can provide me with answers this evening, as he was not always able to do so then.

We are here partly at the behest of the European Scrutiny Committee, which recommended this topic for debate on the Floor of the House—and quite rightly, too. The package that the Committee provided us with includes some 30 documents, which we have collectively before us tonight—all 1,158 pages of them—for which we must thank the Committee profusely. Those papers centre on the European Court of Auditors' scrutiny of the EU budget process and include its detailed annual report on the implementation of the EU budget for 2004, to which the Economic Secretary has referred on several occasions as a result.

The issue of fraud and the reliability of the EU's accounts, which lies at the centre of the debate, has continued to rear its head repeatedly ever since the entire Santer Commission resigned over EU fraud in 1999. We were subsequently told that a reform process would be put in place under Commissioner Neil—now Lord—Kinnock and that those issues would be seriously addressed at last and put to rest once and for all. However, despite that so-called reform programme, the European Court of Auditors has refused to sign off the EU's accounts for 11 years running, because of continuing irregularities. That process was well summarised by the European Scrutiny Committee in its 19th report of the 2005–06 Session, which appears at page 1,089 of our bundle tonight and states:

"For eleven years, the European Court of Auditors has been unable to give a positive statement of assurance (frequently referred to as a DAS, from the French *declaration d'assurance*) on the Community Budget. The present arrangements for financial control and audit of Community spending are not working."

**Mr. Redwood:** Did my hon. Friend notice that when the Economic Secretary remarked on how things could be improved, he gave us verbiage and very vague bureaucratic processes? Does my hon. Friend agree that if we really want to clean up an organisation, from the top, we must say that people who preside over fraud or commit fraud are fired and action is taken against them and that the people who spot it—whistleblowers—are rewarded and promoted? Until we get to that point, are we not going to face this situation year after year, because those at the top of the Commission and the other European organisations do not send a clear message that fraud is the most important thing to root out?

**Mr. Francois:** As usual, my right hon. Friend makes a powerful point. Part of the situation that we are in now follows on from the fact that an entire Commission resigned on the issue of fraud some seven years ago, and the House, the British people and others across the EU were assured that such issues would be tackled head on as a result of that failure. We are now seven years on from then, and the Economic Secretary attempts to argue that, at last, such things are being taken seriously and that the problems will be laid to rest in about three years. I want to test some of the arguments that he put to the House this evening and press him specifically on some of the details of the road map and how it is supposed to work in principle and how it is likely to work in practice.

The road map is now used by the Government, the Council and the Commission as their answer to the challenge of how the problem will be dealt with. It is designed to facilitate the European Court of Auditors being able to sign off the accounts satisfactorily in the not-too-distant future, and I shall come to the timing shortly. In our debate Upstairs on 1 November, the Economic Secretary laid out the concept of the road map, which was initiated by the European Council and then taken up by the Commission as a result. He explained that the Government has sought to press that initiative as part of their presidency of the EU in the second half of last year. I want to press him tonight on how he sees that operating in detail and on what the European Scrutiny Committee in its 15th report of the 2005–06 Session—at page 12 of our bundle tonight—described as his

"rather upbeat assessment of the situation."

Let us get on to the detail. Will the Economic Secretary give us further information on the timings by which he envisages the process working? Given the history of all this, it seems clear that the problem will hardly be put right overnight. Can he provide some realistic idea of the year in which he expects the objective to be ultimately achieved and the accounts satisfactorily signed off, given that the EU firmly committed itself seven years ago to eradicating the problem? The Minister mentioned 2009, but will he be clear on whether the Government's stated position is that the accounts should be 100 per cent. signed off in 2009, or do they hope that the percentage signed off will be higher, if not necessarily 100 per cent.? Getting to 100 per cent. only three years from now seems ambitious, so will he be crystal clear about whether he expects to achieve 100 per cent. DAS by 2009?

**Mr. Davidson:** Does the hon. Gentleman agree that the Minister should tell us what will happen if, whatever the target is, it is not met? We have had protestations of good intentions from the European Commission for a long time about the accounts, but nothing has happened and nothing has been done. Does he also agree that it is essential that the Minister tells us what will happen if the 2009 date is not met? May I also suggest that the Minister sticks with his adage, "Do less, better"? That way, if the target was not met by 2009, the budget would be cut, and that would concentrate minds.

**Mr. Francois:** I thank the hon. Gentleman for an important point, and indeed a point so powerful that it has provoked the hon. Member for Leicester, East (Keith Vaz) to leave the Chamber. I would welcome a clear answer to his question when the Minister replies. In sum, do the Government expect 100 per cent. DAS by 2009, and what will happen if they do not get that?

The Minister's explanatory memorandum, which is reproduced by the Scrutiny Committee at page 11 of our bundle, reports progress in the following terms:

"the financial management of around 35 per cent of the total 2004 budget is now assured by the ECA, as opposed to only 6 per cent of the budget (just administration) of the 2003 budget. This is a dramatic improvement, for which the Commission and the Member States should take credit."

*[Mr. Francois]*

I accept that in purely numerical terms 35 per cent. is better than just 6 per cent., but is the Minister saying he is happy with a situation in which some two thirds of the EU's accounts are not satisfactorily signed off?

**Mr. Ivan Lewis:** No.

**Mr. Francois:** Are not Ministers being complacent in seeming so willingly to crow about only one third of the accounts being cleared, as if that were some wonderful achievement?

**Mr. Lewis:** No.

**Mr. Francois:** The Minister says no from his sedentary position. We shall see what he says when he winds up, but when he opened the debate he made a lot of the fact that the figure has reached 35 per cent. If he undergoes a Damascene conversion in the space of two hours, I will welcome it.

On a technical point, we acknowledge the introduction of activity-based budgeting into the budget process, which appears to be helpful as it makes it easier to identify spending by subject headings and by specific line items within them. That makes the whole process clearer and is therefore to be welcomed. May I press the Minister, however, on progress towards full accruals-based accounting, which I understand, from page 6 of the bundle and from his remarks, was due to be introduced in the financial year 2005? That should, in theory, improve the quality of the audit process, but there are several references in the bundle to the fact that it has not yet been brought fully into operation. I know the point is technical, but it is important, and I wonder whether the Minister can update us on progress on the introduction of accruals-based accounting. If nothing else, can he tell us how it has fared so far in financial year 2005?

At page 9 of our bundle, the European Scrutiny Committee states, on the basis of the chapter of the ECA's report that focuses on financial instruments and banking activities:

"the Commission does not have a complete overview of the existing assets held by financial institutions on its behalf and such an overview would ensure that the assets are subject to regular and adequate monitoring."

That is an extraordinary statement. Will the Minister say what initiatives are contained within the much-vaunted road map to ensure that that difficulty is put right, so that the Commission will, in future, have a more accurate picture of what it actually has in the bank? As a British taxpayer, that question does not seem unreasonable and perhaps the Minister will help to answer it.

The Minister said that the European anti-fraud office, which is popularly known as OLAF, is helping to win the battle against fraud in the EU. Last month, however, *Accountancy Age* revealed that fraudsters have sent out fake letters from OLAF to innocent victims in an organised scam. Those letters accused the victims of making irregular bank transfers and thus violating money laundering regulations, and they demanded a payment to make amends for the alleged transgression. That is hardly OLAF's fault, but it does not inspire confidence in the system when the name of the anti-fraud office of the EU is used to try and defraud people. Will the Minister tell the House what specific action has been taken to combat that fraud? By way of comparison, has there ever been a similar scam in the United Kingdom by fraudsters purporting to represent the National Audit Office? Hon. Members would like to know whether anyone has had the temerity to try that in the UK, because a bunch of fraudsters have had the temerity to try it on within the EU in the name of the EU's anti-fraud office.

I want to pick up the Minister on an outstanding matter from our exchange in Committee on 14 December, when we touched on the UK's budget performance against the so-called Maastricht criteria. In particular, we discussed the recommended ratio of debt to GDP, which the Maastricht treaty states should not exceed 60 per cent.—I have the *Hansard* here, if the Minister's memory has failed him. I asked the Minister what the UK ratio would be if the Government's considerable off-balance-sheet liabilities were included in the calculation. He said that he did not possess that detailed information and that he would write to me, which was fair enough, but it is March and I am still waiting for an answer. Having given the Minister almost three months' notice of my inquiry, will he tell us tonight the ratio of debt to GDP including off-balance-sheet liabilities? *[Interruption.]* The Minister has quipped from a sedentary position that he should resign, but the matter is not that serious.

**Mr. Lewis:** How does the hon. Gentleman know? He has not seen the reply.

**Mr. Francois:** If I were able to see the reply, I could make a fair judgment on the Minister's political future.

In an earlier intervention, I deliberately asked the Minister whether he agrees with the principle that there should be as much transparency as possible from Her Majesty's Treasury with particular regard to our financial relationships with the EU. He favours transparency and wants to give us the information, so will he seek inspiration quickly and let hon. Members know the ratio of debt to GDP including off-balance-sheet liabilities? In the circumstances, the only answer that I will not allow him is that he will write to me.

**Mr. Cash:** I do not know whether my hon. Friend was in the House at the time, but does he recall that some of us voted against the Maastricht treaty 47 times? We thought that the sort of problems that he has identified with the Maastricht criteria would lead to a position in which the Government simply could not answer such questions. The off-balance-sheet problems, which he has rightly identified, merge into the privatisation arrangements, which Government Back Benchers strongly resent. That is indicative of the unworkable nature of the Maastricht criteria, which is having a dramatic impact on our domestic agenda, including health, education and a range of other matters. That is why the Maastricht criteria have not been seen in the Red Book since the present Chancellor dared to include them for the first and last time.

**Mr. Francois:** My hon. Friend is well aware that I was not in the House when those lively debates were under

way, although I assure him that I followed them from a distance. He has raised an important point, and I recall that off-balance-sheet debt was raised in this context at the time.

**Mr. Lewis** *rose—*

**Mr. Francois:** I see that the Minister is bursting to intervene. I am bursting to give way to him.

**Mr. Lewis:** Will the hon. Gentleman pass on to the hon. Member for Stone (Mr. Cash) our thanks for the fact that Labour is starting its third term in office?

**Mr. Francois:** If the Minister wants thanks from anyone, I shall thank him when he provides an answer to the question that I asked him three months ago.

**David Taylor:** I should tell the hon. Gentleman that when he chases his fox to ground he will—sadly, from his point of view—find that it has died. I, too, have examined the private finance initiative and the ability it provides to keep items off the Government balance sheet, but even if those items were all included the Government, because of the stewardship of the next Prime Minister, would still be within the targets that were set. None the less, I agree with the hon. Gentleman about the dubious nature of some of the off-balance-sheet accounting in which most Governments are involved, so I hope that he will join my all-party group—which will have written to him recently—and promote financial transparency.

**Mr. Francois:** I thank the hon. Gentleman and look forward to receiving his letter—which is one more than I have received from the Minister. It is an interesting situation when the hon. Member for North-West Leicestershire (David Taylor) has to come to the Government's rescue. That does not happen very often and I hope that the Government Whip on duty has taken full note.

The best answer that I can give to the hon. Gentleman is that we are seriously concerned about the extent of the Government's off-balance-sheet liabilities. We would like to have their version of the answer to my question so that we can debate the matter. That is information that the House would genuinely like to have at its disposal.

The need to achieve reform of the EU budget is brought into even more stark relief by the Government's sell-out in respect of our contribution to it, in particular their capitulation on the British rebate. Perhaps the Minister can explain to the House tonight how on earth it makes any sense to give away £7 billion of UK taxpayers' money via the reduction in the rebate to an institution that cannot even produce a set of accounts to the satisfaction of its own auditors. The Government would be understandably reluctant to continue to pay rate support grant, or its modern equivalent under formula spending share, to any local authority in this country that had only one third of its accounts cleared as satisfactory by the district auditor, so why give away so much more of our taxpayers' money to the EU?

We would be especially pleased to hear a Treasury Minister's view on that subject, because it is an open secret that the Prime Minister did not even bother to consult the Chancellor during the final hours of the negotiations. Even though the Chancellor now says that he supports the policy, "Project Gordon" clearly took the day off.

Will the Minister confirm first, that the £7 billion in question was not included in the estimates prepared for the pre-Budget report of 5 December last year, and secondly, that it will now be included in the figures to be presented to the House of Commons and the British taxpayer in the forthcoming Budget on 22 March? It would be helpful to have that confirmation tonight.

Tonight, we are discussing the way in which the EU can reform itself and put its own financial house in order. Put simply, if the EU cannot fight fraud effectively and produce a worthy and reliable set of accounts that the European Court of Auditors can legitimately sign off, all its other attempts to win back public confidence are likely to come to naught.

**Mr. Drew:** We hear about the wonderful inquiries that OLAF has conducted and money may well have been reclaimed, but does the hon. Gentleman know what reprimands, sanctions or withdrawal of future funds the EU has imposed when it has been able to prove that fraud has occurred? Does he know of any examples?

**Mr. Francois:** I have given one example of an attempt to perpetrate a fraud—one that, ironically, used the name of OLAF itself. However, history shows first, that the EU institutions have been bad at pinpointing fraud, especially in agriculture and structural funds; and secondly, that even when they have succeeded in pinpointing fraud, they have been poor at recovering money on behalf of the European taxpayer. The hon. Gentleman touches on two weaknesses in the system and has allowed me two bites of the cherry, for which I am grateful.

The Government have backed a road map for making progress on the issue but, as events in the middle east have starkly reminded us, it is one thing to lay out a road map and quite another to see it through to fruition. Our position on the road map being able to achieve meaningful financial reform of the EU is that that may be worthy in principle, but we will believe it when we see it.

Finally, whatever the Minister says this evening, I am sorry to report to the House that the British people have recently been defrauded of some £7 billion of their own money, although not, in fairness, by some distant European Union institution, but by a Prime Minister desperate for a legacy—even one with massive price tag attached.

6.10 pm

**Kelvin Hopkins** (Luton, North) (Lab): I am pleased to have a chance to speak in this debate. This is the ninth consecutive year in which I have made a speech on this subject and I find it astonishing that, for 11 consecutive years, the accounts of the European Commission have not been signed off. If that happened in Britain and the Chancellor and the Government performed as badly as that, they would be in serious trouble by now. Rather than having OLAF, perhaps we should give the National Audit Office and the Public Accounts Committee the responsibility of looking at European

*[Kelvin Hopkins]*

accounts. As we are a net contributor, we might save some of our money if we did that. However, that is just an aside.

European Standing Committee B, of which I was member for eight years—I spoke on these matters many times—has considered the issues in detail. I have not managed to read all the papers, but I have scanned them. One has only to open them at any page and look at a table and the facts start to shout out. For example, on page 121 there is a table entitled

"Suckler cow premium: percentage of claims inspected with errors".

Sadly, the UK has quite a high percentage of claims inspected with errors—nearly 20 per cent.—and although most of the cases are not serious, some are.

A pie chart on page 932 deals with certain investigations. It shows that two thirds relate to corruption, a quarter to embezzlement and only a tiny fraction—about 6 or 7 per cent.—to sloppiness, mistakes and inefficiency. We are talking about deliberate mischief, not things that happen because people are not doing their jobs properly. People are deliberately defrauding the European Union budget by one means or another, which is a serious matter.

The problem is inherent in the European Union in that people are spending other people's money and it is always easier to spend someone else's money than one's own. If one is accountable to one's family for the money that one spends, one will be much more careful. If one is accountable to the House of Commons, one will be much more careful. If one is accountable to an electorate who have a direct concern and interest in how their money is being spent, one will much more careful. The problem with the European Union budget is that it is remote and complex and there are myriad people who benefit from it in far-flung corners of the European Union. It would be difficult even for a very efficient organisation such as the National Audit Office to deal with a vast amount of money that is spread so widely.

We have to consider the whole concept of the European Union budget. That is why I have said on many occasions, and say again today, that we should seek the abolition of the common agricultural policy, because that is where the principal problems lie. If agriculture policy was simply repatriated, each member state could decide its own level of subsidy for its own unique agriculture systems. Every country has a different pattern of agriculture. I do not think that there are any Welsh Members in the Chamber, but I have mentioned several times that we might choose to preserve the way of life of Welsh hill farmers. That is fine. It would not cost very much and it might be a good thing to do. *[Interruption.]* We do have a Welsh Member present, but I do not know whether my hon. Friend the Member for Alyn and Deeside (Mark Tami) has any Welsh hill farmers in his constituency—possibly not. Nevertheless, there are sectors of agriculture that have to be subsidised. That is appropriate, but other agricultural sectors do not fall into that category. I understand that the vast proportion of CAP funds go to agribusiness sugar producers, to the disadvantage of poorer producers in other parts of the world such as the Caribbean, Africa and elsewhere. I would like us to buy more sugar from those producers and spend less on agribusiness sugar production in Britain and the rest of the EU.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): The hon. Gentleman speaks with a great deal of expertise on this subject. Does he agree that the sugar regime is important to many farmers in East Anglia? Britain is about 60 per cent. self-sufficient while France is about 180 per cent. self-sufficient. The low countries and Germany are all more than 100 per cent. self-sufficient. In the case of the UK, the hon. Gentleman's suggestion means that applying our own rules would be much more sensible.

**Kelvin Hopkins:** The hon. Gentleman has made a helpful intervention. In the previous debate on this subject it was suggested that we might produce sugar as a biofuel, which would be a much more environmentally friendly form of fuel production, producing alcohol for fuel. That is one possibility. Whatever the arrangements, we could choose nationally how we subsidised our agriculture. I am sure that we could do that while taking account of all the needs of the rural population, including farmers, as appropriate. I am sure that we would do a much better job of it than the CAP and the EU. Indeed, every country would do better.

We should have a proper and thorough study of the precise fiscal distributional effects of abolishing the CAP. What would happen to France? I have made a rough calculation that shows that abolition would not make that much difference. There might be a small cost equivalent to less then 1 per cent. of GDP if France were to subsidise its farmers directly rather than through the CAP. Indeed, the CAP is so inefficient and so corrupt that France might do a better job of it directly rather than through the CAP. Getting rid of the CAP would solve many of the problems.

**Mr. Drew:** I concur with my hon. Friend's view on the CAP. Does he agree that one of the problems with the recent budget was the many warm words that were spoken about moving towards rural development in place of targeted support based on production? When push came to shove, all the countries involved fell down on the obligation towards rural development and, again, sucked money back into direct support. That might have happened because of the French, but the British also fell into line. Surely that is shocking.

**Kelvin Hopkins:** My hon. Friend speaks with great expertise on agricultural matters, and I am pleased to receive his assistance. We should consider rural policies in terms of agricultural subsidies. Perhaps we should regenerate some of our livestock farming, which is so healthy for the countryside, and also good for wildlife and for the environment. That could be done if we had a national agricultural policy rather than having a system that is based on the CAP and the EU.

So often, those who take a critical view of these matters are said to be anti-European. I feel that I am strongly pro-European in the best sense. I was born in Europe, I speak a European language, I love European culture and I love European people. I happen not to believe that the construct that is called the European

Union is a good idea as it stands. I believe that it should be substantially reformed. It is the EU construct that is wrong, not Europe. Europe is a wonderful place.

**Ms Diane Abbott** (Hackney, North and Stoke Newington) (Lab): Does my hon. Friend agree that those of us who are critical of the EU construct can call ourselves genuine internationalists? We believe that it is immoral that so many billions should be sucked into subsidising agribusiness when much smaller sums could be provided to help and support agriculture in the third world.

**Kelvin Hopkins:** My hon. Friend is right. On the point of internationalism, those of us who take a critical view of the EU and the CAP have strong international links with other social democratic and socialist parties on the continent. We have regular meetings with the members of those parties. We try to put forward more progressive social democratic approaches to dealing with European policies.

**Angus Robertson:** While not agreeing with everything that the hon. Gentleman said, I concur with his internationalist agenda. Is he aware that the unreformed European Union, as it currently stands, is putting some countries off joining? I advise him to read the current edition of *The Economist*, which outlines the difficulties the Icelandic Government have with possible membership because of the disastrous common fisheries policy. Should that not also be reformed, otherwise the financial problems will continue?

**Kelvin Hopkins:** I thank the hon. Gentleman for his intervention. I agree about the commons fisheries policy. The European Union would be much more attractive to existing members, as well as to potential new members, if it worked better and was seen to be more just, fair and effective. I can think of a number of ways in which it should be reformed. However, I wish to stick to the topic of the budget and how the money is spent.

The other matter about which I am concerned, as is the Department for International Development, is the aid budget. That budget is spent ineffectively, is subject to some corruption and goes to the wrong places. It has been heavily criticised by DFID Ministers, both privately and publicly. I have suggested two possibilities for that budget. The first is that it should be repatriated and member states should be required to contribute a proportion of their GDP to aid. Perhaps the proportion might be higher for the richest nations. There should be a formulaic approach to aid so that we make sure we pay enough, but it should be distributed through national Governments or national Governments in collaboration.

The second suggestion involves DFID, because it is recognised as doing a good job with aid and as not being corrupt. I have not supported some of its policies regarding privatisation, but it is highly regarded. I have the greatest regard for our present Secretary of State for International Development, whom I have heard speak on many occasions, who does an extremely good job. If the aid budget for the European Union were handed over to Britain to manage on a franchise basis, I am sure that we would do a much better job than the European Union and that the aid would go to the right places. Some of the problems with that budget relate to the fact that national interests dictate that some aid goes to slightly richer countries around the rim of the Mediterranean rather than to sub-Saharan Africa where the need is greatest. We have to repatriate the aid budget or introduce fundamental reforms, perhaps even hand it over to DFID to manage. With our present Secretary of State, we would do a good job.

Other aspects of the European Union budget will cause problems. It irritates me when I walk through my town centre and see a large notice, with a big, blue flag with yellow stars on it, saying that the town is to be modernised with money from the European Union. We are massive net contributors to that budget. It is our money, not the European Union's money, that is paying for the modernisation, but the EU gives the impression that it is a benign Father Christmas delivering money to Britain, when actually we are Father Christmas giving money to the European Union. I am not suggesting that we should not give fairly to the budget. Indeed, I have suggested on many occasions that if we had a budget in which contributions and receipts were exactly proportional to living standards in member states, so that richest give most and the poorest receive most, that could be seen to be fair. One could just look at a sliding scale and see a graph of how it worked. Everybody would say that that system was fine and they would sign up to it. But the current budget does not work like that; the CAP distorts it and makes it look unfair.

**Mr. Cash:** The hon. Gentleman refers to structural funds and suggests that we should give as much as we reasonably can and be fair in giving money to other countries. Does not that belie the fundamental point that structural funds are at the heart of regionalisation, which has a severely adverse impact on the United Kingdom—on hospitals, ambulance services, the police, fire authorities and so on? The whole process is disintegrating under the guise of the creation of a more centralised system, which is of course what the EU really is.

**Kelvin Hopkins:** I was about to say that national Governments should distribute funding according to their needs; they should make the judgment about which of their regions needs money. Indeed, the Chancellor has suggested that as and when our regional fund benefits disappear, as poorer member states join, extra funds will be substituted by the Treasury, which is right. However, we in the House are the best judges of which regions need more or less money. We should make those decisions and the situation is the same for other countries. Distribution should be proportionate to relative GDP per head in member states and they should make their own decisions.

I agree with the hon. Gentleman's point about regionalisation. I am seriously concerned that building up the regions is an attempt to play down the Governments of member nation states. I cannot accept that. Member state Governments are the political entities in which the majority of people believe. I do not suggest that nation states should be nationalistic, but national Governments should have the final responsibility for the welfare of their citizens. The central Governments of member states should have that

*[Kelvin Hopkins]*

democratic role, which should not be undermined by the EU building up the regions and playing down member state Governments. That would be a great mistake.

We have an ongoing problem with the European Union. We are tinkering at the edges of the corruption and incompetence with which the budget is managed, and fundamental change will be necessary if we are to overcome the problems. We have to deal with the fundamental problem that people and institutions in the member states—farmers and so on—are spending other people's money and that that is somehow all right. It has even been suggested that the glue holding the EU together is the fact that money is sloshing about and everybody gets a bit of the action. That is not the way to approach democratic politics. We should know what we are spending our money on and vote to spend it as appropriate, collectively in democratic member states and, where necessary, at minimal level, through the EU.

As the Government have said many times, the EU should be an association of independent, democratic member states working together for their mutual benefit, where appropriate. It should not be the beginnings of a European superstate, which many of us would reject.

6.27 pm

**Susan Kramer** (Richmond Park) (LD): I apologise for not being in the Chamber at the start of the debate. I did not for a moment believe that merchant shipping would not take up the full time allocated—it was unexpectedly treated with brevity.

I shall set out our position and suggest some directions that we should like reform to take. Whether the issue is fraud, error or irregularity, Liberal Democrats take it extremely seriously. It is completely unacceptable that, for the 11th successive year, the ECA cannot sign off the EU's accounts with a positive statement of assurance.

I am conscious, however, that we need to be careful about throwing stones—as other Members have remarked. As the House knows, the EU presents its accounts for audit in a global fashion, whereas in the UK we present them Department by Department. As others have pointed out, the National Audit Office has qualified the accounts of the Department for Work and Pensions on more than one occasion, so if there was a global set of UK accounts, they would all be qualified. The uncertainty and mistrust that flow from unsatisfactory sets of accounts undermine the whole purpose and image of the EU, so we want to tackle the problem as aggressively as possible.

May I propose three ways in which we could tackle the issue? First, as the House is well aware, 80 per cent. of the EU budget or approximately €65 billion is spent by the nation states. Policy is set at EU level, but the responsibility for spending and payment, primarily of the common agricultural policy subsidies and the structural funds, is delegated to national level. The European Parliament, in its discharge report on the last annual budget, called for national Finance Ministers to sign off a national statement of assurance for each member country, with the goal of making sure that each member state takes full and proper responsibility for spending and payments inside its national boundaries. Ministers rejected that at the last European Council—they are not anxious to be accountable to the European Parliament. At a minimum, however, a key national body, whether the NAO in this country or an equivalent body in other countries, ought to take on that responsibility, as we need a detailed audit trail from the bottom to the top. It could be constructed as a pyramid, with each audit built on a sound audit at the level below. We could then begin to force each nation to face up to its responsibilities as a member of the EU.

Once national statements are made, as my hon. Friend the Member for Solihull (Lorely Burt) suggested, we can begin to consider the issue of penalties. It is not acceptable for people to recognise that information is not properly controlled or monitored year after year and that there is a potential for error or fraud but to fail to take reasonable action. The total elimination of payments may not be required but a penalty could be imposed. As the EU grows and more countries join as a result of accession, there is a danger that those countries will not put in place the proper auditing structures, controls and monitoring. By starting on the wrong foot, we will compound the problem and the issue will escape us in its complexity.

Secondly, the Commission's internal system of controls is a concern. We cannot place the whole problem on the shoulders of the nation states. It is unacceptable that parliamentary recommendations have not been followed, as they require key members of the Commission to sign off essential reports such as the annual activity reports and declarations on which the synthesis report is based. Whether it is a director general, the secretary general or the internal auditor who is accountable, there must be a structure so that the Commission takes internal responsibility far more aggressively and positively for the accounts that it presents.

Thirdly, we have often talked about tolerance of the risk of error. The NAO has a tolerance rate of about 1 per cent., as it accepts that there is a point at which chasing error is far more costly than the error itself. There is therefore an acceptable benchmark, but as discussions proceed in the EU it is critical that the error tolerance rate should be very low. It could be 1 per cent., as it is in the NAO. We must treat the EU as a sophisticated, developed organisation and, if we are to have confidence in it, we should not apply the standards that we would attach to overseas aid to developing countries.

Finally, when the EU talks to the developing world and tells the United Nations that it must be careful about the way in which it offers aid to new and emerging economies it should make certain that it is purer than Caesar's wife. We take a proactive stand over and over again, telling developing countries that they must clean up their auditing act, but for us to do so from a position where we can be criticised strikes me as unacceptable.

I speak as a pro-European. There is nothing less acceptable to a pro-European than to sit by and look at an unreformed EU that permits a relatively low standard of auditing to continue year after year. For the credibility of the European Union, which I consider to be an important part of our future, we must pursue the kind of reforms suggested in the road map, and we probably have to go beyond that.

6.35 pm

**Mr. David Drew** (Stroud) (Lab/Co-op): I shall keep my remarks brief. The debate is time-limited and most of the points have been covered in interventions and in the wonderful speech of my hon. Friend the Member for Luton, North (Kelvin Hopkins)—the annual event. We always look forward to it. We know that the content will be riveting and the meaning profound. I entirely sign up to what he says, especially about the CAP.

I know that we have all been assiduous and read every last dot and comma of the light reading that comes with the debate. As the hon. Member for Rayleigh (Mr. Francois) said, one needs to approach these matters with some degree of scepticism. The Minister was positively Panglossian in his assessment. It is not an easy line to defend on behalf of the Government, because all is not right in the court of Brussels. I make no apologies for being sceptical. I wish to see a better European organisation, whether that is the EU or a subsequent body.

The strength of the EU is that it is drawing in more and more countries. To be fair to those new entrants, they are faced with an enormous dilemma. Having spoken to representatives of those countries, I know that they are levered into a position in which they would not want to be. The Maastricht constriction immediately does enormous damage to those economies. Even though they may grow in the short run because of the benefits of the single European market, they subsequently have to make compromises, in the form of changes to their agricultural system and in response to the manufacturing pressures brought to bear on them, which often entail massive redundancies.

These circumstances are directly relevant to the financial structure. The Maastricht criteria are far too restrictive and far too likely to lead to structural problems of the worst kind. Some of us would go much further, but I hope we will recognise that we owe a duty to the EU to make sure that its auditing and financial control are hundreds of per cent. better than they have been so far. They have been lamentable, resulting in the divorce between the peoples and the governance of the EU, reflected more recently in the divorce between national Governments and their electorates. That is why we will never revisit the European constitution because, if anything, the votes would be even more overwhelmingly against. That is why we could not hold a vote in the UK. The Government could not be seen to hold a vote that they knew they were bound to lose.

**Kelvin Hopkins:** I draw my hon. Friend's attention to developments in the past week or two in France, where Monsieur de Villepin has strongly supported the idea of the French retaining national champions and not allowing takeovers by other European nations. Does that not suggest a degree of concern that the nation state is being submerged in a superstate and that some member states are having second thoughts about retaining their own democratic and economic institutions?

**Mr. Drew:** I need say no more than that I entirely agree with my hon. Friend.

I should like to do some textual analysis. It is always welcome that those who can do so try to synthesise the various documents. We try to read them, but they are long on words and short on meaning. I welcome the recently revealed National Audit Office document on the financial management of the European Union. With the best will in the world, it is hardly a glowing endorsement of the EU. It says of the Court of Auditors:

> "The Court did not give a positive opinion on the legality and regularity of the transactions for the following expenditure headings: the Common Agricultural Policy",

which is 40 per cent.-plus of the budget, "Structural Measures"—how much more of the budget does that include?—

> "internal policies; external actions; and pre-accession aid."

What is left? That is our own NAO putting the boot in, not terribly subtly, but necessarily overtly. That is the sensible way in which it has to deal with these matters, and I commend it for doing so.

This is not just down to the EU itself but down to the way in which it works with its member states. However, it is of course the EU's responsibility to deal with these problems. I had a go at OLAF in an intervention on my hon. Friend the Economic Secretary. As he said, OLAF is in its infancy. My hon. Friend the Member for North-West Leicestershire (David Taylor), who is no longer in his place, reminded me that OLAF was set up in 1999. I know that it is easy to criticise Governments for failing to deliver and for always coming up with good intentions but being unable to follow them up with the detailed plans that we would want. However, we are now seven years into the operation of OLAF. It may have a long way to go, but if it has not got very far in seven years, I hate to think how long it will take before it really cracks the whip and begins to bear down on the corruption and anti-fraud measures that it needs to bring in.

**Mr. Cash:** The hon. Gentleman rightly referred to the rather blunt criticisms of the Public Accounts Committee and the National Audit Office in respect of the Court of Auditors as part of the chain. Criticisms of OLAF include the point that

> "There is no independent control of the legality of investigative actions."

It cannot get much worse than that.

**Mr. Drew:** I tried to get hon. Members to give examples of where OLAF and other EU apparatus have really been able to get hold of those who have defrauded the EU and take their money away. All that happens, at best, is a slight tap on the wrist. That is not good. It goes back to the point about new entrants, who have to live with this legacy. They have to come in and say that they are going to behave themselves when they have nothing to go by as a yardstick. That is not acceptable. Unless we put our house in order, the new entrants, including the Romanians, the Bulgarians, the Croatians and perhaps the Turks in due course, will have nothing to live up to but plenty to live down to.

The danger is that we will simply let the matter slip through for one more year. The general public heavily criticise us for not examining what happens in the EU carefully—it is a criticism that they always advance. They say that we are not doing our job properly. I have every sympathy with our hon. Friends who serve on the European Scrutiny Committee, who do wonderful work. However, we never do it on the Floor of the

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House because it appears to be too complicated, we have too little time and we are told that we will not understand the issues. The work is therefore all dumped upstairs.

Every year, we tip the hat and say, "What can we do about it?" It is the same as allowing an alcoholic another drink. We always say, "It's going to be different. It'll be sorted out tomorrow. It'll definitely be sorted out for the next accession states", but it never is. Hon. Members should take account of that and do much more.

**Angus Robertson:** Why does the hon. Gentleman think that only 14 or 15 hon. Members perceive the issue to be important enough to turn up to listen to the debate?

**Mr. Drew:** I agree—it is a tragedy that so few hon. Members are present. If one gives people a doorstep to scrutinise, some think that that is not what they were elected to Parliament to do. That is part of the problem. However, that is why they should be here. I appreciate that we have much else to do and that many other debates and important meetings are going on, but there is nothing more important than our relationship with the EU, which is fundamentally flawed and on which our views are divorced from those of the electorate.

**Mr. Davidson:** Few hon. Members attend such debates because we hold the same debate year after year about the iniquities, dishonesty, fraud and waste of the EU. We all agree that something needs to be done but nothing is. It is therefore difficult to get people to attend yet another debate on exactly the same subject.

**Mr. Drew:** Perhaps some of us should be more willing to scrutinise and to draw a line in the sand. We are all pushed to acquiesce in the unacceptable position. Some Labour Back Benchers have not been positive about what is going on. Perhaps if other quarters listened to them—the official Opposition may be rethinking their policy but at least they have been critical of the EU's auditing and financial control—we could all learn a lesson. It is up to us as parliamentarians to do something about it. I shall leave the matter now but some of us will make our reservations felt.

6.48 pm

**Mr. Ian Taylor** (Esher and Walton) (Con): I came to the debate with a light heart and a racing pulse. The excitement was undimmed by the 1,000 pages that were handed to me and I am immensely impressed with our current Front-Bench spokesman, my hon. Friend the Member for Rayleigh (Mr. Francois), who had clearly read every page. That shows Opposition at the cutting edge.

The genuine reason for my excitement was that I knew that my good and hon. Friend the Member for Stone (Mr. Cash) would seek to catch your eye, Mr. Deputy Speaker. We are the Mars and Venus of Conservative European policy and I therefore believed that it was incumbent on me to make a contribution.

The EU clearly has considerable problems. The hon. Member for Luton, North (Kelvin Hopkins) referred to several. There is anxiety about protectionism and anti-globalisation reaction, which is unsustainable but nevertheless an attempt by various Governments to curry favour with their electorate rather than explain the realities of life. The interesting irony is that we have not given sufficient powers to the Commission and the European Court of Justice to intervene in such matters. It will be interesting to see whether the Commission will take on the French Prime Minister and the French President over the way in which they have attempted to merge the Compagnie de Suez and Gaz de France in an almost transparent attempt to block an Italian takeover. That is not the subject of this debate, but it is actually quite material.

Those of us who believe that it is in Britain's national interest to continue to be an active member of the European Union despite its imperfections must also accept that those imperfections need to be taken on and challenged. It is therefore perfectly right that the European Scrutiny Committee and others should deliberate on the concerns about the budget.

I would like the Commission to be more powerful—and more open—but that power can be properly exercised only if there is public confidence in the Commission and its procedures. In the case of the budget, we have seen serious errors, year in, year out, and serious matters of concern for the Court of Auditors. That institution was set up by the last Conservative Government, precisely because we were concerned about the lack of transparency in budgetary procedures. More recently the organisation known as OLAF was set up. Those organisations have begun to take on some of the problems, but they have not made sufficient progress. The fact that about a third of the budget has now been approved represents gratifying progress, but it is clearly not sufficient.

I call to the attention of the House the remarks of my European parliamentary colleague, Richard Ashworth, who has said:

"The Commission has belatedly begun to put in place measures that should tighten budgetary control and enhance transparency. It is important that those measures succeed".

I entirely agree with him. He is the Conservative budget spokesman in the European Parliament, an institution that is growing in stature, although it is sometimes dismissed as unimportant. This is not a zero sum game: the European Parliament has a valuable role to play in areas with which this House does not deal. I am delighted that our Conservative colleagues there are playing an active role in the European Parliament in conjunction with our good allies in the European People's party.

**Mr. Cash:** On my hon. Friend's point about Venus and Mars, may I point out that I would rather adopt the position of Mars than of Venus in this context? Does he acknowledge that our colleague, Richard Ashworth MEP, also said:

"Trust in the integrity of the accounting systems of public bodies is an essential cornerstone of democracy. It is not, therefore, acceptable that the Court of Auditors continue to fail to give a clean bill of health for the EU accounts and the public perception that the EU authorities have an ongoing reluctance to address this problem seriously undermines the credibility of the whole of the EU."

I am not criticising my hon. Friend for leaving that bit out, but I thought that I should mention it.

**Mr. Taylor:** I am delighted that we Conservatives are always united on these matters. I agree that the failure of the scrutiny and approval of the budget undermines the status and authority of the Commission. I would like to see that status and authority enhanced, alongside the pre-eminent body in the European Union, the Council of Ministers, of which I was a member several times during my ministerial career—

**Mr. Cash:** What about the Court of Justice?

**Mr. Taylor:** My hon. Friend asks me that question from a sedentary position. Perhaps he is getting tired of standing up to make his interventions. The Court of Justice provides an important way of enforcing the measures that are agreed to by the Ministers in Council. Indeed, a previous speaker referred to the importance of the Commission taking note, but, in many cases, it is the Ministers who give the Commission instructions to take note. An example is ECOFIN—of which our Chancellor is a member—which is very much involved in attempting to ensure that there is reform and improvement in the institutions of the European Union. The point that I am making is that those of us who believe that it is in Britain's national interest to be in the European Union also believe that the European Union should be reformed and that it should make every effort to overcome the inadequacies that exist, most notably in regard to the issue that we are discussing this evening.

Of course we must have a sense of context. It has always been said that the number of people employed by the European Union institutions is roughly equivalent to the number employed by the county of Staffordshire. I have long since forgotten how many people are employed by the country of Staffordshire, but we should appreciate that we are talking about a comparatively small number of people. That does not exonerate them from a failure to have their accounts properly audited and approved, but it puts the position in context. Sometimes the House, along with some of the British media, greatly exaggerate the apparent problems in the European Union.

**Mr. Davidson:** Does the hon. Gentleman accept that the parallel he drew with Staffordshire is deliberately misleading and one of the myths that the European Union has long peddled? Many of Staffordshire's employees deliver services directly to the public, unlike members of the European Commission. A much more appropriate parallel could be drawn with a military general staff, who send out orders that will control thousands, if not millions, of people. That is a significant comparison, rather than a false comparison with an organisation that actually does some good.

**Mr. Taylor:** The hon. Gentleman clearly has a deep admiration for the people who work for the county of Staffordshire. I cannot even begin to understand how he knows about them, but the comparison is valid. The question of how good the workers are is separate.

While we are making comparisons, let me make another. The total EU budget was less than the budget for the Department of Health in 2004–05, at £71.5 billion. I am not saying that the Department of Health spends its budget better than the European Union but merely making a comparison of size. That does not reduce the importance of the accusation levelled against European Union institutions that fail to secure auditing of their accounts. I am talking about the context, which is sometimes blown out of proportion. The House rarely engages in three-hour debates—even debates attended by the number of people who are present this evening—on the way in which the Department of Health spends its budget, or on the fact that, as I mentioned earlier in an intervention, the budget of the Department for Work and Pensions has been unapproved by the National Audit Office on more than one occasion. I am trying to establish the context rather than evaluating the effectiveness.

It is important that a House of Lords Committee is to scrutinise the documents, and we shall pay close attention to its findings. I understand that it will consider a number of questions. For instance, what are the fundamental problems that have led to the accounts not being given a positive statement of assurance for the past 11 years? I am sure that the hearings on that question will be very interesting. Are the suggestions for improving management of the budget appropriate, will those improvements lead to a positive statement of assurance by the end of the tenure of the Barroso Commission, and can lessons be learned from accounting procedures in other countries? I look forward to all those deliberations, but the last point is particularly important.

It is in no way an exoneration of the Commission, in terms of its responsibility, to say that although national Governments contribute to the totality of the budget, 85 per cent. of the funds are then administered by member states. It is extremely important for member states to take responsibility for the proper administration of those funds. As they are predominantly funds to deal with agricultural problems, and structural funds, it is frustrating for the Commission that it gets all the flak while national Governments get very little.

It was suggested earlier that an independent investigation, the equivalent of a National Audit Office investigation, should be carried out to assess the performance of the Government of each member state. That is a good suggestion. The fact that it might amount to a supranational intervention does not deter me, although it might pose problems for some Members who have spoken today. However, it is very important that national Governments face up to their responsibilities, because in a sense, when they act on them badly they set a bad example not just to the Commission but to the new member countries. If Poland, which is a very considerable country itself, sees other countries not observing the rules, it might be tempted to go astray. So we must all set an example that will set the tone for how the budget and the Commission develop.

Whether we can improve matters by activity based budgeting or by accruals is a complex and difficult question, but the Government need to put much more pressure on the Commission than they have done to date. They have been in power since 1997, so discussing what we did before then is irrelevant. Those of us who believe that the European Union brings benefits to this

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country are profoundly concerned that those benefits are being distorted by public criticism—it is justified—of the management of moneys transferred to Brussels. That is diminishing the value of programmes such as aid, when in fact, in many countries, the aid budget, which is administered by the EU, is valued and highly regarded.

As one of those Opposition Members who has consistently believed that membership of the European Union is in Britain's national interest, I urge the Minister to reinvigorate his efforts to ensure that this matter is dealt with by the Barroso Commission. Barroso himself I find an impressive figure. He has had big issues to deal with. He is a former Prime Minister of a good ally of ours within the EU, and a very sharp and intelligent man. But he clearly needs help not just from other commissioners, but from the member states themselves, if this problem is to be brought under control.

7.1 pm

**Mr. Ian Davidson** (Glasgow, South-West) (Lab/Co-op): I begin by paying tribute to the Minister's generosity in giving way so often during his opening remarks. It is worth my saying openly that we all welcome the opportunity that that provided to have a dialogue with him, and that many of his colleagues would do well to take lessons from him in that regard. He spoke for some time, and I must say in all honesty that he was not always wrong. I strongly agree with a number of points that he made, particularly his call for the European Union to do less and to do it better.

I want to return to a point that I made during an intervention about the road map. We have been promised for some time that the EU will behave better at some future point, but it never actually happens. We are now being promised that by the end of 2009—the end of the Barroso Commission—such problems will be resolved, but it is not clear what will happen if they are not. I am not aware of what the British Government believe should happen in those circumstances. I very much suspect that whoever the next Commissioner is—be it Peter Mandelson or someone else—we will simply carry on, saying, "We will try to resolve the situation by the end of this presidency." My worry is that this is a process without end, and it is for exactly that reason—because we see so little progress—that so few Members bother to attend these debates.

What tangible gains were made during the British presidency in terms of introducing a greater degree of financial probity? What did Britain achieve in that area that we can look back on with pride, saying, "That resolved some issues and resulted in a considerable improvement"? I am not aware of the British presidency's having resulted in many real achievements, although I entirely accept that the Government's heart was in the right place and that they made the right noises, said the right things and tried to move in the right direction. However, the achievements that they have to show for it are somewhat limited. It would also be helpful if the Minister were to clarify the steps being taken in conjunction with Austria and Finland to ensure that any minor gains achieved are being carried forward, so that demonstrable progress can be made.

The Public Accounts Committee regularly produces reports on EU financial management. One significant element of the most recent report was the attempt to simplify the rules governing the EU and all its operations. The complexity of the present regulations exacerbates the problems encountered in their operation. It has increased administrative difficulties and the opportunities for fraud, and it is not entirely clear that Britain has achieved as much in that regard as it might have wanted.

The Minister did not mention the question of the culture within which the EU operates, which I see as one of the main problems that we face. Britain is not perfect in that regard, but at least our attitude to waste, fraud, corruption and mismanagement is different. For instance, the National Audit Office and the PAC supervise the accounts, and we also pursue value-for-money studies and try to root out mis-spending or wasteful spending.

However, that approach is not replicated in the rest of the EU, and in an intervention on the Minister I asked about the fact that the European Court of Auditors did not produce value-for-money studies. It is notable that all the emphasis in the EU is on making sure that the money is not being stolen, rather than on making sure that it is being spent effectively.

I hope that the Government are willing to pursue such matters more vigorously in future. The "do less, better" approach is the one that we should adopt, but it is hard to believe that the Court of Auditors is doing so sufficiently vigorously. For example, on page 234 of the papers issued to hon. Members for this debate it is stated that the Court of Auditors budget remained at €84 million in 2003–04. It seemed to me that there was an opportunity in that period to "spend to save"—that is, to spend additional money in the Court of Auditors to make sure that money was spent more effectively elsewhere. In contrast, in the same period the budget for the European Parliament rose by 18 per cent., from €986 million to €1,166.

How can we take seriously the suggestion that the European Parliament is determined to curb wasteful expenditure when its own spending has risen by 18 per cent., and when MEPs maintain the farce of commuting every month between Strasbourg and Brussels? How can the British public believe that the EU is seriously interested in safeguarding taxpayer's money, when no one in this country supports such wastefulness—apart from the Liberal Democrats, of course. *[Interruption.]* I note that that remark has been met with universal acclamation, and no denial even from the hon. Member for Richmond Park (Susan Kramer), the only Liberal present.

Will we be given an opportunity to vote against this motion? It states only that the House "takes note" of these documents, but it seems a terrible waste of time to do the same thing year after year. It would be worth while for some hon. Members to vote against the motion, just to demonstrate that we are unhappy with the process. Presumably, the time will come when Parliament has an opportunity to vote against the EU budget and its extravagances, although I see that that possibility is well along the way to being rejected by the European Parliament. It has been reported that members of the Budgets Committee unanimously adopted a draft resolution yesterday that

"formally terminates the current Inter-Institutional Agreement, allowing Parliament to keep more advantageous Treaty provisions as the sole basis"

if talks on the next financial perspective fail.

After agreement has been reached between national Governments, the European Parliament has decided that the amount of money being spent is insufficient. Again, the only support for that in this country will come from the Liberal Democrats. We will have to proceed with a budget that already contains substantial amounts of pork, overspending and waste, and the European Parliament and the Liberal Democrats want to spend even more. Can my hon. Friend the Minister tell us when we will have the opportunity to vote against that?

7.10 pm

**Mr. William Cash** (Stone) (Con): Important as this debate is, it also demonstrates the cultural inadequacy of the way in which the European Union conducts itself. On the issue of how taxpayers' money is spent, we can look back with some pride on the fact that the Public Accounts Committee was set up under Gladstone. Nor does anyone have any serious doubt that the National Audit Office and the Public Accounts Committee do a thorough job in identifying inadequacies and, where necessary, maladministration or fraud in the UK.

However, the report by the Court of Auditors on OLAF makes the following comments:

"The Office's investigations policy is still uncertain ... With regard to preliminary work ... analyses are still rudimentary ... Supervision of investigations by the Office's management has generally proved inadequate ... The duration of investigations has not been brought under control ... There is no system in place to measure investigators' actual workload or the time they spend on investigations ... The obligation to report investigations that are more than nine months old to the Supervisory Committee has had no notable effect ... It is still difficult to determine the actual results of investigations. In the area of internal investigations, little progress has been achieved since 1988 with regard to sanctions imposed."

As I mentioned in an earlier intervention, the report also stated:

"There is no independent control of the legality of investigative actions."

That is an average catalogue of condemnation of the so-called efficiency of a body that was, as the hon. Member for Stroud (Mr. Drew) said, set up some seven years ago. That is what the Court of Auditors is still saying about it.

The importance of that criticism is that OLAF is at the hard end of the so-called investigations of malfeasance in respect of taxpayers' money. We have heard reference before to the question of irregularities, and I gave some figures earlier, which I shall briefly rehearse again. In 2004, for the European Agricultural Guidance and Guarantee Fund there were irregularities of €82,064,000. On the structural measures, irregularities for that year totalled €531,744,438. The sum to be recovered was €357 million. The amount declared irrecoverable, pending a formal decision, was €15 million. Those are facts, and I take them from the official documents.

**Mr. Ian Taylor** *rose—*

**Mr. Cash:** I shall certainly give way to my hon. Friend, whether he comes from Venus, Jupiter or Uranus.

**Mr. Taylor:** Will my hon. Friend also note, however, that the president of the Court of Auditors said that the court concluded that the 2004 consolidated statement faithfully reflected revenue and expenditure for the year and the financial situation of the Communities at the year end, save in respect of sundry debtors? The court went on to say that it had inadequate confidence in the way that member states were administering the budget for the common agricultural policy and structural funds. One needs to put in context what is causing the problem and what is not.

**Mr. Cash:** I hear what my hon. Friend says, but I must mention again what I have said on a number of occasions. Indeed, I made a specific point in respect of the European Communities (Finance) Act 1995, when six of my colleagues lost the Whip, not over Maastricht but over European finance. I tabled an amendment to deal with the relationship between member states and the EU's financial management. In summary, I worked things out, spoke to the Comptroller and Auditor General and came to the conclusion that it was possible for the Public Accounts Committee and the National Audit Office to have much more direct control of the money administered in the United Kingdom as a member state.

**Mr. Siôn Simon** (Birmingham, Erdington) (Lab): Will the hon. Gentleman give way?

**Mr. Cash:** I will not give way for the moment, if the hon. Gentleman does not mind.

In other words, the accountancy principles applied in the UK by the PAC and NAO would then have been applied to EU finances in the member states. That seemed to me a rather good idea. I will not go into all the detail, but I had 45 Members, or thereabouts, ready to vote with me on that question, and it can be fairly said that I was given assurances that those matters would be fully considered. However, to this day, some 10 years and more later, I am still waiting to hear either from the Government or from Conservative Front Benchers that we will adopt those principles to get proper control over the money that is spent in member states.

The Economic Secretary rightly said that such questions went to the heart of the EU's problems. My hon. Friend the Member for Rayleigh (Mr. Francois) rightly said that the whole question also related directly to the rebate, because the rebate is connected to financial management, and with the manner in which such operations are conducted. Furthermore—to refer to other contributions—it relates to the European aid budget for Africa, in which I have an interest, as the chairman of the all-party Uganda group and the vice-chairman of the all-party Kenya and Tanzania groups. I am deeply worried about corruption in Africa and the relationship between that and the manner in which the EU is failing to provide the kind of effective control and delivery in relation to financial management and the budget that we ought to expect.

*[Mr. Cash]*

Such things are not simply technical questions, and this large stepping stone of papers that I have in my hands—I can assure hon. Members that it is pretty heavy—contains an enormous problem that goes to the heart of the way in which the EU operates. It does not work. It is ineffective. It is not operating even according to the terms that the Court of Auditors, or, indeed, the Government, present to us.

The Minister referred to the question of nation states, and said that some rogue states might in future fail to carry themselves properly on these important questions. We already have the example of the stability and growth pact, whose rules it is perfectly obvious that people did not comply with. My hon. Friend the Member for Esher and Walton (Mr. Taylor) rightly pointed out that it is essential in matters of this kind that the rule of law be complied with. It is equally clear that there is no intention to do that, and several hon. Members have made the point that we have every reason to doubt whether there is any real desire or intent to carry through on compliance with the rules of the European Union.

That calls into question the whole fabric, the whole system, the whole framework of the current European Union, which has led me to believe that the best way to act would be to have a form of associate status. I do not need to enlarge on that, having spoken about it on a number of occasions. At least, however, it would get us away from what I regard as a largely fraudulent approach to the European Union, which is to say that we want things to improve, while seeing almost no serious change taking place in spite of the fact that reforms are proposed in documents such as those before us that clearly have not been carried through. There are also the reforms of the Lisbon agenda, which again have been proposed but not carried through.

We need to be quite transparent and decisive. We need to be honest with the British people about the deficiencies in the way in which the system functions. We must not roll out yet another fudge, year after year after year. We must tackle the problem. I challenge the Government—and, indeed, my own Front Bench—to be less reticent in their arguments. I do not mean this to refer for one moment to my hon. Friend the Member for Rayleigh, but there is a tendency for an eerie silence to descend on the European issue.

**Mr. Drew:** Is not the problem the way in which we debate these issues in the House? It is not acceptable that these documents are merely to be noted.

**Mr. Cash:** I agree—on which note, I shall sit down.

7.22

**Angus Robertson** (Moray) (SNP): While I speak on behalf of the Scottish National party and Plaid Cymru, I want to make a number of points not yet raised from the perspective of the European Scrutiny Committee, on which I sit. Notwithstanding the sensible point made by the Minister about much of the problem that we have discussed being the fault of the member states, and notwithstanding the excellent point made by the hon. Member for Esher and Walton (Mr. Taylor) about the scale of fraud being less than that of benefit fraud in the United Kingdom, we agree across the House that some serious issues need to be dealt with when we consider the situation, warts and all.

The context of the fraud should not be overlooked. A series of senior officials involved in audit and financial management have suffered personally—a point I made to the Minister earlier in an intervention. Those are people who brought maladministration and financial mismanagement to light, and they cannot all be publicity seeking cranks. There are serious questions about the governance of OLAF, which was, as hon. Members will recall, instrumental in bringing about the arrest and detention of one Mr. Hans-Martin Tillack, a *Stern* journalist who had published articles critical of financial management in the Commission. According to evidence given to our sister Committee in the Lords in 2004 by the chairman of the OLAF supervisory committee, that raid was triggered by hearsay evidence from one informant in the public relations office of the Commission, and a witness thought that any normal person would have to say that OLAF was

"probably trying to get back at this man".

That is not an isolated case, because similar events have occurred in a series of cases. The fraud issue is serious and improvements need to be made.

The financial changes outlined by the Minister are supposed to be integral to the Commission's reform programme. That matter was discussed in the European Scrutiny Committee only last week, when the Government's reaction was described as "supine and unquestioning", which is a serious comment. The hon. Member for Leicester, East (Keith Vaz) has said that he is content with the standard of benchmarking, but the Committee does not think that the Commission's benchmarking proposals on the reform programme are adequate. In particular, the Committee has noted

"the almost complete absence of any quantification of the results said to have been achieved, and even of any kind of external independent evaluation."

The Government need to raise that serious shortcoming in the Council of Ministers.

On the budget being qualified for 11 consecutive years, it is ludicrous that the Commission aspires to becoming "a leader" in the field of public sector financial management, because it has a long way to go. The situation is unacceptable and it must be addressed.

In the previous Parliament, the European Scrutiny Committee pointed out the weaknesses in protection in the revised EC staff regulations for officials bringing maladministration and wrongdoing to the attention of EU institutions and the public. The Minister would be right to say that the situation in the EU institutions compares unfavourably with the rule in the civil service in the UK, where a protected disclosure could be made by any Minister of the Crown. The UK Government can and should do something in the Council of Ministers, and they should not respond to such documents in a way that Committee members from both sides of the political divide have described as "supine and unquestioning".

I am not Eurosceptic—I believe passionately in the European Union, I am in favour of the reform of the European Union and my position on the common fisheries policy is well known in this House. However,

unless we examine the challenges, describe them for what they are and do something about them, we will have the same debate for another 11 years, in which case trust in the EU institutions, which are worthy, will continue to plummet.

7.28 pm

**Mr. Robert Goodwill** (Scarborough and Whitby) (Con): I was fascinated to hear the Economic Secretary say that he believes in the EU. I know that it is in vogue to take direction from an overarching authority, but the EU is something in which I believe, in so far as it exists, but I do not believe that it has a coherent system of financial accountability.

I must declare an interest—as someone who farms modestly in Yorkshire, I am eligible for my share of the €43 billion out of a total of €100 billion. Little has been paid incorrectly to farmers this year, because little has been paid at all. The Department for Environment, Food and Rural Affairs system is so complex that it rules out the possibility of fraud, but DEFRA has so many officials that it probably wastes an equivalent sum on administration—there are now more DEFRA officials than there are dairy farmers in England.

Until 2004, I was a Member of the European Parliament, where, as a member of the Environment Committee, I was budget rapporteur between 2002 and 2004. A particular bugbear of that Committee was the way in which the LIFE—the financial instrument for the environment—third countries programme is administered. The programme is for environmental projects outside the EU and the Committee was especially concerned about financial probity in relation to money deployed in the west bank and Gaza strip. I did not look to see whether it was referred to in the documents because I know that the Commission had difficulty finding an inspector who was prepared to go and look at those projects, but it is a concern.

Last November, once again the European Parliament enacted what has become an annual ritual by refusing to sign off the EU's accounts for the 11th year running. It is almost as predictable as the arrival of Alsatian asparagus or Beaujolais nouveau that the European Court of Auditors will deliver a "negative statement of assurance"—a phrase reminiscent of "deferred success". We have been deferring success in this area for 11 years.

As the Minister rightly said, 80 per cent. of the budget is deployed by member state Governments, and the blame for many of the more blatant frauds—for example, those involving olive trees in Italy or flax in Spain—should be laid fairly and squarely at the door of the Governments involved, but not all of the money unaccounted for has been misappropriated. Attention was drawn to the UK's sheep annual premium scheme, for example. There was no suggestion that farmers misappropriated every single penny in the scheme, but the system in place before sheep were individually tagged meant that sheep could be counted twice by inspectors on different days. Such infringements were few and far between, but the system was not sufficiently robust to rule out the possibility of fraud. My hon. Friend the Member for Esher and Walton (Mr. Taylor) drew a parallel with the housing benefit system in the UK, but I do not think that the comparison is fair. We are talking about money given to 25 member states and a small number of NGOs, which is not the same as distributing large sums among large numbers of individuals.

Some EU funds are spent in a way that I believe is diametrically opposed to the wishes of the British people—for example, we spend €1 billion a year on subsidising the growing of tobacco, much of which is low quality and has to be sold on to third-world markets—and some of the money is wasted. Hon. Members who have perused the documents will have found on page 245 a reference to the Committee of the Regions. It is noted that the Committee has not been able to fill the auditor's post on a permanent basis. There is a story behind that. The Committee has 317 members from across Europe, each of whom costs £147,000—that figure does not include salaries. I discovered that fact by accident. When I was discussing another report in the European Parliament, it emerged that the Committee of the Regions also discussed reports, but no one listened to what it said. Is that Committee good value for money? Do right hon. and hon. Members receive feedback from their Committee of the Regions representatives? Do they even know who their representatives are?

When the financial auditor of the Committee of the Regions drew the Court of Auditors' attention to problems associated with members' travelling expenses during a meeting of CoCoBu—the Committee on Budgetary Control—the matter was played down by the auditors. Not until Members of the European Parliament—in particular Michiel van Hulten, a Socialist MEP from the Netherlands, and Chris Heaton-Harris, a Conservative—drew attention to it did those events emerge.

**Mr. Francois:** May I take this opportunity to place on the record the fact that Chris Heaton-Harris has been absolutely tireless in pursuing fraud and waste in the EU on behalf of the British taxpayer? I have worked closely with him and I commend the work that he has done on behalf of the people of this country.

**Mr. Goodwill:** I endorse my hon. Friend's comments.

Whistleblowers have a sad record in the EU. Paul Van Buitenen, who exposed the fraud that brought down the Santer Commission, was sacked by Commissioner Kinnock, now the noble Lord Kinnock. Incidentally, Mrs. Cresson, who was criticised for giving money to her dentist and whose pension was suspended, is now on half-pension, we are told.

Marta Andreasen, the first qualified accountant to be employed as chief accountant by the Commission, refused to sign off the accounts for the previous year when she was appointed. She was suspended by Commissioner Kinnock. In fact, I think it is scandalous that a Labour commissioner sent officials scurrying around Brussels in taxis issuing suspension notices to their employees—shades of Militant, dare I suggest. Marta Andreasen said that there were no systems in place to make sure that money was spent properly and that a double accounting system should have been in place.

I am proud that Paul Van Buitenen went to Edward McMillan-Scott, a British Conservative MEP, and that Marta Andreasen went to Chris Heaton-Harris, another

*[Mr. Goodwill]*

Conservative MEP. It is Conservative Members of the European Parliament who have been taking the lead in the fight against fraud. I am sure that when we form our new group with allies from eastern European countries, we will be even more effective in taking that forward.

Most recently, Dorte Schmidt-Brown raised concerns about EUROSTAT, the EU statistical service. It systematically siphoned off £3 million and kept two sets of books at its headquarters in Luxembourg, but no one was fired. All the staff concerned were redeployed and are now either still employed or drawing their pensions. As the new chief accountant of the European Commission, Brian Gray, has said, one can change the system, but it has proved impossible to change the culture. There is an environment of complicity. Why rock the boat when every whistleblower is suspended? If people keep quiet, they will keep their jobs.

I have a practical suggestion for the Minister about benchmarking—a term that I do not really like. It would be very useful when monitoring what is going on with the finances of the EU if each directorate-general of the Commission were individually to measure progress. The present system of issuing a positive or negative statement is too broad a brush. We would get much more value from more detailed information from the directorates-general.

7.36 pm

**Mr. Ivan Lewis:** With the leave of the House, I shall respond to the debate.

Elements of the debate have been good—I wish I could say that the whole debate had been good. *[Interruption.]* I will not name the elements that have been good and the ones that have been not so good, but I am looking carefully at the Opposition Benches. The debate is important and it is probably good that it has taken place on the Floor of the House rather than in Committee, which has not happened for a considerable time. It is important that the issues are aired transparently.

I will try to respond directly to the different issues and questions that were raised by hon. Members. The hon. Member for Rayleigh (Mr. Francois) basically claimed, as he did before we concluded the negotiations, that the deal that the British presidency secured on the financial perspective was in some ways bad. That is complete nonsense. For the first time, the United Kingdom is paying roughly the same as France and Italy. The budget is generally on a downward trend. The abatement will be worth more in the next period than in this and a process now exists to lead to the necessary reform of the common agricultural policy. We would settle for all those elements as a fair and reasonable agreement on the financial perspective. Many people believed that the British presidency would not be able to secure a deal on the financial perspective and the Conservative party was desperately disappointed when we achieved that.

**Mr. Francois:** Will the Minister give way?

**Mr. Lewis:** No, I will not.

The hon. Gentleman also asked me about the Government's opinion on when the accounts will be 100 per cent. cleared. It is the Commission's stated objective that the qualified assessment will be removed by 2009. We think that it is good that the Barroso Commission has set itself that target and we welcome that, but we cannot be sure that all the necessary measures will be in place to achieve it. There is still a lot of work to be done before we can be sure that it will be achieved.

The hon. Gentleman asked for an update on the progress of accruals accounting. I have become an expert on accruals accounting in recent times and there is good news. The Commission successfully met the deadline to implement the new system in January 2005. The transition to the new system was successful and there is an ongoing process to develop that system. The European Court of Auditors queried whether the production of the 2005 opening balance would be ready in time. The Commission assures us that it is on track.

The hon. Gentleman asked also what would happen to the debt-for-GDP ratio if off-balance-sheet figures are taken into account. I think that he was expecting me to write back on the matter. I apologise for the letter not having arrived. The Office for National Statistics classified public debt based on agreed national accounting rules, SA95. It is nonsensical to add contingent liabilities to GDP calculations as they do not apply to other member states. There is no figure with which the UK could make a comparison, nor is there any implication in relation to stability and growth. The issue is not relevant.

The hon. Gentleman asked whether the abatement concession was included in figures for the United Kingdom's contributions that were published in the pre-Budget report and whether it would be included in the figures for the Budget. As far as we are concerned, the PBR was in line with the code for fiscal stability, which as always contained cautious assumptions, a point which I made to the hon. Gentleman at the time. From memory, the negotiations at that time were ongoing. Therefore, any assumption would be an assumption. We were cautious. The figures will be updated now in the usual way at the time of the Budget.

The hon. Gentleman asked also for some examples of how the road map objectives would be achieved. The major actions that will improve assurance are improving internal controls in the Commission and in member states to the standards that are proposed by the European Court of Auditors, promoting further simplification of complex legislation—the ECA says that this will lead to improvements—reaching a political agreement with the European Parliament on the level of risk that is tolerable, and introducing greater involvement of national audit offices. As many Members have suggested, our NAO is very willing to help in that regard.

I have tried to address all the specific issues raised by the hon. Gentleman. My hon. Friend the Member for Luton, North (Kelvin Hopkins) spoke for the 11th successive year on these issues. He made an informed and intelligent contribution, but I cannot say that I agreed with everything that he said. That may come as a surprise to right hon. and hon. Members. However, my hon. Friend tried to make a constructive contribution.

I hope that the career of the hon. Member for Richmond Park (Susan Kramer) will not suffer as a result of her enthusiastic support for the recent unsuccessful leadership bid of the hon. Member for Eastleigh (Chris Huhne). The hon. Lady asked about some important points, including the Commission having an appropriate system of accountability. The directors-general of the Commission already sign declarations of assurance. From now on the Commission's chief accountant will sign off the accounts. That is a further strengthening.

The hon. Lady asked also about the National Audit Office and what the United Kingdom might do. We were the first member state to provide a response to the annual report of the ECA. That is a process and obligation that is now in the EU's financial regulation. We have already cleared the way to support the idea of management level declarations. We were fully prepared to support this at Council. We are certainly interested in making better use of the NAO to audit our management of EU funds.

We did not make the level of progress that we would have liked on that because many member states did not feel able to support that approach. That is because they have highly federal or regional structures. The UK has a pretty impressive record in recent times in trying to drive the agenda forward during our presidency and also in making contributions in Council whenever possible.

The contribution of my hon. Friend the Member for Stroud (Mr. Drew) was thoughtful and constructive. He is frank about his scepticism. Most of the time it is a balanced scepticism. I think that he conceded that there has been some progress in recent times although he feels that there has been nowhere near enough progress. That is a reasonable point to make.

**Mr. Drew:** Given the words in the Order Paper, on which we may either be voting or not this evening, what progress will the Government make through the Economic Secretary to ensure that the criticism that has been voiced on both sides of the Chamber is taken seriously and that the fraud issues to which he has referred have been taken up?

**Mr. Lewis:** When I realised that one of my responsibilities during the past few months was linked to the EU budget for 2006 and the question of audit, I made it clear that we would be proactive in regarding this issue as a priority during our presidency, which we tried to make it. Commissioner Kallas felt that the UK presidency was crucial in making the road map proposal work. Beyond the UK presidency, we now have to take a lead role in maintaining the pressure on these issues if we are not to come back here year after year and hear the same old story. I will give my hon. Friend a commitment that, in my role, I will continue to take this issue seriously. I know that the Chancellor, in his contribution in ECOFIN meetings, as he always has been in this country, is constantly concerned about making sure that financial probity is central.

I come to the contribution by the hon. Member for Esher and Walton (Mr. Taylor). He always makes well-informed, measured, sensible contributions on this and many other issues. I am sorry to damage his career even more than it has been damaged in recent years by the honourable positions that he has taken on these issues. They have been honourable because anybody in the Conservative party who has taken a balanced view on Europe has seen his career suffer as a consequence of those judgments. All too often, it has been easy to pander to a gallery—the Eurosceptic gallery—and give a false, out-of-context impression of the European Union. The hon. Gentleman has always resisted doing that in the same way as the right hon. and learned Member for Rushcliffe (Mr. Clarke) has, which is one of the reasons why he never became Leader of the Conservative party and why it chose such excellent leaders during the past few years as alternatives.

As for the Mars and Venus analogy, I shall leave it to Members to decide who is in which category. Perhaps they can discuss that later. I assure the hon. Member for Esher and Walton that the Government will continue to exert pressure on these issues, because anybody who believes in the vision and concept of the European Union knows that it is essential that we make progress on this in terms of the credibility and integrity of the EU and the relationship it has with its taxpayers. If we do not make progress on this, it will be a stick for sceptics to beat the European Union with year after year. They will deliberately present this out of context.

My hon. Friend the Member for Glasgow, South-West (Mr. Davidson), who was very well informed on these issues, said that I had spoken at length and was not "all wrong". I am not sure whether that will do me much good, but I regard it as a major compliment from my hon. Friend. I have already explained what I believe the achievements of our presidency were on these issues. I do not think the road map would have been taken forward if we had not prioritised it in our presidency. However, it is the beginning of a process; the delivery of it will make all the difference. My hon. Friend also expressed concern about the culture of the European Union. We have to find it encouraging that there are signs within the new Commission of a different culture that takes these issues seriously and understands the great challenges that lie ahead, whether they are globalisation or the gap that has grown in recent times in the relationship between the European Union and the citizens of Europe. I believe that there is some encouragement in the attitude of the new Commission in understanding that there has to be cultural change.

My hon. Friend also asked when the UK Parliament will have an opportunity to vote "against the EU budget". I shall turn that into "on the UK budget", which is a more objective view. In accordance with our procedures, a European Community finance Bill will be an opportunity to vote on these issues.

The hon. Member for Stone (Mr. Cash) made a contribution that reinforced his prejudices. He has always been honest about these issues. He wants the United Kingdom to adopt a form of associated status in the European Union. Long may he continue to speak loudly and clearly on these issues at every opportunity, and long may he be an example of how any appearance that the Conservative party is moving to the centre of politics, whether in this country or internationally, is mere pretence. They are as right-wing and ideological as ever—the hon. Member for Stone is proudly nodding his head—which I am sure will become clear in the months and years ahead.

*[Mr. Lewis]*

The hon. Member for Moray (Angus Robertson) talked of the importance of exposing fraud while not targeting whistleblowers who give information. As I said, I cannot comment on individual cases or circumstances, which would be entirely inappropriate, but the first thing that anyone in an organisation should do is to report any suggestion of fraud or maladministration to management. If they do not take the information seriously or try to cover it up, there is legitimacy in the person feeling obliged to make it public knowledge, in many cases. Whistleblowers have played an honourable role in bringing to the public's attention all sorts of maladministration and fraud.

The hon. Member for Scarborough and Whitby (Mr. Goodwill) intervened to ask me why farmers had not been paid any money recently, but did not tell me that he was a farmer. My response might have been very different had I known that self-interest was to the fore.

The debate has been useful. It has shed light on issues that we do not often discuss in Parliament. The matter is at the heart of the relationship between the European Union—

*It being three hours after the commencement of proceedings on the motion,* MR. DEPUTY SPEAKER *put the Question, pursuant to Order [6 March].*

*Question put and agreed to.*

*Resolved,*

That this House takes note of European Union Documents No. OJ C 301, the European Court of Auditors 2004 Annual Report; No. 11216/05, European Court of Auditors Special Report No. 1/2005 concerning the management of the European Anti-Fraud Office; No. 11452/05 and Addenda 1 and 2, Protection of the financial interests of the Communities: fight against fraud, Commission's annual report 2004; No. 12493/05 and Addendum 1, Commission Report: follow-up to 2003 Discharge Decisions–Council recommendations; No. 12494/05 and Addendum 1, Commission Report: follow-up to 2003 Discharge Decisions–European Parliament Resolutions; No. 12712/05, Commission Staff Working Document: follow-up to the 2003 European Court of Auditors Annual Report; and No. 13532/05, Member States' replies to the Court of Auditors 2003 Annual Report; and supports the Government's promotion of measures to improve the level of assurance given on the Community budget.

## EUROPEAN UNION DOCUMENT

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

STRATEGY FOR THE PROTECTION AND CONSERVATION OF THE MARINE ENVIRONMENT

That this House takes note of European Union Documents No. 13759/05, and Addendum 1, Draft Council Directive establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive), and No. 13700/05 and Addendum 1, Commission Communication: Thematic strategy on the protection and conservation of the marine environment; and agrees with the Government's view that there is considerable uncertainty over the benefits, costs and effectiveness of the proposed Directive.—*[Mr. Watts.]*

*Question agreed to.*

## Children with Asperger's Syndrome (Warrington)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Watts]*

7.51 pm

**Helen Jones** (Warrington, North) (Lab): Last autumn, I visited a group in my constituency called WASPS. It was one of the most enlightening and humbling visits I have ever made. WASPS stands for the Warrington Asperger's syndrome parents support group and when I listened to what those parents told me I was sometimes close to tears. I hasten to add that that was not because they were moaning about their lot, or complaining about the hand that life had dealt them; they were simply telling me about the day to day realities of living with a child with Asperger's syndrome and about their struggle to access even the most basic services.

Those parents cope every day with things that would bring most of us to our knees. They deal with stresses and strains that those of us fortunate enough to have healthy children who do not have major problems can hardly imagine, yet in my area they receive little support. I think that is because much of what they do is hidden, and helping them and their children does not seem high on anyone's list of priorities. I hope that this debate will at least help to give the problem higher priority.

Asperger's syndrome is a complex condition and I admit that since last autumn I have been on a steep learning curve. It has many traits in common with autism, including difficulties in communicating and in dealing with social relationships and sometimes a lack of imagination, although Asperger's syndrome children often do not experience the same difficulties in communication as many children suffering from autism—for example, they may speak fluently although they can often sound stilted or formal. Nor do children with Asperger's syndrome necessarily have the learning difficulties experienced by children with autism; in fact, they are often of average or even above-average intelligence. One of the ladies in the group told me that her son had recently gone to university. There is vast potential in such children, which can be brought out if they have the right support, especially at an early age.

Unfortunately, however, because Asperger's syndrome covers a wide spectrum and the disability may not be as obvious as autism, it is often a long time before the condition is recognised and diagnosed. I am told that parents often feel a sense of relief when they finally receive a diagnosis, because at least they know what the problem is. Unfortunately, however, they have to do a great deal to learn to cope with their child's complex needs and access services, often with very little support. I was astonished to find, for instance, that in my constituency parents are often given a diagnosis, then simply told to go away and read a book or join a support group. They are not told which services could help them or how they could obtain them. That is appalling, especially as those families are under a great deal of strain.

My local group carried out a survey of its members, and it found that 73 per cent. of parents had suffered depression since the birth of their child. More than 90 per cent. thought that they needed counselling or

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psychological support at some stage, but very few of them received it. Only 50 per cent. obtained any support at all, often in the form of a one-off intervention or for a very short time. The survey revealed that 65 per cent. of parents suffer regular sleep deprivation. We know what we are like after missing a night's sleep, so we can only imagine what it is like to endure that week after week. That, however, is the reality for many of those parents. A total of 85 per cent. thought that their career choice or their ability to work had been restricted because of their child's needs.

There is a strain on relationships, and siblings in the family can be affected. The Under-Secretary of State for Health, my hon. Friend the Member for Don Valley (Caroline Flint) takes a great interest in these matters, and I am sure that she would find the comments of parents in that group as distressing as I do. One mother, for instance, said:

"My daughter has started to copy behavioural tantrums and arguing because that is what she sees."

That mother has not been offered any counselling. Another mother talked about the relationship between her son and her other children:

"They are upset by what he does, he hits them quite badly at time; their behaviour is a lot worse when he is being difficult."

There is very little help available for those families but, in my experience, they are exactly the sort of people whom the Government say they want to support. We say that we want to support hard-working families, and I can think of few families who work as hard or who are as deserving of support. We would not dream of telling someone with a physical problem to go away and read a book or join a support group. We would not leave them in that position, and it is not acceptable for those children either. That is not what the Government intended when they drew up "Every Child Matters" and the national service framework for children. In those initiatives we talked about integrated children's services and clear care pathways for children, but they do not exist for those children in my constituency. Their parents have lobbied patiently and with commendable courtesy to try to improve things.

**Liz Blackman** (Erewash) (Lab): Will my hon. Friend give way?

**Helen Jones:** My hon. Friend has great expertise in these matters, so I am happy to give way.

**Liz Blackman:** It is no coincidence that Asperger's syndrome and high-functioning autism are labelled hidden disabilities. There is good practice, but it is patchy. The Government face an enormous challenge in making sure that the culture of every organisation that could make a contribution to support both families and children develops and changes so that those organisations become far more effective and responsive to all families who face that particular disability.

**Helen Jones:** My hon. Friend is right. It is sad that good practice is not spread as widely as it should be. Before Christmas, I held a meeting with parents' representatives and representatives of the primary care trust and of the local council to discuss the problems. It emerged from that meeting that educational practice is different in different schools. It is often a question of training, yet the local authority representative pointed out that while she could offer training courses, it was for head teachers to decide whether their special educational needs co-ordinators should attend them.

In its current inquiry into special needs, the Select Committee has found that a great deal more training is required, both in initial teacher training and in continuous professional development. I hope my hon. Friend the Minister will take that message back to the Department for Education and Skills.

Although some parents were full of praise for the help that they had received from their child's school, others had had to struggle to get every bit of support that was given. Again, that raises questions not only about the monstrous waste of potential that is occurring, but about the implementation of Government policy on the ground. When we dealt with admissions in the report, I remember the Select Committee stating that fairness in public policy ought to be not a matter of luck, but a matter of course. The same applies to special needs.

Parents also highlighted the problems they have in accessing the health service. I know that the Government have done a great deal to try and improve services for children suffering from autistic spectrum disorders, but what they wish to achieve is not always carried out in practice. Even when parents in my constituency can get assessments for their children, they often have to wait up to 12 months for some intervention, such as speech and language therapy or occupational therapy. It is even more difficult for them to access the child and adolescent mental health services. In my area those are provided by the Five Boroughs Partnership NHS Trust, but the PCT is commissioning only the tier 3 services, partly for historical reasons, at 25 per cent. of what is recommended in the national service framework. That means that CAMHS tend to intervene only when a child reaches crisis point—for example, when the child is self-harming. If we had earlier intervention and proper care pathways, it is my firm belief that not as many children would reach that crisis, and the strain on families would be much reduced.

What the parents are seeking, and I agree with them, is to ensure that when a child is diagnosed with Asperger's syndrome, they are allocated a key worker or a lead nurse who can help the family access the services that they need, whether in health or in education. We should ensure as well that when that diagnosis takes place, there is a proper assessment of the child's needs and what therapies they will require. Each child is different and requires different interventions. That may be speech and language therapy or occupational therapy. They may need some input from CAMHS, not because the child is suffering a mental illness, but because they need cognitive behavioural therapy, for example, or some other psychological support.

That support needs to be sustained over time. Short-term interventions are often of very little help to children with Asperger's syndrome. They need sustained intervention, yet not only can people in my area find it difficult to access the higher level of services, but it is difficult for them to get even tier 2 services. The primary care trust tells me that there is a multi-agency group looking at services for children with personal, emotional and behavioural problems. We have a lot of groups

*[Helen Jones]*

looking into things, but what we do not have is a service. Part of the reason is that the PCT does not treat the matter seriously enough.

I referred earlier to the meeting that I held. At that time the chief executive of the PCT was unable to attend because she was ill, but getting somebody else there was like drawing teeth. Although I wrote to the PCT following that meeting and it told me what it is doing with tier 2 services, nearly three months later the PCT still has not answered my question about key workers. It still has not answered the question about linking up our education and health services more closely. If we could get such services in place, we would make it much easier for children to achieve, we would reduce the stress on their family and siblings, and in the end we might even save money. We could do it in education as well.

Why is it often the case that when a child is given a diagnosis their parents still have to go through the whole statementing process to get them the support that they need in school? They do not want to do that. They have had a diagnosis, and that should trigger the educational interventions automatically. We are wasting money on the vast bureaucracy of statementing that should be spent on assisting these children.

**Mrs. Betty Williams** (Conwy) (Lab): I apologise for not forewarning my hon. Friend that I hoped to intervene and thank her for allowing me to do so. She says that services are patchy across the country. Does she agree that the key to any success that will help parents and their children is to have joint partnerships between education, social services and health? Has she met parents who have been called into a case conference to discuss the future of their child or, in some cases, children? They find that a very traumatic experience; I speak as someone who has been in that position. Somebody somewhere needs to take that on board.

Does my hon. Friend agree that local education authorities sometimes deliberately hold back on statementing a child because they know full well that once that happens the parents are able to demand the proper services for them?

**Helen Jones:** I agree that we need much more co-ordination of services. The real problem for parents is that they are having to deal with so many different people. That is why a key worker and a proper care pathway are crucial in getting the services that children need.

I know that my hon. Friend the Minister is sympathetic to what I am saying and takes these issues seriously because she has had to deal with them in her own constituency. I believe that there is a real need to support these families and to ensure that their children get what for our children is a basic entitlement—the right to develop their full potential. We should ask ourselves, "Would this service be good enough for my son or daughter." I have to say that in my area, it is not. I hope that my hon. Friend will at least be able to signal that we will soon see some improvement and these children will get what others regard as a basic right.

8.7 pm

**The Parliamentary Under-Secretary of State for Health (Caroline Flint):** I congratulate my hon. Friend the Member for Warrington, North (Helen Jones) on securing this Adjournment debate on services for children with Asperger's syndrome in Warrington. I welcome the contributions made by my hon. Friends the Members for Erewash (Liz Blackman) and for Conwy (Mrs. Williams). I also welcome the work of the all-party group on autism.

It is important that, when the Government are developing policies that encourage good practice we hear about what happens on the ground. Part of our job is to identify good practice and, as my hon. Friend the Member for Erewash says, to find a way to share it to ensure that families who are coping with the special needs of their children can be supported.

Families are at the heart of all aspects of that support. Parents are incredibly important in terms of whether the policies that we provide on health or education, in local government or national Government, will work. The partnership between agencies and parents, with children involved too, can make or break a particular service. As we all want to ensure that resources are used well, it is worthwhile looking at how that partnership can secure good value for money. I acknowledge the contribution made by parents, as an unpaid resource, to supporting children with a whole range of special needs. My hon. Friend poignantly identified some of the problems faced by parents of children with Asperger's syndrome.

I am also aware that my hon. Friend is a member of the Select Committee on Education and Skills, which is conducting an inquiry into special educational needs, and that she is one of more than 300 Members of Parliament who have signed the manifesto of the all-party group on autism.

In the past decade, we have all experienced a change in how we think about the delivery of services. Indeed, children and young people with autistic spectrum disorders—ASD—including Asperger's syndrome, provide a test case for whether services are working together. Clearly, my hon. Friend feels that they are not working as well as they could in her part of the country. Those children's difficulties require input from health, social services and the education service. As my hon. Friend the Member for Conwy said, it is important that the different organisations work together. We are encouraging that discussion across Government, but, as hon. Members have asked, what are the practical results of those discussions?

The large increase in the number of children identified with ASD, including Asperger's syndrome, presents considerable challenges for local providers. For many generations, the difficulties and problems that those children and their families face were not even acknowledged. We recognise the challenge and, in 2002, the Department and the Department for Education and Skills published good practice guidance on ASD.

For such specialist provision, the ASD good practice guidance recommends a regional approach. The north-west special educational needs regional partnership, which includes Warrington, is one of the England-wide partnerships that have focused on provision for children with ASD. A partnership is helpful in such circumstances because it means that one can not only

examine the cash and specialist resources and ascertain what one can deliver, but discuss and share good practice. The latter is one of the main aims of such partnerships. I welcome that.

A key to good provision, which the guidance highlighted, is co-operative working between services. We have shown how that can happen through the autism exemplar, which we published in the national service framework for children, young people and maternity services. It sets national outcome standards for health and social services and, importantly, their links to education. The exemplar shows the pathway for one young boy, starting at the age of three, as he moves through to post-16 provision. It begins with initial concern and identification through multi-agency assessment and diagnosis and moves to the various forms of support, whether social services support or specialist education provision.

All local services should aim for such provision for children with ASD. I shall ensure that all comments about education are passed on to the appropriate Minister in the Department for Education and Skills. The exemplar focuses on a child with autism, but children and young people with ASD, including Asperger's, should benefit from the improvements that the Government are bringing about through their general policies for children and young people.

Through the "Every Child Matters" change programme, we are bringing together education and social services locally under one director of children's services. Again, I stress that such joined-up thinking can occur and I hope that, when we provide training and support for special educational needs co-ordinators, head teachers understand that that can help their school's management, their relationships with parents and the children's achievement, which, as my hon. Friend the Member for Warrington, North said, can reach university level. If families feel that the children are getting a chance to fulfil their potential, that brings hope.

"Every Child Matters" promotes common commissioning and funding through children's trust arrangements and integrates services for children and families in children's centres and full-service extended schools. In our White Paper, "Our health, our care, our say: a new direction for community services", we set out that, for disabled children, children with complex health needs and those in need of palliative care, we want primary care trusts to ensure that the right models of service are developed by undertaking a review of their capacity and the delivery of integrated care pathways to meet the children's national service framework standards.

Primary care trusts must also agree service models, funding and commissioning arrangements with their strategic health authorities. Of course, the needs of every different child with Asperger's syndrome may be different. However, I take on board my hon. Friend's point about examples of where the position has reached crisis point. That prompts the question of whether better understanding of the child's needs and an appropriate care pathway would have been not only more effective but, in the long run, more cost effective for the support for that child and his or her family.

We intend to follow this matter up in the autumn, in the refreshment of the NHS priorities and planning guide, which sets out the "must do" requirements for inclusion in local delivery plans. The Under-Secretary of State for Health, my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) is meeting PCTs, health service providers and national bodies on 15 March to look at how we can ensure that the complex pathway of care for disabled children and those with complex health needs is translated into the reality of purchasing better services. I can assure my hon. Friend the Member for Warrington, North that I shall ensure that my colleague has full sight of the report of this debate.

**Mrs. Betty Williams:** Does my hon. Friend acknowledge that the important step that a child takes when leaving school and going into further education, or wherever the path might lead, is crucial? At the moment, that is where the weakness is. Education, social services and prospective employers do not seem to be working together for the benefit of those children and young people.

**Caroline Flint:** There has long been a problem for children with special needs, in relation to their transition from children's services to adult services and the adult world. We are attempting to improve that position, certainly in mental health services, and considerable work has also been done in social services. I agree with my hon. Friend, however, that more needs to be done. Young people with degrees will be valuable members of whichever work force they enter, and it is important to ensure that people, whatever their disabilities, can have a crack at having as independent and fulfilling a life as possible. I shall pass on the point that my hon. Friend has raised about the transition from childhood to adulthood. We identified earlier the support that we wanted to give to children and young people. We do not want to see all that investment lost if, in adulthood, they are unable to use that support to good effect as they grow older.

I am aware that Cheshire and Merseyside strategic health authority has proposed the retention of a single PCT for Warrington. I am advised by the SHA that the PCT has well-established joint working with Warrington council through the health and well-being partnership. I understand that Warrington council sees provision for children with ASD, including those with Asperger's syndrome, as an area of development. It recognises that this is an area that has more potential in regard to delivery.

I know that the local authority is also exploring developing its specialist provision in its schools for those with ASD. The development of a range of educational provision for children with ASD is encouraged by the ASD good practice guidance. However, the PCT recognises the need to work more closely with Warrington council, and it intends to strengthen joint commissioning for mental health, learning disabilities, children, older people and child and adolescent mental health services, with a view to improving them.

*[Caroline Flint]*

I am aware that my hon. Friend the Member for Warrington, North has been raising concerns locally about the provision of services to children with Asperger's syndrome, and that she has met representatives of the Warrington Asperger's support group, and of Warrington PCT. I understand that, following that meeting, the PCT wrote to her about the development of a new tier 2 service, which will provide a service for children and young people whose symptoms and/or behaviours are indicative of an emotional or behavioural problem. That would include children with Asperger's syndrome. The service will be delivered in line with standard 7 of the children's national service framework and "Every Child Matters" by a multidisciplinary team. I am further advised that Warrington PCT has prepared a local delivery plan bid for a key worker role to support young people with a suspected diagnosis of autism, including Asperger's syndrome.

**Helen Jones:** I am pleased to hear what my hon. Friend is saying, but will she ensure that the PCT, in doing these things, communicates with the parents of children with Asperger's syndrome? As she has rightly said, they play a key role in developing these services, but so far as I am aware, the PCT has not even let them know that it is putting in a bid for a key worker.

**Caroline Flint:** I am sorry to hear that, as I have obviously been authorised to announce that in this public forum. I hope that there will be a constructive relationship between the PCT and the parents of children with Asperger's syndrome. This is part of recognising the partnership that I mentioned earlier.

There will always be more to be done. The whole range of autism presents a number of complex issues, but some are not beyond resolution: as was pointed out by my hon. Friend the Member for Erewash, there are some excellent examples of very good work.

I urge my hon. Friend the Member for Warrington, North to continue to involve local stakeholders in discussion on the best way of helping services locally. I hope to see not just enthusiasm, but recognition that talking about the issues, listening to accounts of the problems and finding practical solutions is all that families really want.

*Question put and agreed to.*

*Adjourned accordingly at twenty minutes past Eight o'clock.*

# House of Commons

*Wednesday 8 March 2006*

*The House met at half-past Eleven o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## DEPUTY PRIME MINISTER

*The Deputy Prime Minister was asked—*

### Council Tax

1. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What the average band D council tax was in London boroughs in (a) 1997–98 and (b) 2005–06. [56642]

**The Minister for Local Government (Mr. Phil Woolas):** The average band D two-adult council tax bill in London boroughs was £651 in 1997–98 and £1,162 in 2005–06.

**Mr. Evennett:** I am grateful to the Minister for his reply. Is he aware that there is great anger in my borough of Bexley at the increases over the past eight years, with another one to come in April? Families and pensioners have been hit hard by those increases, and in addition there is the very unpopular Olympic levy. How does he justify those rises?

**Mr. Woolas:** I advise the House that in the same period, the central Government grant to local authorities increased by some 78.5 per cent. in cash terms, representing more than 38 per cent. in real terms. Indeed, the figures for the hon. Gentleman's own local authority for the coming two years show grant increases, including in the dedicated schools budget, of 5.6 and 4.9 per cent.—generous figures, I believe.

**Mr. Andrew Love** (Edmonton) (Lab/Co-op): Is not the real problem that the unified business rate has been held to the rate of inflation over the past eight or nine years? Does the Minister agree that the business community needs to make a greater contribution to the provision of local services, and that it is time that it did so?

**Mr. Woolas:** I remind the House that the Valuation Office Agency undertook a very successful revaluation of businesses that resulted in a revenue-neutral increase in income from non-domestic business rates. This issue is of course being considered by the Lyons review of local authority funding, and we look forward to Sir Michael's recommendations.

**Sarah Teather** (Brent, East) (LD): Since he took up office, the Deputy Prime Minister has earned five times as much as the average Londoner, but his council tax bill—when he eventually paid it—was less than half their average bill. Does the Minister think that fair?

**Mr. Woolas:** Given the improvement in London's public services, including in the hon. Lady's own borough, and the extra investment that this Government have been able to make, including in her own borough, all as a result of the successful economic policies pursued by this Government, she should be congratulating the Deputy Prime Minister and not seeking to score points.

**Mrs. Jacqui Lait** (Beckenham) (Con): The London Mayor's levy on council tax payers has more than doubled since he was first elected. According to the Government, he and the Greater London authority were meant to cost Londoners thruppence a week. Who is to blame—the Labour Government or the Labour Mayor?

**Mr. Woolas:** The hon. Lady seems to have forgotten that it was the people of London who voted to establish the GLA, after the previous Conservative Government had abolished the Greater London council without so much as a by your leave. Subsequently, the Mayor of London has been re-elected. So her argument is not with me but with the people of Greater London.

### Social Housing

2. **John Robertson** (Glasgow, North-West) (Lab): What assessment his Department has made of the impact of right to buy on the provision of social housing by local authorities. [56643]

**The Deputy Prime Minister (Mr. John Prescott):** We have taken action through the Housing Act 2004 to reduce the abuse of right to buy, and we have cut the discounts for 41 housing-pressured areas. As a result, total sales have fallen, but we remain committed to helping people into home ownership. New opportunities are being offered through our homebuy schemes, and the provision of social rented housing is increasing. This will be a priority in the current spending review.

**John Robertson:** I thank my right hon. Friend for his answer. While I accept that the right to buy has been very important to a lot of people—not least to some in my constituency—does he agree that local authorities need to provide social housing as well as making houses available through the right to buy? Is it not time that we looked at the rules governing social housing and helped those councils that want to supply good housing for people who cannot afford to buy?

**The Deputy Prime Minister:** As I said, the action that we took in dealing with abuse of the right to buy led eventually to a reduction in the number of people

buying through that process, particularly in the London area. Through homebuy schemes, we are offering other opportunities to 300,000 more tenants, but we are constantly reviewing the situation. My hon. Friend must recognise that our decent homes programme has benefited more than 1 million people. Many people in his constituency will have benefited from that programme, as well as from the provision of housing in the public and private sectors.

**Mr. Andrew Mackay** (Bracknell) (Con): I hope that the Deputy Prime Minister is in favour of encouraging a property-owning democracy. If so, does he agree with me that housing association tenants have been badly discriminated against and should be given the right to buy their homes?

**The Deputy Prime Minister:** I think that tenants of housing associations already have the right to buy, but to extend that to the right to acquire would cost around £1 billion more. We must make a judgment about the best use of public money. Tenants have the right to buy, but to extend that to the right to acquire would be expensive and also create financial problems for housing associations, as the previous Tory Administration noted, which was why they failed to implement that change.

**Christine Russell** (City of Chester) (Lab): My right hon. Friend will know from his local links that the social housing stock of the city of Chester was decimated by the right to buy. As a result the average house price in Chester is now £180,000, which is 10 times the salary of a newly qualified nurse or teacher. Can he give me an assurance that in the next round of the comprehensive spending review his Department will recognise the housing needs of people on relatively low wages who live in housing hot spots in the north? We have problems in the north—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. The Deputy Prime Minister probably has the gist of that question.

**The Deputy Prime Minister:** I can reassure my hon. Friend on that point. She will know from the Chancellor's pre-Budget report that he said that greater priority would be given to social housing, and we await the Budget.

**Alistair Burt** (North-East Bedfordshire) (Con): The Deputy Prime Minister is right to recognise the failure to deliver new social housing under his Government, as the number of completions in 2004–05 was barely 56 per cent. of the completions 10 years ago under the Conservative Government. If the failure to provide social housing is of such concern, why have he and his Department stood back and done nothing to address the allegations that registered social landlords in Liverpool have, over several years, been voiding and tinning up good quality homes, contributing to the dereliction of areas and encouraging the demolition, not refurbishment of properties, which is at the heart of the growing resentment in Liverpool at the progress of the pathfinder programme? Why has he done nothing to address that failure by social landlords?

**The Deputy Prime Minister:** It is interesting to note that the Conservatives have discovered Liverpool again, perhaps to try to obtain some electoral representation in the area—because they have none at present. Let us be clear about the position. We made a judgment in 1997 that we should put more resources into improving 2 million homes that had been left in less than decent conditions by the previous Administration, who—six years before—had halved the amount of money invested in housing. We have improved more than 1 million houses. They may not be new houses, but people who live in them appreciate the new kitchens, bathrooms and central heating, which make a difference to their quality of life. The right-to-buy programme was at the expense of millions of tenants who saw the standard of their houses falling. We have been correcting that.

## Affordable Housing (Birmingham)

3. **Lynne Jones** (Birmingham, Selly Oak) (Lab): If he will make a statement on the availability of affordable housing in Birmingham. [56644]

**The Minister for Housing and Planning (Yvette Cooper):** The Housing Corporation has provided some £80 million for new social housing over this two-year period, which is a substantial increase for Birmingham compared with previous years and, in addition, a growing proportion of new affordable homes has come from section 106 agreements. We will announce the next allocations from the Housing Corporation shortly.

**Lynne Jones:** My hon. Friend will be aware that three quarters of council lettings are to homeless people, compared with a third in 1997. Likewise, housing association tenancies are overwhelmed by homeless and clearance cases, leaving little availability for others in housing distress on waiting lists. However, thousands more homes are due to be demolished because of a lack of money to bring them up to a decent standard. The Government made £650 million available for stock transfer—

**Mr. Deputy Speaker:** Order. May I encourage the hon. Lady to formulate a question out of all this?

**Lynne Jones:** What does my hon. Friend say to those tenants who ask why that money cannot be made available to invest in council housing and building new homes?

**Yvette Cooper:** My hon. Friend is right to say that we have made money available for Birmingham. We have increased the resources available directly to Birmingham and we have also made options available for it to increase its housing to the decent homes standard. I know that the recent independent report by Anne Power on the approach taken by Birmingham city council was critical, and I am also concerned that the council's approach to pushing up the cost of land for housing associations also raises questions about the ability to deliver new social housing. We are investigating that.

**John Hemming** (Birmingham, Yardley) (LD): Does the Minister not agree that, if the council were allowed to spend more than 25 per cent. of the right-to-buy proceeds on building new affordable properties, that could have a serious effect on reducing homelessness?

**Yvette Cooper:** As I have said, we have doubled the resources going into new social housing since 1997, and we are increasing new social house building by 50 per cent. over the next few years. We are raising additional resources from a range of different routes to invest in social housing, but the hon. Gentleman should raise with Birmingham city council the need for it to work with housing associations to increase support for new social housing, because we will only get the additional social housing that we need if the council works with housing associations, rather than working against them.

**Richard Burden** (Birmingham, Northfield) (Lab): My hon. Friend mentioned the independent commission of inquiry into council housing in Birmingham, chaired by Professor Anne Power. Is she aware of the commission's latest report, which emphasises not only that, if Birmingham is to tackle its housing agenda, it needs to develop a much more vibrant, community-based housing approach, but that, crucially, since the Liberal Democrats and Conservatives took over the council, the neighbourhood agenda is now slipping

"a long way down the Council's list of priorities and there are many unresolved funding and staffing problems over devolution, regeneration, neighbourhood renewal, neighbourhood wardens and other local initiatives"?

Does she agree that if Birmingham is to tackle its housing agenda, the council must learn to let go?

**Yvette Cooper:** My hon. Friend is right. In fact, there should be strong support for community-led programmes to devolve much of the decision making to local neighbourhoods, as he and the Anne Power report have advocated, and Opposition Members should ask some questions of Birmingham city council.

**Mrs. Caroline Spelman** (Meriden) (Con): Great cities, such as Birmingham, have a regenerated heart—the magnificent Bullring, with its café culture and its luxury apartments—but, sadly, most first-time buyers simply cannot afford to live there. In the face of the decline in the number of first-time buyers in this country—from 500,000 in 1997, down to 320,000 last year—the Government are proposing to help just 100,000 of them with shared equity in the lifetime of this Parliament. Why such poverty of ambition?

**Yvette Cooper:** I find the hon. Lady's question astonishing. We are proposing very strong and ambitious programmes to build more houses, which this country needs. In fact, 190,000 new households are being created each year, and we are building only about 160,000 new homes. We need to build more new homes, including in the west midlands, but she is opposing new development in her constituency and arguing that it should not take place there but elsewhere. If Opposition Members keep opposing new homes in their constituencies, we will never get the new homes that first-time buyers and the next generation need. That is the challenge to improving affordability.

## Contingency Planning

4. **Patrick Mercer** (Newark) (Con): What discussions he has had with the Home Office on improvements and alterations to resilience structures following Exercise Osiris 2 in September 2003. [56645]

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** Exercise Osiris 2 allowed London's emergency and health services to practise their response to a chemical attack on the tube. Home Office and other Ministers were closely involved in the subsequent analysis of lessons, which were incorporated into our emergency planning programme and contributed significantly, with other action and exercises, to building the quality of preparedness that we saw demonstrated in London on 7 July last year.

**Patrick Mercer:** May I thank the Minister and the Deputy Prime Minister for making briefings available to me? During Exercise Osiris, it was made clear that there would be further exercises, involving not just the emergency services, but the public. Since then, the tube has been attacked successfully, there has been a failed attack on the tube and I believe that there has been at least one foiled attack on the tube, yet there have been no further exercises on that scale, involving the public. Why?

**Jim Fitzpatrick:** I assure the hon. Gentleman that in the first instance lessons from Osiris 2 have been learned on procuring new equipment, amending procedures and introducing new techniques. A number of major exercises have taken place subsequently, not just in London, but in Newcastle and Birmingham, and we had Operation Atlantic Blue in conjunction with the US and Canada in January this year. Three major counter-terrorism exercises are held in the UK every year, as well as smaller regional exercises and table-top exercises. There is an ongoing examination of our contingency planning and preparedness. Indeed, the hon. Gentleman received a briefing earlier this week. We will be happy to give him more in the future to ensure that he is kept up to speed.

**Chris Bryant** (Rhondda) (Lab): One of the best groups at extracting people from underground is the Mines Rescue Service, based in the Rhondda, yet it was not involved in discussions about Osiris, and nor were its services requested following 7 July. May I urge my hon. Friend to consider how the Mines Rescue Service could be used in such events?

**Jim Fitzpatrick:** I hear exactly what my hon. Friend says and his suggestion, which will be taken on board by officials in the Office of the Deputy Prime Minister. The experience and expertise of the Mines Rescue Service staff can be put to good use. We have already amended our techniques on rescuing people from deep areas and, as a result, the 7/7 exercise was a success. I am sure that we will be in touch with the Mines Rescue Service in due course.

## Regional Government

5. **Philip Davies** (Shipley) (Con): What powers and responsibilities the Government have transferred to regional assemblies since 2004. [56646]

**The Minister of Communities and Local Government (Mr. David Miliband):** The eight regional assemblies outside London were each formally designated as the regional planning body in their region under the provisions of the Planning and Compulsory Purchase Act 2004. We have accepted the recommendation of the Barker review on housing supply that regional housing boards be merged with them.

**Philip Davies:** I thank the Minister for that reply. Clearly, the Government have learned nothing from the referendum in the north-east on regional assemblies. The Yorkshire and Humber assembly has decided that Bradford district needs 30,000 houses built over the next 10 to 15 years. Why should an unelected, unaccountable and unwanted body make such a decision for our area? Should not it be left to the local council to decide such things?

**Mr. Miliband:** What I should do is commend to the hon. Gentleman the words of the Conservative leader of the East of England regional assembly who says that regional assemblies are essential for "effective regional planning", the provision of a democratic mandate in the regions and

"effective scrutiny of other bodies".

Some 187 Conservative councillors are on those regional assemblies. The hon. Gentleman should be saying that they are doing a good job.

## Disabled Facilities Grant

6. **Paul Rowen** (Rochdale) (LD): When he plans to introduce the recommendations of the recent review of the disabled facilities grant. [56647]

**The Minister for Housing and Planning (Yvette Cooper):** We published the report on the disabled facilities grant programme in October 2005. We have implemented one of the central recommendations already and are considering the other recommendations at the moment.

**Paul Rowen:** Does the Minister accept that the failure to increase the grant from the current level of £25,000 to the £50,000 recommended in the report is causing real hardship and means that many people who need disabled facilities cannot access them?

**Yvette Cooper:** The hon. Gentleman will be aware that we increased funding for the disabled facilities grant from £57 million in 1997 to £121 million for next year. That includes a 16 per cent. increase for Rochdale for next year. We are increasing the resources available for the disabled facilities grant. We have in particular exempted disabled children from the means test. That is the right priority: to recognise the particular needs of families with disabled children. We are considering the further recommendations.

**Derek Wyatt** (Sittingbourne and Sheppey) (Lab): Swale borough council's grant for disabled facilities is spent on 6 April. If there is an emergency in the next financial year, we have no money to give to disabled people. Is there a way in which my hon. Friend can call in Swale borough council to ask how it spends the money and spreads it out?

**Yvette Cooper:** I am happy to look into the spending by Swale borough council as I do not know the details. However, as I said, we have increased the resources available for local councils because it is important to support disabled families, which can face great difficulties with making major adaptations to their homes.

## First-time Buyers

7. **Mr. Robert Flello** (Stoke-on-Trent, South) (Lab): What steps are being taken to help first-time buyers in Stoke-on-Trent; and if he will make a statement. [56648]

**The Minister of Communities and Local Government (Mr. David Miliband):** We have made available over £5 billion of funding for investment to support key housing priorities, including support for low-cost home ownership. The new open market homebuy scheme will enable an additional 20,000 households nationally into home ownership by 2010. In my hon. Friend's constituency, Mercian housing association is the homebuy zone agent.

**Mr. Flello:** I am grateful to my right hon. Friend. Will he look carefully with his colleagues in the Department at the further help that can be given to housing in Stoke-on-Trent and north Staffordshire through the RENEW north Staffordshire programme? I hope that up to £70 million will come into north Staffordshire, and I urge my hon. Friends to make sure that we receive the full amount, as anything less will harm the peripheral estates. I would be delighted to show my right hon. Friend around those estates so that he can see their needs.

**Mr. Miliband:** My hon. Friend is comprehensive as well as energetic in his pursuit of this case. He has already had meetings with my hon. Friend the Member for Stoke-on-Trent, North (Joan Walley) and myself, and I understand that the papers on the decision are heading towards the desk of my hon. Friend the Minister for Housing and Planning. In due course, that decision will be made.

## Homelessness

8. **Justine Greening** (Putney) (Con): If he will make a statement on the extent of homelessness among ex-servicemen. [56649]

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** The Office of the Deputy Prime Minister works closely with the Ministry of Defence to prevent homelessness and to support related projects involving ex-services groups.

Evidence suggests that the number and proportion of people sleeping rough who have served in the armed forces is reducing. The ex-services action group on homelessness has commissioned further research and interim findings will be available in the summer.

**Justine Greening:** I thank the Minister for his response, but does he agree that in light of the number of armed service personnel serving in Iraq this is a growing problem, despite the evidence that it may be reducing? The Government must pay close attention to any studies that are undertaken to make sure that servicemen suffering from mental health problems in particular receive the support that they deserve when they come home.

**Jim Fitzpatrick:** Under homelessness legislation, since July 2002, applicants seeking help from a housing authority who are unintentionally homeless and vulnerable as a result of serving in Her Majesty's forces are in a priority needs category, and are owed a main homelessness duty. The Office of the Deputy Prime Minister and the Ministry of Defence have commissioned research from King's College, London on the extent, causes, impact and costs of rough sleeping and homelessness among ex-service personnel, as well as on ways in which that can be prevented. Interim reports are due later this month and in October, and we will look in particular at the issue of mental health.

### Council Tax

10. **Mr. Rob Wilson** (Reading, East) (Con): What representations on council tax he has received from pensioner groups in the last 12 months. [56651]

**The Minister for Local Government (Mr. Phil Woolas)** *rose—[Interruption.]*

**Mr. Deputy Speaker:** Order. May we have less noise? These questions are every bit as important as any other questions.

**Mr. Woolas:** The Office of the Deputy Prime Minister has identified eight written representations from groups exclusively representing pensioners on council tax in the past 12 months. Issues raised include the effect of council tax bills on pensioners; council tax benefit; and the reform of the local government finance system. I met the National Pensioners Convention on 6 December 2005.

**Mr. Wilson:** I thank the Minister for his answer. Why was a £200 discount essential for pensioners last year, but completely unnecessary this year? Was it because last year was a general election year?

**Mr. Woolas:** The hon. Gentleman will recall that the £200 announcement was made in last year's Budget. The Opposition opposed many other measures that were put in place for pensioners and the low paid. I remind the House, through you, Mr. Deputy Speaker, that nearly 20 per cent. of council tax is paid through the council tax benefit system.

### Infrastructure Funding (Milton Keynes)

11. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): What funding his Department has made available for infrastructure in the Milton Keynes growth area over the last three years; and if he will make a statement. [56652]

**The Minister for Housing and Planning (Yvette Cooper):** The Office of the Deputy Prime Minister is making available over £73 million additional infrastructure funding, including funding improvements to the hospital, railway station and motorway junction. We are also supporting Milton Keynes' proposals to develop a tariff further to support new infrastructure in the area.

**Dr. Starkey:** I thank the Minister on behalf of my constituents and all the residents of Milton Keynes for that statement. Will she comment on the fact that some people in the area, including the Opposition, are happy to accept the infrastructure but continue to oppose the proposed housing?

**Yvette Cooper:** My hon. Friend is right. We need good infrastructure to support new homes, but we must also recognise that we have to deliver the new homes that the next generation needs; otherwise, problems with overcrowding and homelessness will grow, and there will be huge and unfair pressures on first-time buyers. That is why we support new homes and infrastructure development, in Milton Keynes and across the country.

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

Q1. [56627] **Tim Farron** (Westmorland and Lonsdale) (LD): If he will list his official engagements for Wednesday 8 March.

**The Prime Minister (Mr. Tony Blair):** This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

**Tim Farron:** Homelessness in south Lakeland rose by 85 per cent. last year, and average local house prices are 15 times as high as average local incomes. Will the Prime Minister act swiftly to prevent the compulsory right to buy of shared ownership schemes, to ensure that more affordable homes can be built, and that they remain affordable?

**The Prime Minister:** That is precisely why we want to encourage more house building in areas where there is pressure on housing, especially for young couples trying to own their first home, and why we want to encourage shared equity schemes. As my right hon. Friends the Deputy Prime Minister and the Chancellor have said in recent weeks, it is therefore important that we continue with the programme, which means we invest in housing and increase its availability. However, we also need

more imaginative ways to ensure that people, and especially young people, are able to own a home for the first time.

**Mr. Tom Harris** (Glasgow, South) (Lab): May I inform the Prime Minister that if he wants to get in touch with me for any reason over the next few weeks, I shall be on paid paternity leave for two weeks from around the beginning of June? [HON. MEMBERS: "Hear, hear."] If he tries to phone me at home and I am not in, I shall probably be at the bank, cashing in a baby bond. What plans do the Government have to support new parents further, and does my right hon. Friend expect cross-party support for such measures this time?

**The Prime Minister:** I extend my warmest congratulations to my hon. Friend. The measures that we took in respect of paternity leave go alongside our massive extensions to maternity pay and maternity leave, and baby bonds. Like the children's tax credit, they are all examples of this Government's commitment to families and to balancing work and family life. I am only sorry that those measures were opposed in their entirety by the Opposition.

**Mr. David Cameron** (Witney) (Con): The outgoing chief executive of the NHS said last night that the service was going through a "bad patch". Does the Prime Minister agree?

**The Prime Minister:** It is very important that we get hospitals with financial deficits back into surplus. However, we must be clear about this matter, and a review of the past few years shows the difference that investment and reform have made. Under this Government, waiting lists have fallen by something like 400,000. Whereas almost 300,000 people used to wait 15 months for their operations in 1997, no one now waits more than six months.

**Mr. Cameron:** The fact is that the deficit has trebled, wards are being closed and, in my constituency, mental health consultants are being sacked. If everything is going so well, why did the Prime Minister have to sack the NHS chief executive?

**The Prime Minister:** Nigel Crisp gave his reasons for standing down in his statement yesterday, but let me say that he was a superb public servant who, in the past few years, has overseen a transformation of the health service. Moreover, we should get the question of deficits in context. The total deficit is less than 1 per cent. of the NHS annual bill, but the most important fact is that 50 per cent. of that deficit is in 6 per cent. of trusts. It is true that there is a substantial financial deficit in the right hon. Gentleman's area—*[Interruption.]* Yes, but there have also been massive real-terms increases in the amount of money going in—money that he voted against. That is why we have to have proper systems of financial transparency. We are putting in a huge investment, but it is for local hospital organisations to make sure that they balance the books. In fact, the majority of them are doing just that.

**Mr. Cameron:** The Prime Minister tries to fudge the issue of whether Sir Nigel was sacked, but last night Sir Nigel said that he had wanted to stay for at least another year, and that he wanted to leave when things were "on the up"—something with which I am sure that the Prime Minister feels some sympathy. He also said that the NHS's structural problems were getting worse, that managers were under less pressure to get the finances right, and that financial problems were now being revealed. What responsibility do Ministers take for such matters?

**The Prime Minister:** Ministers are responsible, but both Sir Nigel and Ministers can be extremely proud of the following achievements in the national health service—*[Interruption.]* I know that Opposition Members do not want to hear the fact that there are 80,000 more nurses in the national health service and 30,000 more doctors; that waiting for cataract operations is down from two years to three months; that now no one waits for heart operations for more than three months; that cancer deaths are down by 14 per cent., saving 43,000 lives; and that deaths from heart disease are down 30 per cent., saving 83,000 lives. Yes, of course there are problems in our national health service, like any health care system in the world, but if we compare today and the levels of not just funding but achievement with 1997, the issue for the national health service today, in part thanks to what Sir Nigel has done, is how we improve it, not what it used to be in 1997, which was whether we could save it.

**Mr. Cameron:** In public, the Prime Minister gives us these lists of success; in private, he knows that things are going wrong and is he sacking the chief executive. Is this not just the latest example of mismanagement in the NHS? The Government set up primary care trusts; now they are scrapping half of them. They introduced strategic health authorities; now most of them are going. They have poured money into the NHS, but there is an £800 million deficit and the outgoing chief executive said that things are getting worse, not better. When will Ministers take responsibility for their failures, instead of seeking to blame others?

**The Prime Minister:** Sir Nigel certainly did not say that the national health service is getting worse not better. The national health service, on any basis, as every independent report has shown, is indeed getting better. The reason why I read out the achievements of the past few years is because it used to be the case that literally hundreds of thousands of people waited more than a year on in-patient waiting lists; no one does today. It used to be the case that waiting lists went up every single year; they have fallen by almost 500,000 in the past five or six years. Just today, we are announcing at Barts the largest scheme that is going to mean fantastic opportunities for patients and clinicians throughout that part of London. Every penny piece was opposed by the right hon. Gentleman and the Conservative party. So, when he says that the national health service has challenges and issues, of course it does, but no one believes that the national health service is not better today than it was eight or nine years ago, and that is the result of not just investment and reform, but the fact that when he was still advocating the patient's passport to take money out of the NHS, this party stood by the NHS, stood by its values, stood by its principles and will make it better still.

**Gordon Banks** (Ochil and South Perthshire) (Lab): Does my right hon. Friend agree that Monday's report by the Sustainable Development Commission highlights clearly that the way forward for the UK's energy demands is through an even greater expansion of renewables and not through a new range of nuclear generation facilities, in relation to which the Commission highlighted that there are waste, cost, security and inflexibility questions still to be answered?

**The Prime Minister:** I agree with my hon. Friend in part. The part that I agree with is that we certainly do need to make sure that renewable energy forms a larger part of our energy mix and that is what we are committed to. Over the past few years, we have seen an extension in the amount of renewable energy. We have very stringent targets for the expansion of renewable energy in the next few years. But I have to say to him that I still think that there is a major challenge—this is what the energy review will answer in the next few months—as to whether we can really make sure that we meet both our energy needs and our environmental targets without nuclear power in the mix. That is something that we will obviously have to consider over the next few months, but let me just make one thing clear: the Sustainable Development Commission asks whether nuclear power is the answer, but no one has ever said that it is the whole answer. The question is whether it is part of the answer, as part of a sensible and balanced energy mix.

**Sir Menzies Campbell** (North-East Fife) (LD): Following that answer, can the Prime Minister tell us why the Government have yet to implement many of the low carbon solutions suggested in the energy White Paper of 2003?

**The Prime Minister:** First, I should say congratulations to the right hon. and learned Gentleman.

We actually are doing many of those things that are low carbon solutions. For example, due to buil. ng regulations, even though there is now a debate about whether we should go further, energy efficiency has improved by something like 40 per cent. for new buildings. There is the renewable energy that I was just talking about a moment or two ago. There are all the issues to do with energy efficiency, where again the Government are investing a large sum of money. Our Government are investing about £600 million this year in various forms of clean technology. Of course there are tremendous challenges as our economy grows, but as the right hon. and learned Gentleman knows, we will be one of the very few countries in the world to meet their Kyoto targets.

**Sir Menzies Campbell:** I thank the Prime Minister for his congratulations. He will know that there are increasing doubts about the Government's ability to meet the target of a 20 per cent. reduction in carbon dioxide emissions by 2010. The Department for Environment, Food and Rural Affairs says we must do so; the Department of Trade and Industry says we cannot. Who is right, and who is going to win?

**The Prime Minister:** In the next few months we will publish our proposals to make sure that we can attain that 20 per cent. target. However, the right hon. and learned Gentleman is right to say that it is incredibly challenging. Even though the economy has been growing far faster than the level of emissions, it will be highly challenging to meet that target. That should not diminish our pride as a country in having met our Kyoto targets, which were substantial, and in the leadership role that this country is playing round the world in tackling climate change. As he knows, in the end the single biggest thing that we can do, apart from giving leadership in the UK, is to make sure in international terms that America, China and India in particular are all working together.

## Miners' Compensation

Q2. [56628] **John Mann** (Bassetlaw) (Lab): On how many occasions solicitors' costs have been partially refused due to breach of regulation 4 of the conditional fee regulations for miners' hearing loss claims to Government.

**The Prime Minister:** I cannot tell my hon. Friend on exactly how many occasions solicitors' costs have been partially refused due to breach of regulation 4, but we have been able to save substantial sums of money by making sure the regulation is implemented.

**John Mann:** There is a feeding frenzy over miners' and textile workers' deafness claims, which is even worse than the previous double charging scandal—in this case, with up to six unnecessary deductions by solicitors and the Union of Democratic Mineworkers. As Capita tells me that the Government have rightly refused to pay solicitors' costs in over 1,000 of these cases, will the Prime Minister ask the Lord Chancellor to sort out with the Law Society and with Cabinet colleagues how best to claw back costs in every one of those cases, and how to ensure that money wrongly deducted is returned to miners and textile workers?

**The Prime Minister:** In respect of the particular point that my hon. Friend makes, I understand that the issue is being considered by the courts in an appeal due to be heard on 19 June. The general point that my hon. Friend makes is right. That is why my hon. Friend the Minister for Energy has worked with the Law Society to see that solicitors who have unfairly taken a proportion of miners' compensation repay the money. Many have returned payments and the Law Society has again recently urged those who have not to do so. I know, however, that my hon. Friend would agree that over the past few years, the amount of money that we have managed to pay out to former miners has been enormous—about £3 billion, and it is one way that the Labour Government have been able to repay the debt of gratitude to those people who have worked in such difficult and dangerous conditions for so long in order to supply the country's energy needs.

## Engagements

Q3. [56629] **Mr. David Evennett** (Bexleyheath and Crayford) (Con): Will the Prime Minister empathise and sympathise with my constituents, who are constantly battling against applications to site mobile phone masts in their streets, outside their houses and outside schools?

If he is sympathetic, why did his Government kill the Bill on Friday last, which would have helped to deal with the matter?

**The Prime Minister:** There must be a balance between people's objectives and making sure that we get the facilities that we need. We constantly keep under review the issue as to whether those are safe or not. As far as I am aware, the evidence points clearly and surely to the fact that they are.

## Iraq

Q4. [56630] **Harry Cohen** (Leyton and Wanstead) (Lab): What action is being taken by UK forces in Iraq to end the activities of death squads associated with the Ministry of the Interior or others in authority; and if he will make a statement.

**The Prime Minister:** We are working with the Iraqi Government at the highest level to investigate all allegations and bring to justice any individuals involved in human rights abuses.

**Harry Cohen:** There were another 18 grisly murders on a minibus this morning. Has the Prime Minister taken into account the comments of John Pace, until recently the UN's head of human rights for Iraq, that most of the killings in Baghdad are carried out by agents of the Ministry of the Interior, and that that Ministry is a rogue element in the Government? General Casey, who is effectively running Iraq, says complacently and perhaps deliberately that this is just a long-term problem. Surely British troops were not sent to fight and die for such death squads' perversion of democracy.

**The Prime Minister:** No, they certainly were not, but I have to say to my hon. Friend that the very reason why these issues are being investigated is our insistence that they should be investigated—a very different situation from that which obtained under Saddam Hussein, when there was no investigation and it was indeed the policy of the Government to kill, abuse and torture people. My hon. Friend asks why our troops are there; they are there for a very simple reason. They are there under a UN mandate with the consent of the first ever democratically elected Iraqi Government, and they are there to allow the wishes and will of 11 million Iraqis who have voted in an election for the first time to have the democracy that they want. That is why they are there.

## Engagements

Q5. [56631] **James Brokenshire** (Hornchurch) (Con): Rainham in my constituency has been identified as a site to sift, screen and process rubble and other debris in the event of a serious terrorist attack in the capital. While I accept the essential need to have such plans in place, does the Prime Minister recognise that it will not assist the redevelopment and regeneration of this part of the Thames Gateway if this use is retained and that a review is needed?

**The Prime Minister:** I hope that the hon. Gentleman understands that, for obvious reasons, I do not know about the particular application in his area. I am happy to look into it and I shall correspond with him about it.

**Barbara Follett** (Stevenage) (Lab): With the United Kingdom currently 51st on the women's representation league table, does my right hon. Friend agree that more needs to be done to get more women into this House, and particularly Labour women? Will he do all that he can to facilitate that?

**The Prime Minister:** I agree entirely with my hon. Friend. I think that we can be proud of what has been achieved since 1997, particularly on the Labour Benches, with the additional representation of women, but we recognise, as I hope all parties do, that we need to do much more.

**Mr. David Cameron** (Witney) (Con): The drought in east Africa threatens millions of people with famine and starvation. We welcome the Government's rapid response and the announcement of the extra money that the Minister concerned has made. What does the Prime Minister think are the practical obstacles now standing in the way of getting food and water to those in need?

**The Prime Minister:** First, it is correct that the UK, I think after the US, is the second largest donor. It is sometimes worth pointing out the contribution that both we and our main ally make to overseas aid. The main obstacles are obviously the difficulties of infrastructure and transport. That is why we are working very hard on making sure that the money that we give is properly used and ordered not just to buy what is necessary, but to facilitate its transport.

**Mr. Cameron:** The Prime Minister will agree that in Africa, all too often, drought leads to starvation because of the absence of development and the presence of corruption. We must help developing countries to trade their way out of poverty. With that in mind, will it be possible to use the G6 talks this weekend to ensure that trade talks go forward with the needs of Africa at their forefront?

**The Prime Minister:** They certainly should do. The G6 talks are happening, but we are also honoured and delighted to have in this country for a state visit President Lula of Brazil. Brazil obviously occupies a very important position in the world trade talks, as part of the G20 group of nations. The main area of discussion that I will have with President Lula tomorrow will be whether it is possible to put together a far more ambitious plan for the trade talks. That should obviously include, as it is supposed to be a development round, a specific package for Africa and the very poorest countries, but it would be far easier if that package were located in a general ambitious trade round that took down trade barriers right around the world. That would obviously be of advantage to the poorest African countries, but in addition, it would be of advantage to countries such as Brazil and Britain.

**Ms Dawn Butler** (Brent, South) (Lab): Does my right hon. Friend agree that it is important that, as today is international women's day, it is firmly marked on the calendar, and that we should ensure that young people are taught about the day, when we should have a celebration? Although more people on the Labour Benches will be part of that celebration, as we have more

women in Parliament, should we not also look forward to the Opposition making sure that there is further gender equality in the House?

**The Prime Minister:** I am not generally in favour of greater numbers of Conservative MPs, but certainly a greater balance between men and women would be a good idea.

Q6. [56632] **Mr. Geoffrey Cox** (Torridge and West Devon) (Con): Does the Prime Minister still believe, as he told west country farming communities in the midst of the foot and mouth crisis, that supermarkets have those communities in an arm lock? If he still believes that, does he support yesterday's call by the Federation of Small Businesses for an investigation into the practices of supermarkets by the Competition Commission?

**The Prime Minister:** I have not had an opportunity to study that recommendation, but I sympathise with the position in which farmers find themselves, which is why we established the code of practice, particularly when they are trying to restructure their own businesses. In meetings in the past few months, we have looked carefully at how we can respond to that concern in a way that is consistent with the interests of consumers, too. The code of practice should be adhered to, and I know that many parts of the farming community believe that it has been broken. We will carefully examine the matter, and if necessary, we will take further action.

**Mrs. Madeleine Moon** (Bridgend) (Lab): Women in my constituency face regular violence from partners who abuse them, and they are often forced into refuges. The Bridgend refuge is in financial crisis, and it needs additional funding to find homes for women and to give women the opportunity to find stability for themselves and their families. Will the Prime Minister look at finding ways to support women who experience violence, so that they are not faced with homelessness or living with fear at home?

**The Prime Minister:** I cannot comment on the funding of the particular service in my hon. Friend's area, but her general point is absolutely right. We are putting a great deal of money into supporting work on domestic violence, and we have established domestic violence courts. Women are more willing and able to come forward and report domestic violence, and the police and the courts treat such matters much more seriously. As we roll out domestic violence courts across the country, I hope that those benefits will become more widely spread.

Q7. [56633] **Sir Peter Tapsell** (Louth and Horncastle) (Con): Now that the Prime Minister has used up all mortal excuses for his folly in invading Iraq and is relying on divine guidance, a factor which was oddly omitted from the dodgy dossier, will he tell us which archangel is now beckoning him towards southern Afghanistan?

**The Prime Minister:** So what is the answer? *[Laughter.]* I will tell the hon. Gentleman what makes me committed to British troops in Afghanistan. On 11 September, there was the worst terrorist act that the world has ever seen in which 3,000 people died. That terrorist act was done out of Afghanistan, and it was run by al-Qaeda, which was based in Afghanistan and supported by the Taliban. *[Interruption.]* I am proud of the part that we played in removing the Taliban, and I am proud of the fact that 6 million Afghans got the chance to vote. *[Interruption.]* Yes; and 12 million Iraqis got that chance, too. I would have thought that everyone, whatever their belief or faith, would stand up for democracy against terrorism.

**John Robertson** (Glasgow, North-West) (Lab): Is my right hon. Friend as concerned as me about unbalanced reports that misrepresent the energy debate? Does he agree that we need a balanced debate about a balanced energy policy?

**The Prime Minister:** I entirely agree with my hon. Friend. Although, as he rightly implies, voices have been raised strongly against nuclear power in recent days, many people, including, for example, the Energy Research Centre, believe that it is important that nuclear power is part of the energy mix. We need a clear-sighted debate on the energy security needs of our country in a world in which security of energy supply is becoming increasingly difficult. We also need to take a hard-headed look at not only what we want to happen on greenhouse gas emissions, but what can practically be done in order to reduce them, and we should take the necessary decisions on that basis. As my hon. Friend has said, it is important to recognise that many sensible people who have looked at the issue over a significant period of time believe that nuclear power should be part of the mix.

Q8. [56634] **Martin Horwood** (Cheltenham) (LD): Given the Government's new-found interest in localism and the fact that children's hospital services in Cheltenham are becoming less local, our ambulance trust less local, our police force less local, our primary care trust less local, our fire control centre less local, our planning powers less local, and even our local authority less local, do the Government have plans to make anything at all in my constituency more local, or are they merely saying one thing and doing the precise opposite?

**The Prime Minister:** I do not agree with the hon. Gentleman that the police, for example, necessarily become less local if the restructuring of forces is combined with a greater emphasis on community policing. Most people do not regard the police in their area as part of an overall police authority—they look at the local service. Likewise with schools, hospitals or health care services, people look at their local ward and community beyond the structures that politicians often talk about, which often do not mean a great deal to people.

Q9. [56635] **Mr. Chris Mullin** (Sunderland, South) (Lab): Is my right hon. Friend aware that in Sunderland we have an excellent system of tertiary education which has been painstakingly built up over the past 20 years or so, and that there is a fear that foundation schools will demand their own sixth forms, thereby undermining

what has been achieved? What can he say to reassure City of Sunderland college and others that that will not happen?

**The Prime Minister:** As I know that my hon. Friend would accept, the provision of education in Sunderland has benefited enormously from what the Government have done over the past few years. The sixth-form college has been a success, too. I very much hope that the proposals in the schools White Paper and the Education and Inspections Bill, far from undermining that success, will assist that process. After all, we have made great progress in our schools in the past eight or nine years. It is important that we build on that, and that is the purpose of the Bill.

**Mr. William Cash** (Stone) (Con): Does the Prime Minister accept that the picture of the health service that he painted does not apply in my constituency? In the first place, there has been the extraordinary elevation of Sir Nigel Crisp to a peerage for what appears to have been a pretty appalling record. This afternoon, I am seeing all the primary care trust chairmen from Staffordshire. There is uproar about hygiene and cleanliness at Staffordshire general hospital, an £18 million deficit in North Staffordshire, and a deeply unpopular ambulance service merger.

**The Prime Minister:** What I would say to the hon. Gentleman is that we must have a sense of balance about the picture in the national health service today. Of course there are major challenges—MRSA is one, and the continuing financial deficits another. I think that if he were to talk to the people in the national health service in his area, he would find that they accept that there has none the less been immense progress over the past few years. Many people in his constituency—hundreds of them—used to wait months and months for operations; now, they have maximum waiting times far below anything that we inherited in 1997. There have been huge real-terms increases in funding. In the end, whatever amount of money we put into the national health service there has to be proper financial transparency. The new system that is being introduced is exposing the financial deficits and creating financial transparencies in the health service. It has to be dealt with, but it is being dealt with in the context of a national health service that is improving year by year.

Q10. [56636] **Steve McCabe** (Birmingham, Hall Green) (Lab): May I give a general welcome to the proposals to improve youth services? When talking to constituents, I have been struck by how many people favour the idea of some kind of national youth volunteer service. When will that be up and running, and how do I get Hall Green youngsters involved?

**The Prime Minister:** My hon. Friend is right. As a result of the work of the Russell commission, the charity set up to implement its recommendations will be launched in early May, with the first round of volunteering opportunities becoming available in the summer. We have allocated approximately £100 million for that. It will allow literally thousands of young people to take part in youth volunteering and I believe that that is a good thing. It is not possible to go back to the old days of national service, but it is possible to provide young people with the opportunity to put something back into the community and gain greater experience of different walks and sides of life. The programme will be exciting and I am sure that people in my hon. Friend's constituency and others will take advantage of it.

**Mr. Alex Salmond** (Banff and Buchan) (SNP): Has the Prime Minister seen the front-page story in *The Scotsman* today? It carries the allegation that the reason for allowing cover-up and criminality in the presentation of fingerprint evidence in Scotland was to protect the forensic evidence used to secure the Lockerbie conviction. Given that the McKie case has already resulted in a wrongful conviction for murder, nine years of personal anguish for the police officer whose fingerprints were wrongly identified and a cloud of suspicion over the Scottish Criminal Record Office, will the Prime Minister join former Solicitor-Generals, Lord Advocates and every Opposition party in Scotland in calling for an independent judicial inquiry so that justice can be seen to be done?

**The Prime Minister:** Before I respond to that, I should look carefully at the story on the front page of *The Scotsman*. I have not seen it.

## Points of Order

12.30 pm

**Mr. Peter Bone** (Wellingborough) (Con): On a point of order, Mr. Deputy Speaker. I believe that the Prime Minister inadvertently misled the House a few moments ago when he stated that nobody waited more than six months for an operation. The NHS website today shows that scores of patients are waiting more than six months for an operation. Will you advise me about how the matter might be clarified?

**Mr. Deputy Speaker (Sir Alan Haselhurst):** That is not a point of order for the Chair. The best advice that I can give the hon. Gentleman is to pursue the matter through applying for an Adjournment debate.

**Mrs. Caroline Spelman** (Meriden) (Con): On a point of order, Mr. Deputy Speaker. Exactly one month ago, at Deputy Prime Minister's questions, I had to chase the Office of the Deputy Prime Minister for an answer for the people who suffered when a tornado struck Birmingham. They are still waiting for that answer. The city council leader and I wrote immediately to the Minister for Local Government, yet we have still not received a reply. What other measures can we take, through the means at our disposal, to prevent questions from being ignored at the Dispatch Box?

**Mr. Deputy Speaker:** Again, that is not a matter on which the Chair can adjudicate. However, the hon. Lady has had an opportunity, in effect, to put the matter directly to the Deputy Prime Minister. I hope that, between them, the matter can be sorted out satisfactorily as soon as possible.

## Attendance Allowance and Disability Living Allowance (Information)

12.32 pm

**Anne Main** (St. Albans) (Con): I beg to move,

That leave be given to bring in a Bill to require any medical practitioner who diagnoses a terminal illness in a patient to inform the Secretary of State; to require the Secretary of State to give the patient information about his entitlement to, and a claim form for, attendance allowance and disability living allowance; and for connected purposes.

I should like to outline my personal experience, which has urged me to try to introduce the Bill. My husband Steve died of cancer 14 years ago. At the time we were a family with three small children and, having had nothing to do with the benefits system, I was unaware that there were benefits to which we were entitled, which would have helped us at a difficult time.

Anyone who has been through the earth-shattering diagnosis of terminal illness will say that money is the last thing on their mind. However, it helps enormously with all the bills that accrue when nursing somebody who is terminally ill. Many people choose to die at home. It is an enormous help to know that some support is available with, for example, cleaning, personal care and extra food that is especially palatable for someone who feels ill.

Over the years I have met many people who, like me, were unaware of the benefits to which they were entitled. There does not appear to be one particular person or delivery system to take responsibility for ensuring that patients and their families know that there are benefits that they are entitled to claim speedily. Consequently, I tabled an amendment to the Health Bill, which we considered recently, and I am promoting the Bill that we are considering now.

Coincidentally, days after I had done that, the Public Accounts Committee report entitled "Tackling Cancer: Improving the patient journey" was published, and I shall give the House a brief summary of its findings.

The report found that terminally ill cancer patients were often not made aware of the non-means-tested disability benefits that they could have claimed to alleviate financial hardship. That was estimated by Macmillan Cancer Relief to involve more than £100 million over a six-month period. The report also highlighted the fact that three quarters of patients were given no information on financial benefits by the NHS or anyone else. However, research published in the report showed that nearly half those people would have welcomed such advice.

Research carried out by Macmillan Cancer Relief in 2004 estimated that in 2001, terminally ill patients with six months or less to live failed to claim benefits worth £106 million over a six-month period. A cynic might ask whether the Government do not want people to claim those benefits, but I do not believe that that is the case, because they have put in place measures to ensure speedy delivery, which is welcome. What we do not have in place, however, is a system for the delivery of information. Hon. Members across the House are worried that no one has been given responsibility for this, either now or historically. The problem has existed for a long time.

*[Anne Main]*

The figures show that many people are missing out, yet the benefits are easy to claim if people know that they are there. We have a speedy delivery system in place. I met the Under-Secretary of State for Work and Pensions, the hon. Member for Stirling (Mrs. McGuire), this week to discuss the matter, and I am grateful to her for giving me her time. Everyone says that we should be able to achieve this; it is just a question of knowing how to.

Unfortunately, the report shows that in the 14 years since my husband died, nothing much has changed to ensure that information is given quickly and sensitively to patients. A tripartite group, comprising representatives of the Department for Work and Pensions, Macmillan Cancer Relief and the Department of Health, is looking at the issue. This is a sensitive topic involving health and benefits, and I want a firm assurance that the information will at least be given to patients, whether they choose to use it or not. At present, many people are denied that choice through ignorance. We must not allow our sensitivity to such issues to result in people not dying well. A compassionate society would make this a burning priority.

The hon. Member for Tamworth (Mr. Jenkins), who served on the Committee, observed that he believed the Department for Work and Pensions should be leading on this matter. The hon. Gentleman also made the very point that I am making today when he said that

"there should in effect be a package for the patient and boxes which should be ticked to show that they have now received the benefits advice".

Sir Nigel Crisp, who until yesterday was the chief executive at the Department of Health, accepted in his evidence that the system was "not good enough". That is something of an understatement, given that year after year, people are dying in reduced circumstances, when that need not happen. Sir Nigel also acknowledged that

"not enough people who were entitled to benefit actually knew about it or were helped to find it. We do not have strong enough systems in place to do it."

The national cancer director, Professor Mike Richards of St. Thomas' hospital, also gave evidence to the Public Accounts Committee, and he agreed that this was a big problem. So we all agree that the problem exists; it has been firmly identified. Professor Richards said in his evidence that he expected the paperwork to be rolled out by November 2005, and that the tripartite group would have agreed a way forward by the end of 2005. However, that has not happened. That date has come and gone, and no system is in place. We have had more talk, more water has passed under the bridge, and more people have died.

I spoke with the Minister earlier this week, and I really welcomed our conversation. I was given assurances that she shared my desire to ensure that patients and their families were informed of the available benefits. Unfortunately, however, while discussions are ongoing with the tripartite group, the Government do not appear to be in a position to say that a clear line of responsibility for ensuring delivery of information has been established. I keep being giving plenty of reasons why things cannot be done, but on behalf of terminally ill patients, I am now demanding that someone starts to give us some solutions.

Talk will not pay the bills. Talk will not pay for food that people find palatable while undergoing chemotherapy. Talk will not pay for someone to sit with a patient while his wife goes to collect their young family from school. My Bill proposes that a GP or other medical practitioner should ensure that the system is at least triggered. After all, those are the health professionals most closely connected with the patient and their family. They are the professionals needed to sign the DS1500 form that will trigger the speedy delivery of the benefit. Doctors are paid by the DWP for each form filled in, but the patient or their representative has to require the doctor to issue and fill in the form. How can they do that if they are unaware of the benefit? This is a miserable and frustrating cycle of ignorance and deprivation.

I propose that the GP or other medical practitioner, after fully discussing the patient's illness with them or their representative, should be obliged to trigger a request for an information pack to be sent to the patient or their representative. The forms should be simple and sensitively worded so that the patient or their representative can decide whether to choose to use the system instead of languishing in ignorance. Let us not allow our sensitivity to a patient's plight to give us an excuse for inaction.

New GP contracts were introduced in April 2004. That might have been an ideal time to have considered this additional small responsibility. After all, GPs are paid to sign the forms, and this is just an extension of the same service. We can trigger the delivery of a TV licence form to people's homes, so it should not be beyond the wit of man to trigger the delivery of a pack of information on benefits to those who are terminally ill. As it is often the GP or medical practitioner who is most closely involved, this is a simple and obvious solution.

I commend the Bill to the House.

*Question put and agreed to.*

Bill ordered to be brought in by Anne Main, Mr. Geoffrey Clifton-Brown, Jim Dobbin, Mr. Frank Field, Mike Penning, Andrew Selous and Grant Shapps.

### Attendance Allowance and Disability Living Allowance (Information)

Anne Main accordingly presented a Bill to require any medical practitioner who diagnoses a terminal illness in a patient to inform the Secretary of State; to require the Secretary of State to give the patient information about his entitlement to, and a claim form for, attendance allowance and disability living allowance; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 16 June, and to be printed [Bill 142].

# Orders of the Day

## Road Safety Bill [*Lords*]

*Order for Second Reading read.*

12.41 pm

**The Secretary of State for Transport (Mr. Alistair Darling):** I beg to move, That the Bill be now read a Second time.

The House, or at least some Members of it, will no doubt recall that a Road Safety Bill was last presented to the House in November 2004, but unfortunately it fell before the general election. Although this Bill essentially brings back the same measures, it has been improved in two significant ways. First, there are new offences of causing death by careless or inconsiderate driving and of causing death by driving while unlicensed, disqualified or uninsured. On Second Reading of the previous Bill, there was a lot of debate on those matters. Secondly, the Bill contains a new offence of keeping an uninsured vehicle and a power to immobilise vehicles that do not meet insurance requirements. The power will be used to stop the owners of cars and lorries driving them when it is clear that they are not properly insured. I shall return to those measures later.

I should also point out that two measures in the previous Bill have now been enacted elsewhere. First, drink drive information may now be taken at the roadside, which avoids the need for the police to go back to the police station when they stop someone, and secondly, in order to bear down further on uninsured drivers, the police have been given new powers to use automatic number plate recognition cameras linked to the databases of insurance companies to spot uninsured vehicles. Across the country, police forces are now using ANPR cameras to stop cars, and they can tell whether they are licensed and insured. In the autumn I saw that being done in Birmingham, and it is highly effective. It was surprising how many people were caught in the hour or so that I saw the system being used. It is an important way of tackling uninsured drivers and will increase the likelihood of people who are driving on the road without being properly insured being caught.

**Graham Stringer** (Manchester, Blackley) (Lab): From my reading of the Bill, it seems to have been improved since the House last discussed it, but one area that is not covered is the nuisance of unregistered mini motor cycles. In Committee or on Report, will my right hon. Friend consider bringing the regulation and registration of mini motor cycles into the Bill?

**Mr. Darling:** I am aware of that problem, which was raised with me on a recent visit to Nuneaton; it is a problem in Greater Manchester, too. I have looked into it and, as ever with such things, the situation is complex, although more can be done to deal with it. Because mini motor cycles do not comply with construction and use regulations, they cannot be registered as road vehicles such as motor bikes, and thus are not allowed on the roads. As a result, the police have power under existing law to deal with anyone who drives a moto on the road or pavement, or in a public place. Motos are supposed to be used only on private land with the owner's permission. However, I am aware that police forces in different parts of the country take different views of what they can or cannot do, in terms of warnings and so on. We need to look into the matter.

There is no doubt that those machines, some of which can go at 30 or 40 mph if not more, ridden by people who should not be driving anything on the road, let alone a moto, have the potential to cause immense damage, if not death. It is important that we are absolutely clear about the law. As I understand it, the law says that those vehicles are not allowed on the highway, which includes the pavements, so if a police officer finds someone driving one there, they have the power both to arrest the individual and to remove the machine. If the law lacks clarity or if there is any impediment, we should look into that before something serious happens. My hon. Friend has my assurance that we will look into the problem. It may be possible to do something during the passage of the Bill, but this may simply be a matter of making it clear to the police that there are already powers and that they should use them. If that is not the case, I should like to know what the problem is. There is no doubt that those machines are a source of irritation, and anyone buying one and putting a child on it is grossly irresponsible.

I want to put the Bill into context before I come to particular proposals. Some people will say that we can do more, which is undoubtedly true, but it is worth bearing it in mind that despite everything that we have done, today—as every day—nearly nine people in this country will be killed on our roads. None the less, along with the Netherlands and Sweden, we have one of the best safety records in the world.

Nearly six years ago, in March 2000, we set out plans to reduce deaths and serious injuries on the roads by 40 per cent. by 2010, and by 50 per cent. among children. The latest figures, for 2004, showed that the number of people killed or seriously injured had fallen by 28 per cent.—about 13,000 fewer casualties each year than in the mid-1990s, which is significant and more than halfway towards our target.

The number of children killed or seriously injured has been cut by 43 per cent., which is three quarters of the way towards our target of a 50 per cent. reduction, but as the House is aware, too many children are being killed. Furthermore, there are large regional variations, which are of special concern.

**Mr. Eric Martlew** (Carlisle) (Lab): I realise that later this year the Government will introduce new laws on booster seats in the back of motor vehicles, but why are there no proposals to make it compulsory for children to wear helmets when cycling? Why does the Department for Transport always turn its face against that sensible proposal?

**Mr. Darling:** My hon. Friend's first point is quite right. We are introducing new rules so that children under six have to travel in car booster seats and children between six and 11—up to the age of 12—have to be on a booster cushion. That is important.

As for cycle helmets, my hon. Friend knows from the last time he introduced a private Member's Bill that there are strongly held views on both sides of the argument. I accept that, although my preference is that people should wear helmets; the more we do to protect

*[Mr. Darling]*

people against injury, the better. However, there is no provision in the Bill because there is by no means unanimity about what we ought to do. I have not the slightest doubt that my hon. Friend, and others, will return to the matter, and it is of course open to him to raise it in the various proceedings of the House.

**Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): I agree with the measures that my right hon. Friend has described, but may I raise the wider issue of child fatalities? As my right hon. Friend will know, for the first time since records began, Edinburgh has been fortunate enough to experience no child fatalities for three years running. Does he agree that one reason for that has been the 20 mph limit? Will the Bill implement 20 mph zones throughout the country where that is feasible, so that the record that we have been fortunate enough to achieve in Edinburgh can be replicated in local authority areas with a less good record?

**Mr. Darling:** I agree with my hon. Friend that we have been very fortunate in Edinburgh. There have been no child fatalities over the past few years, and long may that continue. The 20 mph speed limits outside primary schools have no doubt been a factor in that—Edinburgh has implemented quite a few over the past year or so—but it is also due to better road design and a general awareness on the part of drivers that they must drive very carefully when there are children around.

As my hon. Friend knows, local authorities have power to impose 20 mph speed limits where that is appropriate. I do not think that they should be mandatory, because road conditions near schools and hospitals are different in each town and city. That is why discretion should lie with local authorities. Nevertheless, we must do all we can to prevent child fatalities. There are wide variations in different parts of the country, and local authorities owe it to children to think carefully about what measures they can take. Those may well include 20 mph speed limits.

**Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): Will my right hon. Friend give way?

**Mr. Darling:** I will, but then I must make some progress. Although this is a six-hour debate we are taking up a large chunk of it, and I have not yet begun to deal directly with the Bill.

**Mrs. Ellman:** In the context of child casualties, and indeed other casualties, will my right hon. Friend think again about one of the variable penalty proposals, which will reduce the number of penalty points for breaking the 30 mph speed limit? The Department's own publicity depicts a child saying:

"Hit at 40 mph: There is an 80 per cent. chance I'll die. Hit at 30 mph: There is an 80 per cent. chance I'll live".

**Mr. Darling:** If my hon. Friend will allow me, I will deal with that point at the stage when I planned to deal with it. I would be the last to claim that my speech has a shape to it, but such shape as there is will probably disappear if I deal with points in a different order.

The Bill has four key themes. The first is the need to deal with bad or irresponsible driving, whether it consists of speeding, drink-driving or carelessness. The second is the need to deal with motorists who break the law by driving without insurance, or using vehicles that are not roadworthy. Thirdly, we want to make it more difficult for foreign drivers to escape penalties for a specific range of driving offences in this country. Fourthly, we have proposed measures to raise standards and improve awareness. Let me say now, for the benefit of Members who may seek to intervene, that I will deal with those themes in that order.

Research shows that all drivers consider themselves to be better than average. I do not know whether that applies to everyone who is present today, but apparently it is the case. Nevertheless, poor driving is a key factor in many accidents. For example, nearly a third of car occupants who die have been involved in single vehicle accidents—accidents involving no other vehicle. Unfortunately, statistics suggest that the number of such accidents is increasing. It therefore seems sensible to bear down on some of the possible causes. One moment of carelessness or lack of attention can lead to serious consequences.

Clauses 20 and 21 introduce new offences of causing death by careless or inconsiderate driving and causing death by driving while unlicensed, disqualified or uninsured.

Much of our Second Reading debate on the earlier Bill, which my hon. Friend missed out on, concerned precisely those issues. Until now, while it was possible to convict someone for causing death by dangerous driving, if the driving was merely careless it was not possible to convict. It is also important for us to be able to deal with drivers who are not insured, have not paid their tax or are disqualified. Until now a high level of proof has been required for conviction, and the clauses will make a substantial difference in that regard.

**Kitty Ussher** (Burnley) (Lab): I am very heartened by what my right hon. Friend is saying, as will be the family and friends of Levi Bleasdale and all those affected by her tragic death in my constituency. She was three years old when she was killed by a hit-and-run driver last year. I am sure that my right hon. Friend will understand my shock, and that of many of my constituents, at the lack of custodial sentences available for those who kill through careless driving. Does he share my outrage at the Conservatives' attempts to water down our provisions in the other place? Will he commit himself to reintroducing a charge of causing death by careless driving with a maximum sentence of five years, triable in a magistrates court?

**Mr. Darling:** We will do that. I think it important for magistrates courts to have that disposal. As my hon. Friend is doubtless aware, conviction for causing death by dangerous driving will carry a sentence of up to five years.

It is of course for Parliament to determine the penalties, and the range of penalties, but I do not think that I am the only Member who thinks it important for the courts to regard someone who kills someone else using a car in the same way as someone using any other means of killing people. I suspect that most of us know

of cases similar to that raised by my hon. Friend, in which constituents have lost young children, and someone has been convicted but justice is not seen to have been done. It is equally important for drivers to realise that the minute they sit behind a wheel they are driving something with the potential to cause death or serious injury.

There has been a good deal of support in the House for the creation of that new offence. If the measure is passed, it will be on the statute book by the end of the year or the beginning of next year. The courts will have adequate powers; I hope that they will convict if the evidence justifies conviction, and, in particular, that the punishment will fit the crime. Taking a life is taking a life, no matter how it is done.

**Andrew Miller** (Ellesmere Port and Neston) (Lab): As my right hon. Friend says, drivers need to be more aware of their own technical ability. Will he congratulate the Institute for Advanced Motorists, which celebrates its 50th anniversary this year? Does he agree that it is not a fuddy-duddy organisation, but an organisation for young and new drivers, and for very good drivers? Only last year, its president, Nigel Mansell—a man of great driving talent—recognised that it was appropriate for him to take the IAM course. His lead should be followed by every Member of Parliament.

**Mr. Darling:** I have sometimes been tempted to take the course myself but have not got there yet. I agree that the institute is very important, and people should be encouraged to take its courses. I believe that some insurance companies give their clients credit for having taken them. In my experience, pointing to a financial advantage sometimes helps people along the way.

The Bill also seeks to change the law relating to drivers who are not insured. The present law allows illegal drivers to be prosecuted only for disqualified driving, driving without insurance or driving without a licence, unless their driving was at fault, in which case a charge of careless or dangerous driving would be applicable. Under the new proposals, a driver who was on the road illegally—without insurance—would be liable if, but for his presence on the road, an accident and consequent death would not have occurred, even if the standard of his driving was not at fault.

That is a major step forward. It deals with a particular cause of concern throughout the country: people who steal cars, or do not bother to insure their cars. If such people are on the road and a fatal accident occurs, it must be right to enable the courts to act.

**Adam Price** (Carmarthen, East and Dinefwr) (PC): Taking a life is taking a life, but in this context we are surely talking in some cases about momentary misjudgments when there was no deliberate intent on the part of the individual to take a life. Surely that should be reflected in the Secretary of State's comments.

**Mr. Darling:** Yes. A substantial body of case law in relation to that and other matters allows the court to hear the evidence and then come to a view as to whether someone is guilty of that offence. Careless and inconsiderate driving is defined in the Bill. The hon. Gentleman is right: before someone can be sentenced, they have to be convicted in law beyond reasonable doubt, so the courts are well used to determining these matters. For example, prosecutors have to decide whether there is sufficient evidence that someone has caused death by dangerous driving or careless driving. The court has to decide whether that is the case, but it would be wrong of us not to give courts the option of being able to convict someone where the evidence points clearly to the fact that their conduct was such that the natural result was someone being killed, even though they perhaps did not intend that.

The hon. Gentleman is right in saying that the new proposal goes further than existing law, but I think that it is fully justified. The courts will, of course, be able to hear the evidence and come to a view. However, as with all these things, if he is making a bid to get on to the Committee that will scrutinise the Bill, he can no doubt explore the issue at greater length there.

**Mr. Peter Bone** (Wellingborough) (Con): Does the Secretary of State agree that the current situation is that if someone pleads guilty to careless driving, the court is in many cases not even told that someone died?

**Mr. Darling:** I will need to take some advice on that. The hon. Gentleman may be right but, in my view, when passing sentence, a court needs to be aware of all the circumstances. There is a world of difference between careless driving resulting in knocking over a flower pot and careless driving resulting in someone dying. The offence I have just described relates to someone who should not be on the road—because their car is not insured, for example. The Bill goes a lot further. It would be inconceivable in such cases for the court not to know that there had been a fatality.

**Dr. Brian Iddon** (Bolton, South-East) (Lab): In many cases, a driver who kills commits a multitude of offences, but the feeling among families of the victims is that not all those offences are totted up. The three new offences that my right hon. Friend referred to a few minutes ago have a maximum penalty of two years' imprisonment. Is it his view that if a driver has committed multiple offences, the court should tot up the sentences?

**Mr. Darling:** What to charge someone with is a matter entirely for the prosecutors in each case. It is not uncommon, as my hon. Friend knows, for someone to be charged with a number of offences. If they are convicted of all of them, the court has to take that into account. Equally, in some cases, someone is charged with one or two offences, rather than the lot, because that is what the prosecution thinks it can get a conviction on.

I strongly believe that decisions on whether to prosecute and what to charge someone with are matters for the independent prosecution authorities, not for Ministers or Parliament, but it is for Parliament to set the range of offences and decide what is the mischief that we are trying to get at. That is what we are attempting to do.

**Mr. Angus MacNeil** (Na h-Eileanan an Iar) (SNP): On a point of clarification, if the right hon. Gentleman was driving in Edinburgh, for example, and someone

*[Mr. Angus MacNeil]*

walked in front of him, he hit them, knocked them down and, unfortunately and heaven forfend, killed them, after the Bill had been enacted, what would the difference be in the way he was treated?

**Mr. Darling:** As I explained earlier, the position would not change as regards someone who was driving along and was insured. The question would be whether they were driving carelessly or dangerously. Under the Bill, if someone were driving carelessly because they were not paying proper attention or doing something that reduced their attention to the road, they could be charged with causing death by careless driving. On the other hand, they could be blameless. If the person driving along was not insured and there was a fatality, then, depending on the circumstances, under the additional measure to which I referred, it might be possible to charge that person with an offence.

I hope that the hon. Gentleman will understand that much depends on the circumstances of each case. We are plugging a gap because, until this Bill, hopefully, becomes law, it is not possible to charge a person with causing death by careless driving. Nor is it possible in every circumstance to get at someone who should not be on the road in the first place and whose car is involved in an accident involving a fatality. All those issues will no doubt be explored further in Committee.

I have mentioned uninsured driving. Continuous registration has helped. The additional powers to which I referred earlier have helped in tracking people down and dealing with them where they have broken the law. Equally, electronic registration in the renewal of tax discs, which we introduced just last year, is helping to catch people who try to skip a month on their insurance, for example. However, the Bill also introduces a new offence of being the keeper of a vehicle, the use of which is not insured. Unless people have registered a statutory declaration and the thing is off the road, there will be an offence of keeping the car where it is not insured.

The Bill increases penalties for careless and inconsiderate driving. The fine doubles to £5,000. As I said, clause 30 defines careless and inconsiderate driving for the first time. There is already a statutory definition of dangerous driving. For using a hand-held mobile phone while driving and for failing to have proper control of a vehicle, a mandatory endorsement is introduced. For repeat offences of using a vehicle in a dangerous condition, there is mandatory disqualification if the offence is repeated within three years. That is a minimum of six months' disqualification.

Excessive speed contributes to just over a third of fatalities—that means about 1,000 deaths every year—as well as being a factor in another 40,000 injuries. Several police forces now offer "low-end speeders" the option of going on speed awareness courses, and that will be in the Bill as a disposal available to the courts. The Association of Chief Police Officers is putting in place a national programme of awareness courses, which, of course, we welcome.

The greatest reduction in such casualties would come from reducing speed across the board, and that is where speed cameras come in. I believe that, on any view one cares to take, speed cameras are saving lives and reducing speed. However, as I said in 2004—my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) raised the point—we need to do more to ensure that the punishment fits the crime. A graduated system of penalties from two to six points, rather than the present system, would ensure that a distinction was made between someone who was just over the limit and someone who was driving way over the limit.

I said last time—the Bill provides for this—that the Government would undertake consultation. Under the Bill, we have to consult and people will be able to respond. I think I am right in saying that, in the consultation on the principle of the measure in 2004–05, just over half of respondents said they were in favour of graduated penalties. Obviously, when we consult fully, we will see what people have to say. After that consultation, there will be proposals. A measure will come before the House, and it will be subject to the usual affirmative procedure.

**Paul Rowen** (Rochdale) (LD) *rose—*

**Andrew Selous** (South-West Bedfordshire) (Con) *rose—*

**Mr. Darling:** I will give way in a moment.

There is probably a range of views in the House, but I yield to no one in my belief that speed cameras are playing an essential role. The changes that I announced towards the end of last year will help further, but I think that it is right to introduce a graduated system, using points and the fines that flow from them, to reflect the fact that different speeds are sometimes involved.

**Andrew Selous:** Does the Secretary of State agree that we should all be equal under the law as far as speed cameras are concerned and that it is therefore not right that people who incorrectly register their vehicle details are able to avoid penalties from speed cameras? I can show the Secretary of State details of one vehicle caught 73 times in my constituency doing speeds of up to 119 miles per hour, but the police are powerless to deal with it. Does he agree that, at the very least, that is a serious issue, which he and his Ministers should look into?

**Mr. Darling:** I understand that the hon. Gentleman has raised this issue with the Minister of State, who has agreed to meet him to discuss it. If we need to amend the Bill to deal with that problem, we will see what can be done. I am not making any promises, but let us explore the issue because the hon. Gentleman makes a fair point. If people are using a false address or fiddling the system and the police cannot get to them, we need to sort that out, and we will do so.

**Paul Rowen:** The other place introduced an amendment on the use of income from speed cameras. What does the Secretary of State plan to do about it?

**Mr. Darling:** We have already dealt with that issue, so the amendment is not necessary. The hon. Gentleman will be aware that when the three-year assessment of speed cameras was published last year, I changed the funding arrangements. Part of the problem is that

people have tended over the years to regard speed cameras as a free option because it cost nothing to put them in. I want to ensure that where there is a particular safety problem, local authorities and the police can consider various factors such as changing the road layout or the speed limit, as well as the introduction of speed cameras. The amendment tabled in the other place might have been worthy of consideration had we not decided to change the funding regime, but as we are in the process of changing it—some £110 million will be available to local authorities—the amendment is not appropriate, and we will deal with it when it comes before the Standing Committee.

**Dr. John Pugh** (Southport) (LD): Will the Secretary of State make a comparison between normal speed cameras and the clever electronic advisory signs used in many villages, in order to see which works best at producing slower traffic movements?

**Mr. Darling:** I am with the hon. Gentleman on this. These signs, which are used more in villages and small towns than in cities, are very effective. They light up to warn drivers that they are going at 35 mph—so I am told. *[Interruption.]* I have never noticed them myself. To be fair, a policeman drove me through a village outside Edinburgh to show me what happens, and I sat in the passenger seat marvelling at the technology. Such signs are effective, but if we give the money to local authorities and the police, they can decide what measures are best. In some cases, speed cameras are the best solution, and they are effective; but in others, different measures might be more effective.

**Kelvin Hopkins** (Luton, North) (Lab): I agree with, and support very strongly, my right hon. Friend's point of view on speed cameras, but I also agree with what my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) said about graduated speeding penalties. Will not such penalties inevitably lead to some people taking chances by driving faster than they otherwise would, thereby leading to an incremental increase in deaths and injuries at the margin? Has my right hon. Friend's Department done any research on what might happen under such a system?

**Mr. Darling:** It is difficult to research something that has not yet happened. My own belief is that most people start from the point of view that they do not want any points on their licence or to be fined. I am not sure that that many people say, "I don't mind getting two points, but I don't want three." I look at this issue in a slightly different way: we should distinguish between someone who does 36 mph and someone who does 66 mph, and that is why the graduated scheme is better. I recognise that people have strong views on this proposal, and the last time we consulted on it, the division was about 50:50, with slightly more in favour of graduated penalties. If the Bill is passed, the next stage will be to consult on specific proposals, and depending on that consultation, we will put them before both Houses and they will be voted on. We must ensure that people appreciate that keeping their speed low is the important thing, but when someone does break the law, the punishment should fit the crime. Some graduation is necessary, but when we discuss this issue in Committee, Members will doubtless let us know what they think.

**Mr. Tom Harris** (Glasgow, South) (Lab): In some areas, under the current system, drivers who speed at, for example, between 31 and 40 mph in a 30 mph zone might not be prosecuted unless and until they reach 40 mph. Under a system of variable endorsement levels, might not more such drivers end up being prosecuted because the endorsement level is less? I am not saying that that is necessarily an unwanted consequence, but might it not be one?

**Mr. Darling:** I am not sure that that will be so, unless the general policy changes on how such cases are pursued. This is a classic case of different views being held in all parts of the House, and I am sure that we will have a decent discussion in Committee. I still tend to the view, which is the Government's, that we should have a graduated response, but I shall be interested to hear what Members have to say. All of us know of people who have been done for going just over the limit, and we must contrast that with someone who drives at 60 mph in a 40 mph zone, which is an extremely serious offence.

**Mr. Alistair Carmichael** (Orkney and Shetland) (LD): Will the Secretary of State give way?

**Mr. Darling:** Yes, but then I must make some progress.

**Mr. Carmichael:** I am grateful to the Secretary of State for giving way. I am intrigued by his earlier example of somebody driving at 66 mph in a 30 mph zone. Under the current system, surely such a person would be prosecuted through the courts, rather than receiving a fixed penalty from the police. In fact, it is quite possible that they would be prosecuted not just for speeding but for dangerous driving. Will his new measure take people who are guilty of driving at higher speeds out of the court system and away from public scrutiny?

**Mr. Darling:** No. I think that I gave the example of someone driving at 66 mph in a 40 mph zone, and if I did not, I apologise. As it happens, 66 mph, according to guidelines from the Association of Chief Police Officers, is on the cusp in terms of being sent to court, so such a person might or might not be sent to court. I used that example because the point is that someone who does 66 mph in a 40 mph zone could get the same number of points and the same fine as someone who does 36 mph; I ask the House to reflect on that.

I will of course take further interventions, but I want first to make further progress. As I said earlier, courts will have recourse to retraining courses, and we will raise the penalty for failing to identify a driver to six penalty points. We will also clarify the law on speeding exemptions and the associated training requirements. People who are transporting organs for transplant by car, for example, are sometimes stopped by the police, and the law in that area needs to be clarified.

On any view, there has been a significant drop in the number of deaths and injuries at safety camera sites. Devices that detect or jam such equipment need to be dealt with, and the Bill does that.

*[Mr. Darling]*

There has been a change in Britain's culture in terms of drink-driving. Generally speaking, the figures have come down since the 1970s, but alcohol is still a factor in about one in seven of all fatal crashes, accounting for some 500 deaths a year. What is worse, 20 per cent. of such offenders are repeat offenders. The statistics also show that younger, predominantly male drivers are more likely to be under the influence of alcohol. So we are giving the courts the power to make repeat drink-driving offenders retake their driving test. That will require secondary legislation, but the principle needs to be dealt with in the Bill. That way, repeat offenders will be kept off the roads until they have completed the necessary medical examination. We will also enable the use of alcohol ignition interlocks, which have been shown to be effective in discouraging reoffending. I hope that all these measures, backed up by others such as advertising, will get across the message that drinking and driving kills.

**Ms Sally Keeble** (Northampton, North) (Lab): Will my right hon. Friend also acknowledge the very real problem of driving under the influence of drugs? What progress is being made in finding an effective way of testing people for drugs?

**Mr. Darling:** I agree that driving under the influence of anything that impairs judgment—drugs are the obvious example—is just as dangerous as the specific example of alcohol. The difficulty, as I understand it, lies in developing roadside equipment that can detect the presence of drugs; however, people can of course be taken to a police station for a blood test. A number of people are working on this issue because, sadly, as my hon. Friend knows, people driving under the influence of drugs is as much of a problem as people driving under the influence of drink.

**Mr. David Kidney** (Stafford) (Lab): Has my right hon. Friend been convinced by the evidence that a lower drink-drive limit would save lives and by the argument from the Parliamentary Advisory Council for Transport Safety—I declare an interest as a member—for targeted testing by the police, based on intelligence, instead of random testing?

**Mr. Darling:** My view is that we need to concentrate on those people who are breaking the law now. As my hon. Friend knows, the lower the level is set, the more difficult it is to justify, because people may have low levels of alcohol in their bodies for all sorts of reasons other than the fact that they have had a drink. The biggest problem we face is from people who are not just over the limit, but way over the limit. That is why the measures in the Bill are important.

I should make it clear that if hon. Members think that we should adopt any other measures, we are willing to listen to any such proposals. However, I am not convinced by the argument advanced by PACTS. Incidentally, the stuff on the front pages of newspapers yesterday about the use of cameras was rubbish, as a simple inquiry could have established.

**Kelvin Hopkins:** I am still concerned by my right hon. Friend's view that we should not reduce the permitted level of blood alcohol. I understand that the majority of European countries now have lower limits than we do and there must be evidence that death rates have fallen as a result.

**Mr. Darling:** The problem for much of continental Europe is that they have much higher rates of offending. They have a low limit, but it is not actually enforced. The French Government have a big problem with this issue and have stepped up detection significantly in the past few years. What matters is that people need to know that there is a strong likelihood that they will be caught. We have been working with chief constables, who have to decide where to target their resources. I strongly believe that the police should target drink driving, because it is a problem, not only at Christmas time, but throughout the year.

The second theme is measures to stop people who drive without tax and insurance. Continuous vehicle registration has helped and the House may be interested to know that vehicle licence evasion has fallen by 400,000 since 2002, which means that the revenue lost from evasion has dropped by £60 million in the same time. The Bill allows the regulation of registration plate suppliers to be extended to Scotland and Northern Ireland. It also enables us to share driver and vehicle data with foreign authorities. That is important, because one of the themes that has emerged, especially with more and more foreign vehicles being driven in this country, is the lack of access to information about who owns them. We need to do more to build co-operation across Europe on that issue. I hope that those measures will command support on both sides of the House, although I understand that in certain parts, co-operation with Europe creates some difficulties.

When we first published the Bill, it enabled the Department to require the surrender of paper driving licences, probably some time after 2008, to allow them to be replaced with photocard driving licences. That part of the Bill was removed in the other place. We will reintroduce that important measure, because the police need to be sure that the person they stop at the roadside is producing their own documents. Last year alone, the police brought to the DVLA's attention approximately 1,200 cases in which individuals had set up more than one identity, and some of them had many identities. All of us know that the paper driving licence is reasonably easy to manipulate and therefore misrepresent. We should therefore introduce a photographic licence that has better security and makes such deception much more difficult. I am sorry that the Conservatives in the other place are opposed to that: I hope that the Conservatives here will take a more realistic view. The police and others rely on driving licences and they should be as secure as possible. We do not plan to make the change immediately, but at some point it will be necessary to recall paper licences and replace them with licences that are more robust.

**Chris Grayling** (Epsom and Ewell) (Con): One of the concerns expressed in the Lords was the potential link between the replacement of paper driving licences and the Government's plans for identity cards. If those two are completely divorced, what he has said makes good sense. If he can give the House a clear undertaking to that effect, we would not have a problem with what he says.

**Mr. Darling:** That is not a debate that we need to have because I can give the hon. Gentleman that assurance. I refer him to what the Home Secretary said when we last debated identity cards. We are not planning to designate ID cards in that way, and they will be separate. The photographic licence would be a separate requirement for different reasons. At some stage, biometric information will be required and, given that the same information will be required for both passports and driving licences, it makes sense to co-operate on them, but the two documents will be distinct. My concern is to reduce the possibility that someone can use a paper licence to create false identities, with all the problems that that raises. I am grateful to the hon. Gentleman for making that point.

The Bill will also require vehicle mileages to be reported to the DVLA, possibly at the time of the MOT to try to combat clocking.

The third element is our attempt to ensure that foreign drivers who break the laws here do not escape punishment. If a driver cannot or will not pay a fixed penalty, the police will be able to require a deposit. If people fail to pay the deposit or the police believe that they cannot rely on the address and information given, they will be able to immobilise the vehicle to prevent it from leaving the country. On most occasions, the value of the lorry is substantially more than the fine, so I hope that that will be a more effective way to stop people than simply imposing a fine that they then ignore. That measure is a welcome step forward.

**Mr. Philip Hollobone** (Kettering) (Con): According to the Northamptonshire police, 70 per cent. of the traffic collisions on the M1 through the county are caused by foreign-owned heavy goods vehicles, because they do not have sufficient mirrors on the correct side. When they overtake, they pull out into other traffic. Will the Bill introduce any measures to assist with extra mirror provision on HGVs, so that the number of collisions may be reduced?

**Mr. Darling:** There are no such measures in the Bill, but we are working with other European Governments to deal with that problem. It is important that drivers of lorries in this country can see what is going on. I am not sure that the Bill is the right way to achieve that and it might be better achieved through Europe-wide legislation, because there might be reciprocal requirements for our lorries abroad. We are aware of the issue and my hon. Friend the Minister of State tells me that we are actively working on it. If the hon. Gentleman wants some further information, I am happy to write to him.

**Mr. Greg Knight** (East Yorkshire) (Con): Before the Secretary of State commends the Bill to the House and sits down, will he say something about clause 50. Where a motorist deliberately ignores a red flashing light and descending barriers at a railway level crossing, is there not a case for imposing a greater penalty than six points? In view of the likelihood of death or serious injury for many people as a result, is there not a case for a period of mandatory disqualification to be imposed?

**Mr. Darling:** I am not quite ready to commend the Bill to the House or to sit down: I am coming to the railway provisions and I will deal with that question then.

**Mr. David Drew** (Stroud) (Lab/Co-op): To go back to the previous point, it is necessary not only that HGV drivers should be able to see other vehicles, but that other drivers should be able to see HGVs. He will be aware that the other place introduced new clause 16 on the conspicuousness of HGVs. It would be good to have a reassurance from the Government that they intend to leave the clause in the Bill and also that they will add a time scale for its introduction. My right hon. Friend will be aware that there has been a longstanding campaign on that issue, and I hope that it has now been successful.

**Mr. Darling:** I can perhaps cheer and disappoint my hon. Friend at the same time. We do not think that such legislation is needed, because such things will happen anyway, but when my hon. Friend the Minister of State explains the issue in Committee, he will amplify that and—who knows?—he might even deal with it extensively when he replies to the debate.

Other measures will introduce advanced learning packages and ensure that we improve the standards of tuition and instruction. There are proposals on the registration of instructors and others that will allow the publication of their performance, and other measures that, I hope, will raise people's general education and awareness of good driving on the roads.

I wish to draw the House's attention to the proposal on tiredness, which was contained in the previous Road Safety Bill. We intend to introduce picnic areas—or aires, as they are called in France—where people can stop, so that they need not go to a service station or McDonald's, or anything like that, to sit and relax, and the first one will be on the M5 in Somerset.

Other measures relate to radioactive material, London private hire vehicles and the certification of vehicles.

**Mr. John Horam** (Orpington) (Con): The Secretary of State mentions private hire vehicles in London. I suppose that he was referring to clause 58, under which the Government seek to extend what we think of as the "Minicab Act" to operators who solely hire vehicles under contract to local authorities—for example, those used to ferry children who have special needs to and from school and other such activities. Clause 58 will bring them into the minicab regulations, and many people think that it is a piece of over-regulation. I hope that he will consider representations on that issue sympathetically.

**Mr. Darling:** I will certainly look at representations, but we are trying to ensure that anyone who drives people and the quality of the vehicle used meet certain basic standards. If the hon. Gentleman wants to make representations, of course he can, but the objective of the provision is to try to ensure that we can balance individuals' needs with the requirements of the general public, so that they can be satisfied about standards generally.

On the Network Rail point, we will seek to remove the six new clauses introduced in another place, because they would not achieve what their movers wanted them to achieve, but we will introduce an alternative proposal that, I hope, will deal with that problem. The right hon. Member for East Yorkshire (Mr. Knight) asked in

*[Mr. Darling]*

particular about the penalties for people who ignore the lights and cross the railway. The fine for doing that was increased to £5,000 in another place. A lower fine was proposed originally. I am concerned that there have been several incidents in the past year where people have clearly decided to take a gamble and tried to get through the barriers, thus putting at risk not just their own lives, but those of the people on the oncoming train.

Of course, we will not be able to deal with suicide cases that way—the fine would not make much difference—but I will reflect on such fines, endorsements or disqualifications to determine how we deal with such things. Several incidents in the past year or so, particularly on the east coast line and the lines off it, have caused me concern, and I want to think about how we should deal with them in the light of what has been said in the other place.

**Mr. Greg Knight:** I am grateful to the Secretary of State for that reply. Will he clarify his new ideas and thoughts on the issue? Does he envisage letting the House know what he is thinking during the passage of the Bill, or at some time in the future?

**Mr. Darling:** The appropriate time to consider the issue would be during the debates in Committee, which will probably take place in a couple of weeks' time, although I am not sure when we will reach that part of the Bill. Such a time scale would allow a proper debate to take place in Committee, and the House could then deal with the issue on Report if necessary. That is probably the best thing to do.

Just before I sit down, it is worth returning to the overall point. The road safety record in this country is good, but it obviously needs to get better. I am glad that the number of traffic police on the roads has increased in the past couple of years or so. I remind the House that the traffic officers for which the Highways Agency is responsible are now on most parts of the network, and almost 1,000 of them will be fully operational by the summer. They are already proving their worth, by helping to clear up after accidents, removing debris from the roads and attending to people whose vehicles have broken down. That also helps to improve road safety.

I am sure that the Bill contains measures that will make a difference. No doubt, further representations on further necessary measures will be made, and the Government will, of course, listen to them. Anything that we can do to improve road safety and the quality of driving on our roads must be supported, and on that basis I commend the Bill to the House.

1.35 pm

**Chris Grayling** (Epsom and Ewell) (Con): We welcome many aspects of the detail of the Bill. There are many things that divide us in the House, but securing people's safety on and around our roads is not one of them. We will back the Government in giving the Bill a Second Reading this evening—it contains some commendable measures—but we will not be afraid to be critical of its detail in Committee. We do not support some parts of it, we are sceptical about others, and we believe that some require tightening, but that is what debates in Committee are all about.

We hope to have constructive debates in Committee and on Report. We hope that our ideas about how we can improve the Bill will be listened to and that those constructive debates will lead to those proposals that are sensibly being enacted. Notwithstanding our support for much of the detail, the Bill does not do the job that it could do. It is a missed opportunity in many ways. It tends to be a patchwork of measures, rather than a strategy for improvement. The Secretary of State has touched on some of the big challenges, but they should be much more central to the direction of the Bill.

We face some huge challenges on our roads. The Secretary of State is right to suggest that casualty figures in this country are lower than in many other countries, but they are still too high. When a train crashes and people die, the news dominates the headlines for days, but on every day of every week of every year, more people die on the roads than in most major accidents on our railways and other modes of transport in this and other countries. Those accidents pass largely unnoticed, except in the areas where they take place. Far too many children, cyclists and motor cyclists die on our roads each year. Indeed, we are now seeing signs that, after long years of success, the improvements in road safety appear to have reached a plateau. I hope that the Bill, when it is passed into law, will make a difference in trying to push that trend downwards once again.

**Mr. Tom Harris:** I welcome the tone that the hon. Gentleman has struck so far, but will he confirm whether measures considered by the Conservative party during the last Parliament to raise the national speed limit to 80 mph will be considered by the new model Conservative party for inclusion in its next manifesto?

**Chris Grayling:** The hon. Gentleman tries to tempt me on to Conservative party policy making, which is something that we will be doing over the next 12 to 18 months. I do not intend to share all our thinking with him today. All I will say is that the steps that we will seek to propose, as we prepare to become the Government after 2009, will be designed to improve safety on our roads. That will be a central part of what we do; it should be a central part of what all political parties seek to do in their road transport strategies.

**Kelvin Hopkins:** I agree with much of what the hon. Gentleman has been saying so far. He talks about improving the Bill and refers to road traffic accidents reaching a plateau. We are now getting down to a hard core of a small number of persistent offenders. Some people are very bad drivers. Will he therefore suggest to the Government that they could get to that core group by imposing on those drivers longer and more frequent driving bans—possibly even lifetime bans—rather than financial penalties?

**Chris Grayling:** The hon. Gentleman is right to talk about the core group. If he bears with me, I shall come on to that because it is the central part of the problem that we face.

In the spirit of congeniality, let me say that the Government have done some smart things. We welcome those and want them to continue. The 20 mph speed limit in urban areas has made a difference. It is and will be the right thing to do in quiet residential side streets.

The Government were right to champion safe routes to schools. We all want improvements to the way in which our children get to school, and changes to ensure that they do so as safely as possible.

However, the hon. Gentleman puts his finger on the real issue: the Bill does not fully get to grips with the most significant part of the challenge that we face. In Britain, well over 1 million cars—a large number of drivers, indeed—are being driven around outside the confines of the law in a systematic way. In doing so, those people are placing law-abiding British people at risk. They have no insurance and are registered at false addresses. They ignore MOT requirements and fake or ignore tax discs. They are unlicensed and have often never bothered to learn to drive. They may be driving cloned vehicles—a big challenge in many of our cities—whereby they have deliberately stolen the identity of others so that they can offend with impunity.

In many areas, those unlicensed and uninsured cars ply for minicab business on our streets. All too frequently, those cars and their drivers, who operate outside the law, kill or maim. Research shows that they are 10 times more likely to have been convicted of drunk driving, six times more likely to have been convicted of driving an unsafe vehicle, and three times more likely to have been convicted of driving without due care and attention.

The Bill does not set out a clear enough strategy to deal with the problem. Of course, there are welcome steps in it and it contains things that will help to make a difference in tackling the problem. The measures on uninsured vehicles are sensible, but much more could be done to tackle the problem of uninsured drivers. For example, a £100 fine is not sufficient to address the problem of an uninsured car sitting in the street, undriven, outside someone's house. The British Insurance Brokers Association describes the measure as "totally insufficient".

**Kelvin Hopkins:** I agree strongly with the hon. Gentleman. Does he agree that removal, confiscation and disposal of such vehicles would be a much more effective penalty than a small financial penalty in the form of a fine?

**Chris Grayling:** I very much agree and hope that Ministers, and all those serving on the Committee, will discuss that in detail. It is one way to tighten the measure. The removal of a vehicle and its return only when a heavy fine and the cost of insurance are paid is one way to address that.

**Tom Brake** (Carshalton and Wallington) (LD): Does the hon. Gentleman regret, as I do, that the Home Office has withdrawn funding for a special scheme called "Scrap it", which enables local authorities to take those vehicles off the road extremely quickly?

**Chris Grayling:** The hon. Gentleman puts his finger on a problem. The Government are always asking our local authorities to take on responsibility after responsibility. Those may be desirable responsibilities, but many areas do not receive the funding for them. The decision about whether a local authority should tackle the problem of abandoned vehicles, for example, depends on whether it can afford to divert money from other key services.

We completely support the new penalty for causing death when unlicensed, uninsured or disqualified. No hon. Member could disagree with that, although there is an aspect of the measure that could be strengthened. However, the Government could have taken much tougher action against such drivers in other ways. My hon. Friend the Member for South-West Bedfordshire (Andrew Selous) last year highlighted the problem of people who commit multiple offences while driving and who shelter behind false addresses. I am grateful that Ministers are willing to talk about that now. My hon. Friend has campaigned on the issue for months. Police forces around the country have made noises about it for months and have made a little progress. The measure is overdue.

The problem essentially is that offenders are registering their vehicles behind false addresses. There are a number of addresses in Essex, for example, at which dozens of vehicles are registered. When a driver commits an offence—whether going past a speed camera at high speed, parking illegally or something else—and the authorities try to track down the users of those vehicles, they find themselves dealing with the front address and have no possible means of finding the owners. That cannot be right and it must be tackled.

Officers dealing with those problems on the front line say that they do not have adequate legal backing to impound such vehicles if they find them. They are uncertain about the powers that exist. The Bill is an opportunity to provide them with much greater clarity and, perhaps, with powers to seize vehicles at the roadside if they are stopped and for automatic confiscation. However, I am sure you would agree, Madam Deputy Speaker, that it cannot be right to have vehicles on our road that rack up thousands of pounds in fines with a brazen disregard for the law. I have seen a photograph from Bedfordshire of a couple of young men in an old car driving past a speed camera, both leaning wide out of the windows and sticking two fingers up at the camera as they go by. That is the kind of brazen disregard for the law that we must tackle.

Likewise, I want to see clearer measures to tackle the massive problem of untaxed vehicles. Local authorities and local police do not often have the resources or the ability to deal with the problem in the way that they might wish. I want to see tougher action still against unlicensed drivers. There are measures in the Bill, but more could be done. We need much tougher penalties on hit-and-run drivers. We heard one or two examples from Back-Bench Members about the devastating impact of hit-and-run driving. It remains the case that if someone is involved in an accident having drunk too much alcohol, the law provides an incentive to drive away at speed. A person may be less likely to be disqualified as a result of leaving the scene of the accident than if he stays and is breathalysed. We should address that. There is no excuse whatever for motorists driving away from the scene of an accident. We should prosecute those who do with the toughest force of the law, and that should include long disqualifications.

**Ms Keeble:** Does the hon. Gentleman accept that a case like that of Levi Bleasdale, which was mentioned, would be partially tackled by the Bill? Nothing will compensate parents for the loss of their child, but it would make it possible to get such a driver for causing

*[Ms Keeble]*

death by careless driving and to give him the increased prison sentence for driving without a licence. If the two sentences ran consecutively—my right hon. Friend the Secretary of State was asked about that—the driver could be imprisoned for up to seven years. It would not compensate for a life lost, but it would be much more than the six weeks, or whatever, that the driver got.

**Chris Grayling:** The hon. Lady misses the point. I am not talking purely about fatal accidents, but about minor accidents as well.

**Ms Keeble:** It was a tragic case.

**Chris Grayling:** Of course, and it needed to be prosecuted with the force of the law. Having read the case, a charge of dangerous driving should have been seriously considered. As I recall, the driver was unlicensed, and the measure that we support to tackle the problem of unlicensed drivers would do the job. However, it is not always about dealing with accidents that cause death. We also need to deal with accidents in which there are serious or relatively minor injuries. There is no excuse whatever for any driver who is involved in an accident simply to drive away. There are times when the law provides a perverse incentive to do so. If someone has drunk too much, has a minor accident and drives away, he is probably slightly less likely to be disqualified for a year than if he stops and is breathalysed. That cannot be sensible. There is no excuse for driving away from the scene of an accident.

We also need to change the rules under which the DVLA operates when false addresses are used. I had a case in my constituency recently of a family barraged with legal notices because the previous owners of their house had not changed the address on their driving licences. They did that entirely deliberately so that they could use false information to commit offences with impunity. Yet the DVLA is not allowed under current rules to amend its records without written notification from the licence holder. If I move house, commit offences everywhere and leave the people who bought my house to pick up the problems that that causes—police and bailiffs knocking on the door, and so forth—the only person who can get the details changed is me, and since I am the offender I am hardly likely to do that. I hope that we can also tackle that problem.

**Dr. Pugh:** The hon. Gentleman may not be aware that the DVLA has a sophisticated database that enables it to take a registration plate and work out who the owner is, but it does not enable it to go the other way by starting off with the owner and finding out what cars are registered in his name. That would be a small technical change that would approve things ahead of legislation. There is no case for not doing it.

**Chris Grayling:** That is an interesting idea, and I suggest that the hon. Gentleman include it in an amendment and discuss it with Ministers. I am not familiar with the detail of the issue, but it could be debated constructively during the passage of the Bill.

I do not condone any motoring offence, but sometimes the Government choose the easier option when they regulate against motorists and thus fail to get to grips with the serious challenge posed by people who systematically ignore the law on tax, insurance, drink-driving and related issues. The Bill is therefore a missed opportunity. We will work constructively in Committee to address that, and we will try to introduce measures to strengthen the provisions against the most lawless drivers. I hope that the Government are willing to work with us constructively as we seek to do so.

There are three areas in which we want to change the detail of the Bill including, first, the most controversial part of the Bill—the provision to introduce much tougher sentences for careless drivers. I understand clearly and in detail the Government's motivation for proposing a change. There is a serious problem with the distinction between the offences of careless and dangerous driving. We are all aware of instances in which the Crown Prosecution Service has not pursued a dangerous driving case so the offender has escaped with a sentence that appears much too lenient, given the crime that was committed. We therefore understand why many families are angry when a motorist's actions lead to the death of a loved one but that individual is charged with dangerous driving and escapes with only a fine.

Those families and the organisations that work with them have made a powerful case to all hon. Members in the past few weeks. We accept the need to change the current system, but we have genuine reservations about the detail of the Government's proposals. When we debate those proposals, I hope that Members on both sides of the House will accept that our concerns are genuine and not party political. We are not interested in playing off the interests of motorists against the interests of road safety, as we have a duty to get these things right. I have two concerns about the proposals, including the use of the term "careless or inconsiderate" in the wording of the proposed new offence.

In framing legislation, the House must find the right balance between acceptance that people make mistakes, sometimes with terrible but unintended consequences, and the need to ensure that if people act in a way that they can reasonably be expected to know is unsafe they can be held to account when their action results in tragedy. That is not an easy dividing line for any politician to find, and I accept that there is a dilemma facing Ministers. There are serious difficulties. How do we judge whether someone should have looked a little harder when leaving a junction? How do we judge someone who swerves to avoid an animal and kills a cyclist instead? Is someone driving just within the speed limit on an icy road on a dark morning—conditions that could be considered dangerous—driving carelessly or dangerously? I do not believe that this country's tradition of fairness and justice makes it sensible to provide in law for long sentences for careless drivers. What does "inconsiderate" mean? Are we going to send someone to prison for five years for being inconsiderate? We therefore have serious reservations about the drafting of the offence. We will debate it carefully in Committee and introduce proposals to improve the current system.

**Steve McCabe** (Birmingham, Hall Green) (Lab): I am following the hon. Gentleman's argument with interest, but is not the case that he cited, of someone who swerves to avoid an animal but inadvertently kills a cyclist, a

classic example of careless driving, but with the extraordinary consequences to which he referred earlier? Is it not right to impose a heavier penalty in those circumstances for that level of carelessness?

**Chris Grayling:** I am afraid that I simply do not agree with the hon. Gentleman. Sometimes on the road people make snap judgments that are wrong and that have devastating consequences. There is no intent to kill. There may have been misjudgment—with greater experience, they might have avoided that misjudgment—but that does not make them criminals who deserve a long prison sentence. We must make suitable provision in law. There are cases in which people slip through the net, and in such cases the penalty should probably have been stronger. However, I am profoundly uncomfortable with the introduction of a penalty that is so wide ranging that it drags people who have committed an offence in the circumstances that I have just described into the net of a long prison sentence.

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** May I clarify something so that I can respond properly to the hon. Gentleman later? Is it the principle of the offence of causing death by careless driving about which he is concerned, or is it just the detail of the way in which we have defined "careless"? If we manage to agree on that detail in Committee, will he withdraw his objection?

**Chris Grayling:** It is the principle of the word "careless" that is the problem. If the Government can define in detail a form of words with which we are comfortable we are happy to look at their proposals. Traditionally, there has been an acceptance in British law of the dividing line between carelessness and dangerousness. The way in which that dividing line operates is not satisfactory, as it is handled differently by the courts and the Crown Prosecution Service. I therefore have reservations about "careless" and "inconsiderate", particularly the latter word, which is very loose indeed.

**Ms Keeble:** Can the hon. Gentleman expand his argument? I introduced a private Member's Bill that dealt with penalties for causing death or serious injury by careless driving, and I thought that he was supporting that approach earlier. What hierarchy of offences and penalties does he propose to introduce to achieve justice for the public, as the Bill would, if he does not accept the offence of careless driving?

**Chris Grayling:** I am grateful to the hon. Lady, as she has steered me towards the second part of my argument. I do not want to rehearse this afternoon what should be a careful and thoughtful discussion in Committee. The fine detail of the definitions in the Bill is properly a matter for Committee. I am simply seeking to emphasise the fact that we are not comfortable with the idea of the offence of careless or inconsiderate driving being subject to a substantial penalty. We hope that there will be a constructive debate in Committee that will find a way forward, as I accept the principle behind the Government's proposals.

The main point that the hon. Lady made, however, is extremely important, and it reveals another weakness in those proposals. Why does the provision for heavier punishment apply only to accidents where there is a fatality? Someone may be found guilty of causing an accident in which the victim dies, and that may merit five years in prison. Why is that different from an accident in which someone is paralysed for life? There is no attempt in the Bill to make provision for such a case, so I would welcome an amendment to the new provision for heavier punishment to include people who drive while uninsured or disqualified and cause serious injury, such as a lifetime injury that prevents someone from working again. That is an omission on the Government's part. The hon. Lady is right. If someone who is driving without insurance or a licence and thus flouting the laws of the road runs someone over, disfiguring them for life, why should the penalty be any different from the penalty for causing a fatality? I hope that Ministers will give that due consideration in Committee.

I hope that we have a constructive debate in Committee and that everyone in the House accepts that we share their motivations, as well as the motivations of campaign groups, so that we secure justice for the victims of utterly unacceptable behaviour on our roads. However, we do not want to criminalise people who make a misjudgment. Whether we like it or not, people in our society make misjudgments which, with hindsight, they probably should not have made. However, there was no intent, and they made a mistake. I want to make sure that there is a key difference between making an horrendous mistake and doing something that is utterly unacceptable.

My second area of inquiry concerns the Government's plan to use alcohol interlock devices in cars to reduce a driver's disqualification period. I am sceptical about that: I appreciate that it has been piloted, and that there have been discussions with the insurance industry, but I want serial drink-drivers to be taken off the road and given long bans. They should not have the right significantly to reduce their disqualification periods simply by placing a piece of technology in their cars.

We do not know whether alcohol interlock devices are foolproof. Ideas are certainly in circulation about how one can get round them, and I have had a couple of conversations about that in the past week. I have no idea whether the devices can be circumvented, but I am not sure that I want to put that to the test, as history shows that people can be pretty ingenious when it comes to getting around technological barriers.

I see no compelling reason to go down that route, or to believe that society will reap huge benefits as a result. We will merely be introducing yet another system that has to be managed and organised, at a cost to the taxpayer. I appreciate that motorists will have to pay for the piece of kit, but public officials will have to organise its installation and the courts will have to have a follow-through process to make sure that it is installed. The proposal will cost the taxpayer, come what may, and who will administer and supervise the process? We should keep serial drink-drivers off the roads, and I am not convinced that alcohol interlock devices are the right way forward.

Secondly, I now have a better understanding of why the Government propose that motorists who offend should go on driving education courses and thus gain some remission of their penalties, but I hope that they will make it clearer in Committee how they envisage that

*[Chris Grayling]*

the system will work. What must not happen is that a person facing a three-month disqualification for speeding can get back on the road quickly, simply by signing up for a day's course.

Thirdly, I was pleased by what the Secretary of State had to say about safety on level crossings, and I am glad that he is thinking positively about it. We thought that the measures added in the Lords were constructive, but we believe that they do not go far enough. The House should be clear that driving a car across a level crossing that is closed and has its warning lights flashing is an offence that should be treated with the utmost severity. Some horrendous railway accidents have been caused by cars on level crossings, and sometimes the circumstances mean that it is impossible for the law to do anything. There was a tragic incident near Newbury in 2004, when it is believed that a motorist sought to commit suicide by parking in front of a train. No new laws can prevent such acts, but we should take a very different view when a driver is intent simply on dodging the crossing and avoiding delay.

My hon. Friend the Member for Wimbledon (Stephen Hammond) and I have watched the Network Rail presentation of CCTV footage of absurdly dangerous behaviour by motorists at level crossings, and I suspect that Ministers have done the same. I shall describe one example to the House. One CCTV excerpt showed a level crossing with a queue of cars. A clearly impatient driver pulled out of the queue and drove around the other cars to the crossing, which had a half barrier rather than a full one. The driver steered through the barrier, only realising at the last moment that a train was about to arrive. He braked hard and reversed quickly to get out of its way. The car missed the oncoming train by a matter of feet. Had the two collided, there might have been a multiple-fatality railway accident. Such driving can only be described as absurdly dangerous, with a wanton disregard for the safety of passengers on the train.

If that were an isolated incident we might not argue for change, but such driving is not rare. A couple of weeks ago, I received a written answer from the Minister of State to the effect that there are 20 or so collisions each year involving cars and trains at level crossings. Many more incidents go unreported, with vehicles coming close to collision or with drivers simply getting away with jumping the lights and the gates.

My hon. Friend the Member for North Shropshire (Mr. Paterson), who will wind up the debate for the Opposition, has told me that there have been 22 such incidents at one crossing in his constituency in the past year alone, and about 75 in all across the county of Shropshire. Therefore, we think that their lordships were right to say that the problem needed to be addressed, and the Government were wrong to question their arguments. I am delighted that Ministers have had a change of heart, and we look forward to the amendment that they will introduce.

The amendments tabled in the Lords contain a provision to issue six penalty points to drivers crossing a level crossing when its barriers are down, but that does not go far enough. Actions that so blatantly jeopardise other people's lives should incur a minimum penalty that includes a substantial period of disqualification from driving. In my view, it is as dangerous to drive across a level crossing when the gates are down as it is to drink and drive. There is no reason why there should be a noticeable difference in the punishments available for the two offences.

As has always been our intention, we will introduce in Committee our idea of how an amendment to that effect might work. However, given what the Secretary of State has said today, I hope that we can have a constructive debate and end up with a sensible basic measure to improve safety on level crossings that we can all agree on. If motorists behave in a way that is totally thoughtless and reckless, the consequences can be serious—for them, and for the many innocent people on trains that go through level crossings.

Finally, there is one big assumption behind the Bill that causes us anxiety and which we think will make it difficult to make its measures work. The Bill assumes that the police will deal with the problem of enforcing all the new penalties, and the Secretary of State said as much in his opening remarks. He mentioned the new force of traffic officers on our motorways, but he must realise that in many parts of the country, barely a handful of police are on duty at any one time. They have to cover large areas, and in too many places it is still very likely that people will get away with bad driving.

The fact is that in many parts of the country, there are too few officers to do the job, and that is why many of the root causes of danger on our roads go unaddressed. The same is true of untaxed vehicles: in many areas, the police simply do not have the time to follow up every report of untaxed vehicles on street corners or in driveways filled with scruffy cars. I know that from my own constituency experience, but on a Saturday night, those same cars might well be the ones that are used to ply the unlicensed taxi trade, or driven around by people with a reckless disregard for the law and for the safety of others.

That is why we must reform the way in which our police work. We need to make sure that they have the time to tackle problems such as I have described, and that they can do so systematically, not on an occasional basis. It is also why we need simple and achievable ways to tackle the problem posed by people who brazenly ignore the law. Once again, I believe that the Bill could have done much more in that regard.

For instance, the Bill could have proposed ways to highlight whether a car was insured, so that all uninsured cars could be easily and automatically impounded. I heard what the Secretary of State said about notification cameras, which can spot registration plates and check them off against insurance registers, but other countries have much simpler systems—for example, a disc on a windscreen—to show whether a vehicle is insured. The Department has not displayed enough in the way of ideas, innovation or smart thinking when it comes to ways to tackle that a serious problem.

The Bill could also have strengthened the sanctions available to police dealing with the problem of systematic offenders hiding behind false addresses and ignoring penalty notices. I hope that changes can be made to it in the later stages of its passage through the House that will tackle that problem. Moreover, the Bill

says nothing about tackling vehicle cloning: that is a major problem for many people, and we have to deal with it.

The Bill is a patchwork of bits and pieces—some of them good, some less so. Sadly, that is the hallmark of a Government who have proved themselves to be very good at tinkering, but not always so good at setting out a clear and long-term vision and strategy for our transport system and for road safety in Britain. We will seek to change that as the Bill goes through Committee.

2.8 pm

**Ms Sally Keeble** (Northampton, North) (Lab): I am grateful to have a chance to contribute to the debate and to give an extremely warm welcome to the Bill. I think that the remarks of the hon. Member for Epsom and Ewell (Chris Grayling) were somewhat churlish, as I believe that it contains a variety of measures that will give the police a much wider range of sanctions for many more offences than is currently the case. It will enable them to do many of the things that the hon. Gentleman described, and it will be for them and the local authorities to work out how to use the measures to improve road safety.

The hon. Member for Epsom and Ewell said that the Bill did not have a strategic vision. I disagree: it maintains a clear focus on what is needed to improve road safety and deal with the different problems that arise. Moreover, implicit within it is a recognition that we need a culture change in our attitude to driving. The hon. Gentleman did not mention that, but running through the Bill is a much stronger awareness of the fact that a person who gets into a car is getting into something that can be a dangerous weapon. Cars can be responsible for very serious accidents, as well as being a statement of our personal freedom.

The Bill requires a culture change among the public. I ask the Government, as they move it forward, to make sure that information is issued about the change in responsibilities and that there are awareness campaigns to change attitudes to speaking on mobile phones while driving, children wearing safety belts in the back of cars, and speeding. The Opposition have a real responsibility to be party to that as well. Let us take the example of the debate about speed cameras. I suppose that we are not meant to be party political at this point, but I have heard, particularly from the Conservative party, constant criticism of speed cameras. The assumption is that they are there to raise money, when we all know—certainly, this is the case in Northamptonshire—that many people walking around today would be dead were it not for speed cameras and the move to bear down on speeding. A good number of young people have been spared very serious injury because speeding has been reduced.

If we are going to achieve the changes that we can get out of the Bill, we require a culture change. I find it odd that, having said there is a great need to deal with problem drivers, the Conservative party opposes, or questions and undermines, one of the most radical proposals in the Bill, which has been welcomed, looked for and campaigned for by people outside this place as well as inside it. I refer to the proposal for a new offence of causing death by careless driving. I do not understand how it is possible to talk tough on driving and then say, "Oh, but we aren't going to have a separate offence of causing death by careless driving." If the Conservatives are serious about dealing with road safety and the horrible tragedies that result from bad or careless driving—whatever we want to call it—they must be consistent in their approach. I hope that, in Committee, they will suddenly see the light, have a road-to-Damascus conversion, as they have on so many other things, and support this important proposal.

Over the years, many colleagues have pressed for a new offence of causing death by careless driving, because we have all heard the most harrowing tales of deaths caused by careless driving in our constituencies. I pay tribute to the predecessor of the hon. Member for Wellingborough (Mr. Bone), who, as he knows, campaigned, as he has, on behalf of his constituents, and to many other Members who are still on the Labour Benches and who have done a vast amount of work over the years.

I took up the matter in a private Member's Bill following consultation with young people in my constituency. It was one of those cases of seeing further when one sits on the shoulders of giants because colleagues have done much more work than I have. The young people chose it as the piece of legislation that they most wanted to see on the statute book, which is interesting, as many of the briefings sent to us by outside organisations pick up on the fact that driving and road safety issues have a particular impact on young people and are of particular concern to them.

I thank the schools that took part in the consultation and supported the private Member's Bill: Kingsthorpe community college, Duston school, Weston Favell school, Northampton School for Girls, Thomas Becket school, Roade school and Unity college. In particular, they were moved by the story of Alexine Melnik, a constituent of the hon. Member for Wellingborough. She was a teenager who was killed by a careless driver. Her killer escaped with a derisory sentence. The schools met with Alexine's brother and parents, who joined them in lobbying the Under-Secretary of State for the Home Department, my hon. Friend the Member for Slough (Fiona Mactaggart), to get such a measure on the statute book. They followed the process through, and I hope that they will be able to come to the Committee to see the legislation they have campaigned for go through.

**Mr. Tom Harris:** I share some of the concerns expressed by the hon. Member for Epsom and Ewell (Chris Grayling) in that I am not convinced that we should start jailing people for long periods on the basis that they are careless. Does my hon. Friend believe that every time a pedestrian is seriously injured or a killed by the driver of a car, the driver must always face a long prison sentence?

**Ms Keeble:** I am grateful to my hon. Friend for that point. In working on my private Member's Bill, I had to talk through that issue with a number of people and, if he is happy for me to do so, I will deal with his point later. Certainly, there is an argument to be made. The details of how the measure is to work have to be spelled out, but the case for having such an offence on the statute book is overwhelming and well understood by the public, as well as being supported, I am happy to say, by the Government.

*[Ms Keeble]*

Other than local cases, one reason why young people in my constituency supported the measure was the statistics on the number of young people killed in road traffic accidents each year. As we have heard, many of the people killed by careless drivers are children. A recent case that has been particularly highlighted took place in the constituency of my hon. Friend the Member for Burnley (Kitty Ussher). A little girl was holding her mother's hand when she was killed. In 1999, some 191 children under the age of 14 were killed on the road. Road accidents were probably the biggest single category of fatal accidents among children. In addition, 42,051 children under 15 were injured. The statistics also show that young drivers are much more likely to be involved and injured in accidents. A total of 64,000 drivers aged 16 to 24 were involved in road traffic accidents during the last year for which figures were available. Although young people account for only 4 per cent. of the driving population, they account for 13 per cent. of accidents on the roads.

The hon. Member for Epsom and Ewell also mentioned the need to focus on where accidents take place and which children are most at risk. I believe—I am sure that the Minister of State will confirm this in his winding-up speech—that the children most at risk are those in inner-city areas. There is a close correlation between poverty and road deaths among children. It is possible to consider speed limits in those areas and make sure that we tackle issues in areas where children are most likely to be killed or injured. With those kinds of measures and sanctions in place, the graduated penalties in the Bill are the right way to go about dealing with the very real problem of speeding.

The offence of causing death by careless driving will address the burning sense of injustice held by the families of people killed in such accidents. A survey for the Department for Transport found that, when people were killed in road accidents and a conviction secured, only 20 per cent. of victims' families thought that justice had been served. So, even when the driver was caught and convicted and the victim's family at least had their day in court, there was still an overwhelming sense that justice had not been served.

In addition—this comes partly to the points made by my right hon. Friend the Secretary of State and the hon. Member for Epsom and Ewell—there is a credibility gap in relation to offences and penalties in the existing law. There is nothing between causing death by dangerous driving and quite minor traffic offences. I agree with the hon. Gentleman that there is always room to consider carefully which charges can be used, but in the case of the child in the Burnley constituency, the driver could not be charged with dangerous driving, so he was charged with only the most minor offences. Imagine the feelings of someone who sees their child killed and the driver done for an offence such as driving without a licence.

In the context of the penalties at the court's disposal, I welcome the new offence and the prison sentence that attaches to it. In my private Member's Bill I proposed a sentence of 10 years, but the five-year prison sentence fills the credibility gap by increasing the sanctions available to the courts.

A further aspect is the likelihood of being charged with dangerous driving, which relates to a point made by the hon. Member for Epsom and Ewell. From the briefings that we have had, which I am sure he also received, it seems that more and more traffic offenders are not being charged with dangerous driving, which has a high threshold. They tend to be charged with relatively minor offences, even when their driving mistakes were caused by gross negligence. The new penalties should help to redress the balance in the patterns of charging up till now.

Against that background, I welcome the new offence of causing death by careless driving. It was introduced at Committee stage in the other place, and the penalties were reduced on Third Reading. I understand that at one point their lordships thought that they were removing entirely the possibility of imprisonment. In fact, they removed only the ability of magistrates courts to impose a prison sentence, but that reduced the effect of the provision. That flies in the face of the public demand for tougher sanctions for causing death by careless driving.

**Mr. Bone:** The hon. Lady is making a powerful speech. Does she accept that even with the Lords amendment, the new offence of causing death by careless driving will reach the statute book and in most cases a prison sentence would be available to the judge if the person were found guilty?

**Ms Keeble:** The offence would be on the statute book, but the penalties would be weaker and the magistrates courts would not have the option of imprisoning offenders. The possibility of community sentencing would also be lost. Outside organisations are concerned about the impact that that would have.

There is a further point. The hon. Member for Epsom and Ewell talked tough about dangerous driving and bad drivers, but resiled from that when it came to some of the details. I hope that he will reconsider. If we tell people that they must pay more careful attention to their driving, and if we take the bold step, as my right hon. Friend pointed out, of saying that they will otherwise go to prison, there is a need for consistency and care in the message that we send out and in what we tell drivers to do. If we blow hot and cold, people are left not knowing where they stand. That also dilutes the effectiveness of a Bill that deals with the range of driving behaviour, introducing more penalties and sending out robust messages about what people ought to be doing when they are in cars.

**Chris Grayling:** Does the hon. Lady not accept, though, that we in the House have a duty not simply to send messages, but to make good law?

**Ms Keeble:** I entirely agree. The courts should have at their disposal a proper range of offences and penalties. There is clear consensus among everybody except the lawyers that there is a major gap between imprisonment for causing death by dangerous driving and the minor traffic offences—except, of course, in the case of drink driving. There is a great gap in the middle as regards what the courts can do. It is important that they have available a range of offences and penalties—what the courts do is down to them—that properly recognise the

different types of accident and levels of culpability, and that delivers to the public a sense that justice will be done if their loved ones are involved in an accident.

**Mr. Mark Harper** (Forest of Dean) (Con): If the law was changed as the hon. Lady hopes and the court had the power to impose tough sentences in cases of careless driving, the expectation would be set that that would happen. If, having considered all the circumstances, the court decided that what happened was a momentary lapse and did not merit a prison sentence, is there not a danger that victims would have an even greater sense of injustice if the penalties available were not used by the court?

**Ms Keeble:** The hon. Gentleman makes a valid point. When there is an accident, it is often difficult for people to accept that no one was to blame. If a relative is killed, they might never be satisfied with what happens afterwards and might always feel that no price is high enough to pay for the death of their relative. People must be supported through that process, by agencies such as Victim Support. That is a different matter from the proper range of penalties that should be available to the courts, that fill the credibility gap and that meet the public's sense of justice.

The courts must receive proper guidance about the powers that they are to be given. I would not dare to interpret the case cited by the hon. Member for Epsom and Ewell about a driver avoiding an animal and hitting a cyclist instead. There must be proper guidance about what constitutes culpable carelessness. Everybody who has driven has had momentary lapses. The question is when that is culpable and when it is a case of driving without the due regard and attention expected of a careful, competent and considerate driver. All that can be dealt with in guidance.

Earlier, I raised the issue of driving under the influence of drugs. It is acknowledged that there are problems in testing for that. I urge my right hon. Friend the Secretary of State and the Department, in their work with the Home Office, to ensure that progress is made in developing a scientific test that can be conducted at the roadside. I understand from the Library notes that the roadside tests include walking along a straight line, touching the tip of one's nose and standing on one leg. To people who have seen the consequences of an accident resulting from someone driving under the influence of drugs, citing such evidence in court seems a less than convincing argument or test.

**Dr. Ladyman:** I want to make sure that my hon. Friend realises that that test is used only to indicate to a police officer that somebody might be under the influence of drugs. The person will be taken back to a police station, where they will be tested properly and convincing evidence produced.

**Ms Keeble:** I understand that, but I hope that we might develop, even as a rule of thumb at the roadside, an approach that is more convincing than such tests, which are subjective, as I think is commonly recognised, and are inadequate given the problems of drug taking that exist in society, particularly among younger people.

I strongly support the Bill. I hope that we can get it through the Committee stage and on to the statute book very quickly. I also hope that the Opposition will change their mind on death caused by careless driving. For one thing, some of the colleagues of the hon. Member for Epsom and Ewell will be placed in some difficulties, after they have campaigned very strongly for a different approach. I think that the Bill will be warmly welcomed by people outside this place, and it will contribute to real improvements in road safety.

2.31 pm

**Tom Brake** (Carshalton and Wallington) (LD): Perhaps not surprisingly, I support many of the measures in the Bill, as well as the Government's objectives of reducing deaths and serious injuries on the road by 40 per cent. by 2010, and by 50 per cent. among children.

Good progress has been made on this issue, which we welcome, but as the Secretary of State said, nine people still die every day on our roads, and we need to ensure that the issue is given necessary priority. I tabled some parliamentary questions today to see how many people are working on road safety in comparison with rail or aviation safety, to find out how many resources are put into these different areas and whether we are giving the right priority to this important issue.

There are some areas in which progress is not as speedy as in others. On teenagers, for instance, and particularly cyclists and pedestrians in the 12 to 15-year-old group, there are clearly problems. I welcome the fact that some specific advertising campaigns are being run to try to address that group. As hon. Members will know, accident statistics for motor cyclists have risen since 1997. More focus is needed on that area, as well as on deaths involving drink-driving, which have increased by 2 per cent. since 2002. Progress is being made, but there are areas in which we are slipping back or on which more focus is needed.

The Government cannot take action soon enough on hand-held mobile phones. I am sure that all hon. Members will have witnessed improper use, whether by a lorry driver who uses his mobile phone while negotiating a narrow road or by someone driving a car with their phone jammed to their ear by their shoulder, while they steer with their free hand if we are lucky, or with their knees if we are unlucky. The message that using a hand-held mobile phone is dangerous—more dangerous, in fact, than drink-driving—has not got through. I hope that the measures before us will ensure that that message hits home.

The Bill must also focus on speed, on which there is some agreement between the parties, but also some disagreement. I was interested that the official Opposition spokesman was unable to say whether the Conservative party would call for the speed limit to be increased to 80 mph. We have on record, however, the fact that in June 2005, the Conservative spokesman in the House of Lords clearly called for an 80 mph limit to be considered. We will await with interest the Conservative transport policy, which I have been told will be launched by the end of this year, and in which we will perhaps see the detail of the policy. If the proposal is to increase the speed limit to 80 mph, I shall be interested to see how the environmental aspects will be addressed.

The Secretary of State has explained the reasons why he thinks that it is appropriate for a reduced number of points to be available to people who exceed the speed

*[Tom Brake]*

limit by only a "relatively" small amount. I am very worried about the message that that sends out. The hon. Member for Northampton, North (Ms Keeble) said that there was a need for consistency in Government policy. I am not convinced that saying to people, "Well, if you exceed the speed limit by only a small amount, the number of points that you get will be lower than those given to someone who exceeds it by a greater amount" is a consistent message. I am sure that the hon. Lady is aware that pedestrians or cyclists who are hit by drivers travelling at 35 mph as opposed to 30 mph are twice as likely to be killed. Sending out any message suggesting that people can get away with breaking the limit by a small amount and that that is not a problem will be a matter of significant concern.

**Mr. Greg Knight:** The hon. Gentleman gave the example of a cyclist being hit by a speeding motorist. In those circumstances, is it not likely that the motorist will face being charged with another offence in addition to speeding?

**Tom Brake:** The right hon. Gentleman is entirely correct, but I am still worried about the message that is being sent out by differentiating between smaller and larger speed excesses, taking into account the fact that people are twice as likely to die with just a 5 mph increase over the 30 mph limit.

The Secretary of State has put on the record his support for safety cameras, on which the Liberal Democrats broadly agree. Such cameras have a clear role to play as part of an array of measures for improving road safety, and I do not think that politicians of any party should be afraid to say as much. The Bill also tackles the issue of devices, and identifying devices that can detect radar. Perhaps we need to await the official Conservative Opposition policy, but I understand that the Conservative spokesman in the other place argued in favour of banning equipment that could block or jam signals, but also argued that we should perhaps not be so worried about equipment that can detect signals. Some years ago, I engaged in an interesting debate in this Chamber involving Alan Clark, who suggested that such equipment is used by drivers as a means of measuring speed, perhaps overlooking somewhat the fact that most cars have speedometers for that purpose.

Of course, we support the measures to require repeat drink-driving offenders to retake their driving tests. Other hon. Members have already referred to the Parliamentary Advisory Council for Transport Safety evidence on drink-driving. I have listened carefully to the Secretary of State's response, in which he gave a justification that has been given previously for not supporting a reduction in the drink-driving limit to 50 mg per 100 ml of blood—a limit that is commonly used across Europe. The Government must explain in more detail why they do not support that proposal. We want to see a decrease in deaths and serious injuries, and PACTS evidence suggests that 65 lives a year would be saved as a result of reducing the limit to 50 mg and that 230 people a year would be saved from serious injury. Perhaps the Minister will produce some evidence that challenges the PACTS analysis, but if he does not do so, we need a firm indication of why he is not willing to support a measure that, according to PACTS, has significant safety implications.

We welcome the provision of facilities to raise fixed penalties or to secure deposits from foreign or non-GB licence holders. I have one caveat: hon. Members may have been stopped by the police and fined on the spot in another country, in which case they may have wondered whether their cash went into the coffers of the relevant body or whether it supplemented that police officer's weekly income. We know that that would not happen here, but whatever mechanism is implemented, drivers must be sure that their fines arrive in the right place, so we must provide transparency.

We welcome measures to stop the clocking of vehicles, but the Government need to do more work on vehicle registration. A couple of weeks ago, I got a letter from an organisation that asks drivers to confirm the mileage on vehicles at the time at which they were sold. However, the letter asked me to confirm the mileage on a vehicle that I have never owned, so there are clearly issues around ensuring the accuracy of such databases.

I welcome the Government's push for higher standards for professional driving instructors. On the face of it, this is a constituency point, but I suspect that all hon. Members know about it: I hope that higher standards for professional driving instructors will allow us to get away from a small number of streets in each of our constituencies being used repeatedly by driving instructors to enable their clients to practise U-turns, reversing around corners and manoeuvres. I have been lobbied on that point, and I am sure that other hon. Members have too.

The safe transport of radioactive material is a specific issue that may fall outside the remit of the Bill. I hope that the Minister will explain how the Bill will help in cases such as that in March 2002, when radioactive material in cancer treatment equipment from a hospital in Leeds went on a merry journey around the country during which it emitted a beam of radiation which, according to the Health and Safety Executive, was between 100 and 1,000 times higher than what would normally be considered to be a high dose.

**Dr. Ladyman:** Is the hon. Gentleman referring to the case that we prosecuted and in which the offenders were found? If so, what is he complaining about?

**Tom Brake:** I am simply saying that one of the purposes of the Bill is to address the safe transport of radioactive material. The Minister prosecuted the case, but the vehicle went on its merry journey across the country unleashing radiation doses between 100 and 1,000 times higher than what is normally considered to be a very high dose. He should not need to stand up and say, "we prosecuted", because the incident should not have happened in the first place. Will he confirm that the provisions in the Bill on the safe transport of radioactive waste will ensure that such incidents do not occur in future?

We support the Government's promotion of best practice, and I am sure that all hon. Members can provide good examples of it. An organisation called Transportation Planning (international) has built a

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website focusing on helping motor cyclists to improve their hazard perception, which is a key issue in road safety.

**Paul Rowen:** The Minister has said that off-road bikes and small vehicles are difficult to deal with, but the matter could be addressed by designating public bridleways and footpaths as areas in which such vehicles cannot be driven. The issue is serious—it is a matter of great concern for horse riders and walkers—but the Bill does not address it.

**Tom Brake:** From a sedentary position, the Secretary of State has said that the Bill addresses that matter, and I hope that the Minister will explain exactly how it does so.

The Secretary of State used the parliamentary term, "rubbish", to describe reports that automatic number-plate-reading technology will be used to spot people who are not wearing their seat belts or who are using their mobile phones. Is he saying that that technology will never be used in that way? I am not necessarily expressing a view on whether that would be a good or bad thing, but if the technology is available, why would the Secretary of State exclude the possibility of its ever being used in that way?

**Mr. Kidney:** Far be it from me to explain what is in the Secretary of State's mind, but the report was "rubbish" because it was a PACTS report from six months ago rather than a Government proposal. It was about using technology to detect offences rather than using surveillance to watch people as they go about their business. The matter is currently the subject of an investigation by the Transport Committee, which seems reasonable to me.

**Tom Brake:** It will be interesting to see the Transport Committee recommendations, which I am sure the Minister and the Secretary of State will consider carefully. We will wait to see whether the Secretary of State needs to row back from the statement that those reports were "rubbish".

I have already referred to the official Opposition's proposal to increase the speed limit to 80 mph, which we will examine carefully.

**Chris Grayling:** I understand the hon. Gentleman's difficulty this afternoon—he does not know whether he has been reshuffled and whether he will be Liberal Democrat transport spokesman by the end of the debate. He is curiously interested in Conservative party policy making, although he has not set out any Liberal Democrat road safety ideas. Will he set out those ideas in the remainder of his remarks?

**Tom Brake:** I am sure that when the hon. Gentleman looks back at *Hansard* he will see that I have clearly set out a number of Liberal Democrat positions on the Bill. He will have an opportunity to consider our proposals in greater detail in Committee. Those proposals will be put forward by whoever is the Liberal Democrat spokesman on that stage of the Bill.

We agree with the Conservatives on the proposals made by the British Red Cross. It no longer suggests changes to the practical driving test to allow first aid to be incorporated in it, but is instead considering whether there are grounds to change the theory test, and possibly the hazard perception test, to include elements of first aid. That would be sensible because, according to the Red Cross, 57 per cent. of deaths caused by road accidents happen in the first few minutes after a crash before the emergency services arrive, and up to 85 per cent. of those could be prevented if first aid were administered immediately. The Minister will be aware that on Second Reading in the other place, Lord Davies of Oldham said:

> "Let me make the obvious point that we accept what the noble Lord says. We are considering extending the test to include additional first aid material."—[*Official Report, House of Lords*, 22 November 2005; Vol. 675, c. 1609.]

I hope that the Minister is able to clarify what progress has been made on that and whether the Government's hand will be forced, to some extent, by what is going to happen in 2008 with European Union legislation relating to commercial drivers having to demonstrate that they have basic first aid skills.

I hope that the Minister can clarify another matter that was raised on Second Reading—the use of rear seatbelts for 14 and 15-year-olds. I understand that there is a gap in the provisions that could be sorted out simply by making it the driver's responsibility to ensure that they wear seatbelts.

Other Members have mentioned the conspicuousness of heavy goods vehicles. In the other place, their lordships decided to amend the Bill to include a reference to conspicuousness stating that

> "The Secretary of State may by regulations made by statutory instrument require the fitting of retro-reflective tape".

Will the Minister clarify, first, whether he is willing to accept that change, and secondly, whether he would be willing to accept a stronger provision requiring that the Secretary of State "shall" ensure that retro-reflective tape is fitted? HGVs have been involved in a significant number of accidents, which would presumably be reduced by adding such reflective strips. In 2001, there were 9,000 collisions in which an HGV was struck by another vehicle. In 34 per cent. of those cases, the HGV was struck on its side. It is not unreasonable to assume that a significant number of those accidents could have been avoided, or their seriousness reduced, as a result of fitting that tape. That would cost about £100 to £150 per vehicle—not a significant extra cost given that the retail price of a new vehicle is in the order of £100,000 and that it could make a great difference in terms of reducing road accidents and improving road safety.

Given the scale of road accidents and deaths—nine per day—Liberal Democrats argue, as we did in the Lords, that there is a need for a road accidents investigations board, similar to those that exist for aviation and rail, to investigate the accidents that occur. Some of those will be one-offs, while some will not. Sometimes there will be a problem in a particular location. In other cases, it will be difficult to identify a pattern when looking at individual accidents, but by looking at the totality it may be possible to draw conclusions from them. My hon. Friend the Member for Bath (Mr. Foster), who considered this when he was our transport spokesman, found that Sweden has a similar organisation, which noted that because Sweden is a rocky, mountainous country, there are often large rocks

*[Tom Brake]*

by the roadside or in the road. It identified that as an issue of national significance that it needed to resolve. That is the sort of matter that the board could consider.

My hon. Friend the Member for Bath, who is proactive on these issues, has requested, possibly because he has the largest pedicab manufacturer in the country in his constituency, that we consider pedicab licensing, or at least allowing local authorities to choose to license pedicabs if they are so inclined.

I am sure that many Members will have been lobbied about the issue of sleep disorders. The research shows that one in six HGV drivers suffers from a severe sleeping disorder of which they are often unaware. I thank the hon. Member for Halifax (Mrs. Riordan), who is in the Chamber, for that information. I hope that she may have an opportunity to refer to it shortly. The Government could focus more attention on that matter.

There is much to be welcomed in the Bill and much that we can support, but there are many issues to which we will need to return in Committee, including drink-drive limits and reduced speed limits of 20 mph and 30 mph in residential areas—a significant matter that I did not mention. It is unacceptable that the limit on unclassified roads is 60 mph, which is completely inappropriate in many cases. The Committee is the right place to discuss those issues. We therefore do not seek to detain the House further and are happy to join the Government and the official Opposition in supporting the Second Reading of the Bill.

2.58 pm

**Dr. Brian Iddon** (Bolton, South-East) (Lab): This week, my Select Committee—the Science and Technology Committee—is taking evidence in New York and Washington. I pulled out of the visit at the last minute because I had promised several of my constituents that I would not only push for a change in the law in this policy area, but bring their concerns to the Floor of the House and try to express some of their grief.

I want particularly to discuss clauses 20 to 33, as amended in the other place, on new offences, increases in penalties, and other provisions about offences. Since my election to Parliament in 1997, I have been outraged by the outcome of several trials following serious road traffic accidents that have resulted in the death of my constituents. The first family that I dealt with was the Willis family, whose son Gareth was killed at the age of 29 on 22 May 1999 in a head-on crash on the crown of a bridge by a hit-and-run driver while riding his motorcycle. His son, Joseph, aged seven, was a pillion passenger. Although he was thrown off the bike into a field and badly injured, he fortunately survived. However, the car driver ran away from the scene of the accident, although he gave himself up the following day.

Initially, the 31-year-old driver was given a 30-month sentence for causing death by dangerous driving and banned from driving for five years. Half the sentence was suspended for community service. The driver had had only two driving lessons, was driving at more than 50 mph in a 30 mph restricted area without a licence or insurance. He had several previous car crime convictions and had been drinking earlier that day.

Gareth's family were devastated by their loss and especially by the sentence—so much so that they came to see me. The Attorney-General referred the case to the Court of Appeal and the driver's sentence was increased, but only by one year. Regrettably, the appeal was heard on 16 November 2000 without the family being informed or invited to make an oral impact submission, which they were entitled to make, about the effect of the accident on the family.

Another tragedy with which I have dealt was the death of eight-year-old Billy Joe Dean in the village of Stoneclough, which lies between Bolton and Bury. A 40-year-old male was riding his 1,000 cc Suzuki motor cycle on 24 August 2002, having just left a public house. Evidence was given in court that he accelerated to such an extent that he performed a wheelie as he approached a double bend. The motor cyclist lost control of the vehicle, which glanced off an approaching Porsche and hit Billy Joe as he was walking along the pavement. Billy Joe died almost immediately from his injuries because he was crushed by the motor cycle, which flew through the air and hit him against a garden wall. The accident shook the village of Stoneclough and the BBC chose it as one of two cases of causing death by dangerous driving that it included in a documentary, which was broadcast with a view to getting the change in the law that the Bill tries to establish.

The motor cyclist received a six-year jail sentence for causing death by dangerous driving, driving without insurance and driving while disqualified. The sentence was reduced to five years in the Court of Appeal. He was also banned from driving for eight years. He had badly injured himself in the collision and submitted a guilty plea in court. Like the Willis family, the Dean family learned of the reduction of the sentence on appeal through reading about it in the *Bolton Evening News*. Both families were outraged at the outcome of the trials and the way in which they, as indirect victims of their sons' deaths, had been treated by the British judicial system.

The Criminal Justice Act 2003 increased the maximum penalty for causing death by dangerous driving from 10 to 14 years, but the courts hardly ever apply the sentence at the top end of the range.

Six other tragic accidents, which occurred in my constituency or a few yards outside its boundary, led to the deaths of three-year-old Amicie Nwokeochar on 15 November 2003; 36-year-old Lisa Halligan and 28-year-old Michael Jeffries, killed in the same accident on 1 May 2004; 13-year-old Carla Bate on 8 August 2004; nine-year-old Ellesse Ruth Gore on 19 October 2005; 46-year-old Ellen Newman, killed, like Billy Joe, on the bends in Stoneclough village on 5 January this year, and 45-year-old Laura Entwistle on 21 January this year.

I have been closely involved with the Nwokeochar tragedy, which was caused by a gentleman who was a few weeks away from his 90th birthday. I have applied for an Adjournment debate to bring to light the safety record of older drivers and I shall therefore not dwell on that incident today. I am also involved with the family of Ellen Newman. They recently approached me for help.

In two of the six accidents that I just cited, several other people were seriously injured. In four, the driver left the scene of the accident. The families of the victims

of such tragedies often find it hard to accept the significantly reduced sentences that are given when the driver enters a guilty plea. That is a problem. Victims' families also know that prisoners can be released on a Parole Board hearing after the half-way point of the sentence. They will be released on licence two thirds of the way through a sentence in any case. In some cases, the drivers are released from prison not long after the trials, when the families continue to grieve. I do not believe that those families ever stop grieving.

When a person—they are nearly all young men—drives a stolen car without a licence or insurance at high speeds in restricted areas, especially if he has previous convictions for road traffic offences, or has taken alcohol or other drugs that affect his ability to drive, and kills another person, often leaving the scene of the accident, the courts should inflict a severe sentence, which takes account of all the offences committed on the day. Drivers who kill while committing multiple offences should be charged with a greater offence than causing death by dangerous driving. The offence of vehicle homicide has been floated in some quarters.

"Dangerous Driving and the Law", an evaluation of the operation of the Road Traffic Act 1991, which was commissioned by the former Department for Transport, Local Government and the Regions and published in 2002, reports that 46 per cent. of the dangerous driving offences that it examined were committed by multiple offenders—those, mainly young males, who have previous road traffic convictions.

It is clear to me from hon. Members' contributions, including mine, since the 1997 general election, that the law on serious traffic offences is regarded as unsatisfactory. We reflect the view of the public, who are rightly outraged by a legal system that considers death and injury to be less serious if it is caused by someone driving a motor vehicle. Those who commit crimes such as petty theft or burglary regularly receive more severe sentences from the courts than those who kill—often wilfully—on our British road system.

For those reasons, I welcome the new offences, for which the Bill provides, of causing death by driving while unlicensed, disqualified or uninsured, with a maximum sentence—hopefully, in each case—of two years. An amazing 1.2 million drivers—one in 20 motorists—regularly drive without insurance.

In England and Wales, an indictable offence of manslaughter is available but few prosecutions are made under that heading. RoadPeace believes that the proper charge following a culpable road death is manslaughter. However, I welcome the fact that the Bill allows, for the first time, an alternative verdict to be brought when prosecution for an offence of manslaughter fails.

The test for dangerous driving in section 2A of the Road Traffic Act 1988 is defined thus:

> "Did the driver's driving fall far below what would be expected of a competent and careful driver and would it be obvious to a competent and careful driver that driving in that way would be dangerous?"

It can be difficult to obtain a conviction of causing death by dangerous driving under that definition, as police forces throughout the country will confirm.

Trials collapse for various reasons, including a lack of convincing evidence produced by either the police or the forensic services, failure of witnesses to convince either a judge or a jury of the driver's guilt, and sometimes a badly handled prosecution case. Even in successful cases, the sentences applied are often low, given that the driver's behaviour has resulted in one and sometimes more deaths. The courts do not appear to appreciate that the maximum sentence that is currently available is 14 years.

The lesser offence of dangerous driving is an either-way offence, with a maximum penalty of only two years' imprisonment. The summary offence of careless and inconsiderate driving is available in two forms: driving without due care and attention, or driving without reasonable consideration for other road users. Clause 23 increases the maximum penalty for the offence of careless driving from £2,500 to £5,000. I welcome that.

A new indictable offence of causing death by careless driving while under the influence of alcohol or drugs was introduced, on the recommendation of the 1988 North report, by the Road Traffic Act 1991. A further indictable offence of causing injury by furious driving was introduced by the Offences Against the Person Act 1861, and right hon. and hon. Members might have noticed that the Bill retains that rather curious offence.

The lesser charge of careless driving often appears inappropriate, particularly in cases in which there has been a fatality and the evidence points to the fact that there has been an element of dangerous driving. The gap between the higher offence of dangerous driving and the lower offence of careless driving is seen by many, including me, as just too great. That is why I support the introduction of the new offence of causing death by careless or inconsiderate driving, with a maximum sentence of five years, as set out in clause 20.

That is one of the more controversial aspects of the Bill. It is almost exclusively opposed by the legal profession, as it will make accidental conduct seriously criminal and worthy of imprisonment for the first time. However, the Crown Prosecution Service has stated:

> "The new offence will be valuable in bridging the existing gap between causing death by dangerous driving and careless driving. In the most difficult cases that fall very close to the line dividing these two offences, it will enable prosecutors to place both offences on the indictment, thus allowing the jury to make their assessments of the facts."

Research has found that the introduction of a new offence of causing death by careless driving was favoured by only 55 per cent. of those who responded to a postal survey—not a great percentage. Nevertheless, most right hon. and hon. Members who have contributed to this debate since I came to the House in 1997 appear to believe that the consequences of a motorist's action, especially in provable cases of dangerous driving, should be taken into consideration by the courts. Although the present law allows that, the courts tend to behave differently. Even with a charge of careless driving, the fact that death has been a consequence should be a serious consideration in some cases, but at present it is not, even though it has been allowed by the law in England since the Simmonds appeal in January 1999.

It is my opinion that the most serious cases of road traffic accidents involving death and serious injury should be dealt with by the Crown court; the majority

*[Dr. Brian Iddon]*

are dealt with at present by magistrates courts. That was also the opinion expressed in the Transport Committee's report on traffic law and its enforcement, published at the end of 2004.

Probably one of the most difficult cases that I have been closely involved with is the Haque case. My constituent, five-year-old Hishamul Haque, was killed at the Camelot theme park at Charnock Richard, near Chorley in Lancashire, on the evening of 18 April 2004. The Haque family had travelled with their relatives and several children to the theme park in three cars during the morning, and had spent the entire day enjoying themselves at Camelot. They decided to return to their cars at about 5.30 pm, where they had some refreshments. Then, a game of football began in the almost empty car parking area. On the fringe of the car park are larger bays for the parking of coaches and buses, and the two areas are separated by another area which is marked by broad white lines and is used as a service road to the car parks.

A service bus entered the car park just after 6 pm and proceeded to drive along the service road. The bus driver admits seeing the group playing football to his right, and also admits having seen Hishamul Haque chase the football out of the crowd in his direction and obviously across the path of the bus. The driver's explanation was that he kept to the left of the service road to avoid a collision with the young boy, who was running from his right towards the bus. However, the driver did not brake to stop the bus, and neither did he sound his horn. He also claims not to have seen or heard Mr. Haque, the father, shouting and gesticulating at him about the approaching danger. Tragically, it was too late and Hishamul was crushed by the front and rear wheels of the bus. The collision occurred in the part of the car park reserved for coaches and buses, to the left of the service road.

There has been a dispute about the speed of the bus. The driver claimed that he was driving at between 10 and 15 mph, while Mr. Haque claimed that he was driving at between 30 and 35 mph. Other witnesses, and evidence from a police reconstruction of the accident, support the driver's account. Lancashire police arrested the driver on a charge of suspected manslaughter. However, following consultation with the Crown Prosecution Service, the driver was charged with causing death by dangerous driving. Before His Honour Judge Slinger in the Crown court at Preston on 9 December 2004, the defence was successful in applying for the proceedings to be dismissed on the ground that the evidence did not meet the test for dangerous driving in section 2A of the Road Traffic Act 1988, to which I have just referred.

Obviously, the family were devastated by this decision and they came to see me for advice. I arranged a meeting with the Crown Prosecution Service at Preston to discuss Judge Slinger's decision. On 13 to 15 February 2006, a trial was held in Chorley magistrates court before Judge Ward, and the driver was acquitted of a careless driving charge.

While Britain has the safest roads in Europe, too many people still die every year and 10 times more are injured. Significantly, almost one third of the deaths are caused by a person at work on the roads. I welcome the progress that the Bill makes, and I congratulate the Transport Committee and the Department for Transport on all the work that they have done to allow the Bill to come before the House. During the last summer vacation, I read many research reports published by the Department, and I am full of praise for the amount of work that it has done. I am grateful for this opportunity to enter into a debate on a policy area that is of great interest to many of my constituents.

3.17 pm

**Mr. Greg Knight** (East Yorkshire) (Con): We can all support the aims of the Road Safety Bill, because safety should be paramount on our roads at all times, and all classes of road user have a part to play—not only vehicle drivers but pedestrians, cyclists and passengers. Safety on our roads cannot be achieved merely by soaking motorists with fines and penalty points. The most effective approach is a mixture of education, incentive and, when a transgression has occurred, punishment, whether against a motorist for speeding, a cyclist for ignoring a red traffic light or a pedestrian for jaywalking—that is, stepping off the kerb into the highway when it is unsafe to do so. This is an ongoing battle, and it will not be won by the passage of the Bill. However, Members in all parties will have played their part if, during its parliamentary passage, we seek to improve its scope.

I turn first to the Bill's contents, before making one or two observations on matters that are—for the moment, at any rate—outwith its scope. Some of its provisions are non-contentious, and rightly so. The provisions on road safety grants are to be welcomed. It is right and proper that the income from fines should be used for local transport facilities, or to fund road safety improvements. Similarly, I welcome the provisions for graduated fixed penalties, and on graduated fixed penalty points. Those proposals make sense; graduations should certainly apply to points as well as to fines. Indeed, when the breach of the law has been minute, or there are exceptional circumstances, there might be a case for nil points being imposed. I hope that that is something we can examine in detail in Committee. Flexibility is important so that, as far as possible, punishment always fits the crime.

I have some concerns about vehicle examiners giving fixed penalty notices. When the Minister responds, I hope that he will address them. The police are trained in road traffic matters and the rules of evidence. Consequently, an honest policeman doing his job has a sense of fairness and justice when dealing with a motorist. If we give the power to issue fixed penalty notices to vehicle examiners, what training will they have? Will they be required to maintain a notebook in which to write down any comments made by a motorist that may be relevant in any plea of mitigation? What guidance will be given about when and where they should operate? Will they still need to be accompanied by an experienced police officer? If not, what powers will they have to stop a vehicle on the highway? I hope that the Minister can answer those questions when he addresses us later.

Clause 5 and schedule 1 clearly envisage a system in which fixed penalties are issued when the offences are detected remotely—that is, when video footage is viewed and vehicles that may not have insurance or a

valid MOT are identified. Will the Minister consider formulating guidelines so that provision can be made for a camera to photograph and monitor vehicles before they are stopped by vehicle examiners on appropriate occasions?

During busy periods, it would make sense for vehicle examiners to have someone viewing a screen showing vehicles some distance away so that vehicles that have insurance and a current MOT can be allowed to pass without being pulled over. Vehicle examiners could then focus on those vehicles that have already been identified as perhaps being shady in some respect or as being on the road unlawfully. Where a law-abiding motorist is going about his business, every effort should be made to prevent him from being stopped unnecessarily and thereby having his journey time lengthened. I think that that makes sense, and I hope that the Minister does, too. Will he reassure the House that if these examiners are given the powers envisaged in the Bill, they will not suddenly appear in every constituency setting up road blocks and stopping traffic merely to raise more money for the Government? I hope that they will have a duty to behave reasonably, not oppressively.

The provisions in clause 11 relating to financial penalty deposits will be welcomed on both sides of the House. They are clearly aimed at foreign truckers who are competing for work with British truckers. Foreign truckers are, generally speaking, able to put cheaper fuel in their vehicles, and once they get to this country they often flout our laws and ignore fines when they are imposed. I warmly welcome the provisions in clause 11, which are long overdue. Most law-abiding motorists will welcome them too. But will they be used only against heavy goods vehicles, or will they also be used against private vehicles?

I shall give the Minister an example. Some years ago, I was introduced to an American gentleman who was over here studying. He revealed that his studies were expected to take three years or so. He had brought over an American vehicle, a Chevrolet Corvette. For those who do not know what that is, it is a powerful sports car. His idea was to use his American car with American plates while pursuing his studies and to sell the car over here when he concluded them and returned to America. I was appalled and alarmed to discover that he had allowed his insurance and the American equivalent of vehicle excise duty to lapse, but had kept the car on American plates. He thought it was a rather good wheeze to have motoring on the cheap while he was in the UK. That sort of behaviour is to be deplored. I know that it does not occur on the same scale as heavy goods vehicle drivers ignoring their fines, but does the Minister intend clause 11 to catch people who are in the UK for the time being and are using a vehicle registered overseas which does not have valid tax and insurance? Those cases ought to be caught by clause 11.

I am less sceptical than my hon. Friend the Member for Epsom and Ewell (Chris Grayling) about alcohol ignition interlocks, but in Committee we should look closely at how the Minister thinks they will work, and at the ways in which some people might seek to get round them. I have heard that if a motorist fills up two or three balloons of the sort that are used at parties while he is sober and when he gets into his car after he has had a drink he connects one of them to the interlock, it will release the ignition so that the car can be started. We need to look at ways in which the unscrupulous, dishonest and drunk motorist could abuse this system if we approve it.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): I am grateful to my right hon. Friend for giving way, because he is one the leading experts on this subject. On foreign number plates, I do not know if he is aware that in east Anglia there are a large number of east European migrant workers, many of them doing an excellent job working in the food processing industry in particular, and many of them have brought their cars over. There are examples where serious offences have been committed and the police have been unable to do anything about them.

**Mr. Knight:** I share my hon. Friend's hope that the Bill, particularly the clauses that relate to the exchange of information, will bring an end to that practice. I hope that we can arrive at a situation where the exchange of information with overseas Governments allows us to check vehicles. If they should not be on the road, I would favour their being impounded and confiscated.

The Liberal Democrat spokesman mentioned two points of interest; they will be referred to again in Committee, so I shall not go into too much detail. The first related to first aid and whether we should require a person taking a driving test to have a basic knowledge of first aid. At first blush, it is quite a good idea. However, I took my driving test 40 years ago, and if I had been required to learn the basics of first aid then, I would probably have forgotten them by now—so I would not welcome having to advise an injured person I came across by the roadside about the first aid attention he should receive. The idea is worthless unless there is a mechanism for making sure that motorists are kept up to date.

**Alison Seabeck** (Plymouth, Devonport) (Lab): As a former lifeguard who has gone through all the training—although I have used my skills only outside a swimming pool—I take the right hon. Gentleman's point that skills have to be continually upgraded if they are to be used. But basic skills have been reasonably standard for some time, and we could save lives if motorists understood the basics and were able to take initial action.

**Mr. Knight:** The hon. Lady and I do not disagree on this point. If we were to have a free vote now, I think that on balance, I would go into the lobby for having some basic training. If we can save just one life, it is worth doing.

**Tom Brake:** The proposal would of course apply only to new applicants, not to people such as the right hon. Gentleman who gained their licence a number of years ago.

**Mr. Knight:** I realise that, but my point was that with time people who have taken their test become mature drivers, so at any one time there may be only a small percentage of motorists on the road who have up-to-date knowledge of first aid. If the provision is to be effective, we need to consider giving refresher courses—but that is something that we can properly explore in Committee.

*[Mr. Knight]*

My next point is about cycle helmets. The Secretary of State said that views on the issue were fairly evenly divided. I agree, but I am alarmed that the Government are sanctioning a change in the highway code, and it will recommend that cyclists wear a cycle helmet. That sits ill with the fact that the Government are saying that as a matter of policy they are on the fence. In that case, why does the highway code argue that cycle helmets are necessary? If the highway code says that, there is a danger that soon lawyers will be arguing that if a child is knocked off a bike by a motorist who is guilty of careless driving, any damages in a civil case should be reduced if the child was not wearing a helmet. If the highway code is to be altered in that way, Ministers need to reflect again on their position.

**Tom Brake:** If the highway code were changed in that way, is the right hon. Gentleman aware that there would be a risk of contributory negligence where cyclists were not using designated cycle paths?

**Mr. Knight:** The argument of contributory negligence could certainly be used in that example and many others, which is why it is important to send a clear message to all road users—not just motorists, but cyclists too—about what they should or should not do. I hope that the Government will give that clear message before the Bill completes its parliamentary passage.

I have some questions about the operation of clause 22 and schedule 4. I should declare an interest, as I am the owner of a number of historic and classic motor vehicles, some of which are subject to the statutory off-road notification procedure, although they are all insured, so the provisions do not affect me personally. However, there is growing concern among the classic car fraternity about the scope of the provisions, so when the Minister winds up I should like him to clarify how wide he intends them to be.

I realise that the explanatory notes do not form part of the legislation and that they are for the guidance and benefit of Members, but in paragraph 86, on page 16, the Government set out their view of the scope of the provision on insurance:

"Other exceptions may apply where the vehicle is no longer kept by the registered keeper; it is not kept for use on a road or other public place or has been stolen."

Precisely what do the Government mean by the words "it is not kept for use on a road or other public place?" Do they mean a vehicle not kept for current use on a road, or for current or future use on a road?

At present, if a classic vehicle is undergoing restoration, the owner may decide not to use it for a couple of years so they take it off the road, fill in a SORN form, which is sent to the Driver and Vehicle Licensing Agency and acknowledged, and are then under no further duty whatever. Although the owner of a motor vehicle, even one undergoing restoration, ought to have insurance—especially if the vehicle is valuable—at present there is no requirement to insure that vehicle. Will that situation change, and if so, will it change both for vehicles subject to SORN and for those that are exempt? As I understand the DVLA rules, a vehicle that has been off the road since 31 January 1998 is exempt from the SORN procedure. Let us suppose that a family has an heirloom—perhaps a vintage Bentley—the wheels have been removed, the engine is seized and the vehicle is in a garage, but at some point members of the family hope to put it back on the road. Under the new provisions, will they be required to take out insurance?

**Dr. Ladyman** *rose—*

**Mr. Knight:** If the Minister wants to answer me now, I shall be delighted to give way.

**Dr. Ladyman:** The right hon. Gentleman was kind enough to give me advance notice that he was thinking of raising that point, which I know he wants to explore further in Committee. The answer to his question is no; the intention is that it will not be necessary for such vehicles to be insured. Either they will be SORNed, in which case there will be no need for insurance, or there will have been no licensing activity since 1998, so a SORN will not be necessary.

**Mr. Knight:** I am most grateful to the Minister. His intervention will have put many minds at rest.

I have one more question about this part of the Bill. Where a vehicle has been seized but the owner produces documents and pays any dues, the explanatory notes say:

"If the vehicle has already been disposed of, the regulations may provide for a sum to be paid to the vehicle's owner provided the claim is made within a prescribed period."

That sounds reasonable. Presumably, the sum to be paid will actually be a proper recompense for the seizure and crushing of the vehicle and not a paltry amount that reflects only 10 or 20 per cent. of the vehicle's value. I am assuming from the wording that there is good will behind the provision, and that the Minister intends the regulation to recompense the owner properly. He is nodding, so I am obliged to him for that assurance.

Clause 45 refers to the range of particulars to be included in the vehicle's register. We all understand why it is desirable to include mileage, to stop clocking—the unlawful practice, mainly but not exclusively, of some second-hand car dealers, who realise that if they wind back the odometer they can vastly increase the vehicle's value on the second-hand market. I welcome that aspect of the provisions, but I hope that they will not be used for an identity card-like collation of personal information. I hope that we do not reach the point where, for example, the vehicle keeper has to give his passport number or date of birth. I realise that the form already includes a space for the date of birth, but the information is voluntary, not compulsory. If the Minister intends to broaden the provisions to make vehicle keepers give far more personal information, I hope that he will tell the House so on Second Reading, rather than let that intention emerge in Committee.

I intervened earlier to ask the Secretary of State about clause 50, which I consider very important. I am pleased that Ministers are thinking about ways of addressing this problem, although they may not feel that clause 50 is the answer. The clause provides for a specific offence when a motorist deliberately seeks to drive across a railway level crossing when warning signs are

flashing to indicate that he should not do so. It provides for a period of imprisonment, a fine and up to six points on the licence.

I rather agree with my colleagues on the Front Bench. I hope that whatever the formulation to which we return, Ministers will consider whether it might be more appropriate to provide for a compulsory period of disqualification. I am not sure that I agree with my hon. Friend the Member for Epsom and Ewell that the period should be 12 months, as it is for drink-driving, but it could certainly be argued that even in the most marginal cases a motorist should be deprived of his licence—if only for a month or two—so that the dangerous circumstances that he has created can be brought home to him.

When I was in Leicester the other day visiting friends, I happened to pick up a copy of the excellent local paper, the *Leicester Mercury*. On page 8, a report headed "Drivers risk death in level-crossing dashes" said:

"Nearly 30 motorists risked their lives last year by dashing across level crossings in front of oncoming trains.

British Transport Police say 27 drivers in the county had ignored flashing lights and descending barriers.

Seven of the offences were so bad they were classed as near-misses by rail bosses."

That is what was happening in just one county. The problem is still with us. None of us wants to see a repeat of the horrific accidents that have occurred in the recent past, and I hope that when the Secretary of State crystallises his thoughts he will bear in mind what has been said here today.

I am disappointed that the Bill does not deal with a number of other issues, which I hope we shall have time to debate during the remainder of its passage. One is the question of flexible speed limits, which are in force on the M25 to improve road safety and traffic flow. I think that they have largely been a success, and that there is an overwhelming case for trialling them on other roads, not necessarily just in a downward direction. I know that the hon. Member for Carshalton and Wallington (Tom Brake) is a little agitated at the thought of 80 mph speed limits on motorways, although that is the speed in France and, where a speed limit operates, in Germany; but I think we should consider trialling flexible speed limits on motorways where, on a clear day with light traffic flows, overhead signs could indicate that motorists were allowed to travel at 80 mph.

**Tom Brake:** I thank the right hon. Gentleman for giving way a third time. What does he think would be the average speed of drivers on motorways if the speed limit were increased to 80 mph?

**Mr. Knight:** There is no doubt that during the period of flexibility many motorists would exceed 80 mph, just as many exceed the limit now. It must be accepted that some motorists would drive at 85 or 86 mph.

**Mr. Tom Harris:** Is the right hon. Gentleman aware of a single country in the world that has raised its national speed limit and experienced a consequent reduction in the number of casualties caused by road accidents?

**Mr. Knight:** I am talking about flexible speed limits, not a permanent increase in the speed limit. I use the word "flexible" in the sense that most people would recognise; it is possible to flex downwards as well as upwards. There are occasions—when it is foggy or there is snow on the ground—on which the speed limit on a motorway should be reduced to below 70 mph. I think that we should trial the system of flexible limits to see where it takes us. I do not believe that it would lead to the consequences envisaged by the hon. Gentleman if it were applied when traffic flows were light and road conditions good.

I also think that we should consider introducing flexible speed limits in the vicinity of schools. I know that a certain organisation has conducted a letter-writing campaign asking all Members to support blanket speed limits in villages and blanket 20 mph speed limits near schools. I think that it has something of a case, but I do not support the one-size-fits-all suggestion. There a number of villages in my constituency in which I would not want a 30 mph speed limit to be introduced, because the roads passing through them can safely carry traffic at a higher speed.

However, I think that we should consider using flexibility, particularly with the advent of electronic speed signs and flashing warning signs, which are now available to us but were not a few years ago, and at trialling 20 mph zones outside schools, although not during the school holidays, because an inappropriate speed limit will be disobeyed by motorists. If they feel that the speed limit is not just they will ignore it, but we could try it an hour or so before school commences, or 15 minutes before schoolchildren come out and for an hour after the school day has finished. That is what I would like to see. Let us try flexible and temporary speed limits where appropriate. They will signify to the responsible driver, when he sees the flashing "20" sign, that school children are about to be in the vicinity. I think that most drivers would respond to that positively.

**Mrs. Siân C. James** (Swansea, East) (Lab): In Wales we have successfully trialled the 20 mph speed outside schools. I am currently campaigning hard on behalf of the community at Manselton primary school in Swansea. There has been a serious accident outside the school, and we must put schoolchildren's safety first. I am sure that the right hon. Gentleman would agree that that is paramount in any circumstances.

**Mr. Knight:** I do agree. I hope that in addition, the hon. Lady will agree with me that to have a 20 mph speed limit in force during the six or eight weeks when a school is on holiday is not the way to proceed. We should focus the speed limit on when children are likely to want to cross the highway. That will send a message to the driver that he is approaching the school at a dangerous time and should slow down.

Traffic calming is something else that we could address during the passage of the Bill. I would like the Government to announce that it is their policy to phase out speed humps, which are widely discredited. I think that the hon. Member for Bassetlaw (John Mann) introduced a 10-minute rule Bill on that matter fairly recently. Chicanes, build-outs and electronic warning signs all have their place, but speed humps are a menace and are increasingly seen as such.

*[Mr. Knight]*

I would like to share with the House a report in *The Daily Telegraph* on 8 October last year. Under the headline, "Bus passenger paralysed by speed bump", the article said:

"A bus passenger has been paralysed after damaging his spine as the vehicle drove over a speed bump.

Neil Price, 53, an electrical retailer, of Kendal, Cumbria, was travelling on a Stagecoach bus in Dalton-in-Furness. He is now in the Royal Preston Hospital with two broken vertebrae and a damaged spinal cord. Doctors have told him it will be two or three weeks before they know whether he will walk again."

There is also an article that I managed to pick up off the internet, so I am not sure that the named author is the actual author, but it reinforces the point. Under the headline "Speed Humps are a Curse", it reinforces the point:

Paramedics are warning that speed humps are killing hundreds of people a year by increasing ambulance response times."

It goes on to quote the chairman of the London Ambulance Service as saying that more lives are lost through delays caused by speed humps and other measures than are saved by them.

The article goes on:

"Emergency services chiefs have also criticised Councils for introducing speed humps without any apparent consideration of their adverse effects. Two firefighters in America suffered spinal injuries in separate incidents when they hit their heads on the cab roof as their vehicle went over a hump.

Speed humps are by far the worst form of traffic calming because they damage vehicle suspension systems and are also dangerous for those travelling in an ambulance who may have spinal or other injuries ... Austrian researchers found that exhaust pollution can soar tenfold as drivers accelerate away from humps.

The humps can also increase road noise if ... heavy vehicles are crossing them."

The article concludes with a comment by an RAC spokesman:

"About six months after the humps are installed, people generally come back and say that it has caused problems with the amount of noise ... and pollution. A few months after these humps are introduced, most people want to get rid of them".

Given the advent of new technologies, I hope that Ministers will look into different ways of calming traffic. A number of villages in my constituency have the benefit of flashing electronic signs, some of which are powered by wind; they have a fan on top that recharges the batteries. They are excellent and shock motorists when they flash. Many motorists do not know that they are there, and to judge by what I have observed from the pavement as they approach them, they seem to have the desired deterrent effect without the negative effects of speed humps.

Planning guidance should also be regarded as relevant to road safety. There are far too many congested roads and vehicles parked on pavements and blocking access points, thereby causing delay and holding up emergency vehicles. During my visit to Leicester, to which I referred earlier, I read in the excellent *Leicester Mercury* that Blaby district council is going to lay down "concrete grass". It is setting aside

"£20,000 to expand parking areas ... by putting down a surface of concrete with holes through which grass can grow.

The council said the scheme was in response to problems with housing developments built without adequate parking facilities or garage space."

It is ridiculous in this day and age that planners are allowing developers to build houses without any off-street accommodation for the motor car. People do not need a triple, double or even single garage for their car; all that they need is a piece of land 18 ft x 6 ft and a dropped kerb. That would reduce road congestion and eliminate the danger that pedestrians face as they negotiate parked cars with two wheels on the pavement. Planners ought to be telling developers, "Unless you make provision for the motor car, you won't get your planning permission." I hope that the Minister will speak to his colleagues in another Department and see whether they can be sold on this idea, which would make a huge difference.

My final point about road safety and matters outwith the Bill concerns British summer time. It about time we ended the annual ritual of putting our clocks back every October, mainly to appease a handful of Scots. The evidence in favour of such a change is overwhelming.

**Mr. MacNeil** *rose—*

**Mr. Knight:** I guess that I asked for that. Okay, I give way.

**Mr. MacNeil:** As one of the handful of Scots to whom the right hon. Gentleman alludes, I in part agree with him. It seems strange at times that the clock is changed six or seven weeks before mid-winter, and back again about 15 weeks after mid-winter. I still want the changing of the clocks, but perhaps the period could be altered.

**Mr. Knight:** I am grateful to the hon. Gentleman for that, and I shall answer his point in a moment.

The Royal Society for the Prevention of Accidents estimates that between 500 and 2,500 lives could be saved each year if we remained on British summer time. Our colleagues north of the border now have their own Parliament, but I understand that they have not been given the power to set their own time zone. I would happily vote for Scots to have the ability to set their own time zone, and for us to maintain British summer time 12 months a year in England and Wales, in the interests not only of road safety but of tourism. I represent an area that includes the beautiful town of Bridlington. Lighter evenings encourage tourism and reduce energy costs, because there is a better matching of waking hours and daylight hours. We should introduce such a change.

As you may have gathered from my remarks, Mr. Deputy Speaker, in my view the Bill is not the complete answer to improving road safety, but it is a small step. I hope that the Minister will show us in Committee that he is willing not just to take one small step, but to take on board some of the other suggestions made today, and that he is willing to turn that small step into a journey forwards in the interests of road safety. If he does that, this will indeed be a Bill worthy of its name.

3.54 pm

**Mr. David Kidney** (Stafford) (Lab): Road safety is a policy area that has benefited immeasurably from cross-party consensus for many years. For decades, Labour and Conservative Governments have adopted the approach of long-term strategy tied to demanding targets for casualty reduction. Over that time, there has been great success in achieving those targets. It is remarkable that we have reduced in absolute terms the numbers of people killed or seriously injured on our roads over two decades in which the amount of traffic on our roads has continued to grow every year. As policy makers, we are entitled to congratulate ourselves on some success, but we need to ponder the amount of death and carnage still seen on our roads. More than 3,000 lives are lost every year, with 10 times that number seriously injured. We are entitled to say that we have had successes and that our policy works, but more remains to be done. That is why we are debating a new Road Safety Bill today.

We are keen, these days, on making decisions based on evidence. There is evidence that adding some measures to the Bill would save more lives. The first was mentioned by the right hon. Member for East Yorkshire (Mr. Knight). Changing the clocks—our time pieces, not the odometers on our cars—twice a year may be a wider issue than can be addressed by a road safety Bill, but the Transport Research Laboratory estimated in 1999 that having lighter evenings would save some 100 lives and prevent 2,000 serious and other injuries a year.

**Mr. Tom Harris:** I rise simply to put it on the record that not every Scot is opposed to the scrapping of Greenwich mean time. My hon. Friend is correct to say that many lives would be saved, and a proportion of those lives would be Scottish. On that basis alone, I am in favour of scrapping it.

**Mr. Kidney:** I am grateful to my hon. Friend for that point.

The right hon. Member for East Yorkshire gave different figures, and the Royal Society for the Prevention of Accidents has recently updated its estimate. It says that 130 lives would be saved and up to 2,500 injuries prevented every year. I appreciate that it is a reserved matter, so this Parliament would make the decision, and that it has wider implications than just road safety. More lives would be saved in the workplace, and it would have massive benefits for the economy, especially in tourism, sport and leisure.

**Mr. MacNeil:** Perhaps we could have a compromise, with the clocks being changed back to Greenwich mean time a month or five weeks either side of midwinter, instead of the present seven weeks before and 15 weeks after?

**Mr. Kidney:** That is a generous offer, but I suspect that it will not be decided by this Bill. I urge the Government to consider seriously whether we should have that debate and whether we could all agree on a proposal for change. We have heard Scots voices in this debate that suggest that the objections to the change are not uniform.

I am grateful to Richard Allsop from PACTS for another piece of evidence. Last year, it was estimated that if we reduced the maximum drink drive limit from 80 mg of alcohol in 100 ml of blood to just 50 mg, we could save 65 lives a year. That is a modest change for a valuable saving. I hope that Government and Opposition Front Benchers will give serious consideration to that change, unlike in the last Parliament, when we considered a similar Bill. After all, it would put us back in the mainstream of maximum limits, because at the moment we are out on the edge when it comes to comparison with the legal limits in other countries.

Allied to the drink-driving limit is detection of the people who drive with excess alcohol in their blood. I am a member of PACTS, which I mentioned earlier, and it recommends that we move away from waiting for people to commit an offence before we can test whether they are drunk while driving. We should move towards not random testing, whereby the police can stop anyone they like, whenever they like, for any reason, but to targeted testing, whereby, if the police have intelligence that there is a concentration of people driving with excess alcohol in their blood, the police can conduct tests in the area to try to detect them.

Those hon. Members who were part of the previous Parliament have largely seen such provisions before. It is pleasing to acknowledge that the Government listened to the debates and arguments during the passage of the previous Road Safety Bill, as far as it got, and that they have made improvements in the Bill. It is a shame that one of those measures—the sentences that magistrates courts could impose for the proposed new offence of causing death by careless driving—was watered down in the other place, and I hope that we can review that decision during the Bill's passage, to restore something that is strongly supported by hon. Members and the public generally.

**Peter Bottomley** (Worthing, West) (Con): I was not here for the opening of the debate because I was attending a Commonwealth Parliamentary Association seminar. Would it be a good idea to invite the Minister to try to bring together groups, such as RoadPeace and Brake, with Members of the other House to hold a small seminar to find out whether they can get their minds together and agree a way for the courts not to be denied information about cause of death, so that it can be taken into account where it is relevant to the penalty?

**Mr. Kidney:** The hon. Gentleman and I used to co-chair PACTS—I think he still does, but I do not—and I thank him for that constructive suggestion. He missed the speech of the hon. Member for Epsom and Ewell (Chris Grayling), the Conservative spokesman, who has some hesitation about the new offence. The approach that the hon. Gentleman suggests might have some appeal to his hon. Friend.

Further piloting of the alcolock is a very good suggestion. It is a way for the law to address the offender's specific problem before the courts. The more we can do that, the better in sentencing offenders in future. However, as well as those measures, I certainly agree with the hon. Member for Epsom and Ewell about the need for more effective road policing. I remind the House that the Department for Transport, the Home Office and the Association of Chief Police Officers

*[Mr. Kidney]*

jointly announced a road policing commitment in January last year, and the House needs to monitor the effectiveness of that announcement and ensure that we are getting the effective policing that we were then promised.

I support more use of rehabilitation courses for drink-driving offenders, so I welcome the simplification of and extra incentives for those rehabilitation courses under clause 34.

During debates in Committee on the previous Road Safety Bill in the last Parliament, I argued for further extensions of speed awareness and driving improvement courses for other road traffic offenders. Those courses help to address the offender's specific problem and try to put it right for the future, rather than simply sentencing historically for an offence that has been committed previously. Those courses are constructed to look forward to try to ensure that the same behaviour does not occur again.

I also support the proposal in the Bill for graduated penalty points. My right hon. Friend the Secretary of State said that when he first consulted on that idea more than a year ago the opinion of those who responded was quite closely balanced. More than a year later, the balance has shifted much more towards acceptance of graduated penalty points as part of sentencing procedure. However, the sticking point remains, as the Secretary of State well knows, the concern that many hon. Members have—I am very much one of them—that sending out the message that breaking 20 mph limits and 30 mph limits, even by quite a small amount, is less serious. Breaking the speed limit in precisely that way could have the greatest possible effect on other people.

After all, as other hon. Members have said already, hit a child pedestrian at 20 mph, or even 30, and the child may survive, but drive at closer to 40 mph, and there will be less chance to take avoiding action and the injuries that occur will be probably fatal to the child. With a penalty of two points each time, it will take six offences, instead of the current four, over three years for drivers to tot up enough points to lose their driving licence. The idea that that message will incentivise them to be careful on roads with those speed limits is misplaced to say the least.

On the proposed new offence of causing death by careless driving, I recognise the concerns of those, including the hon. Member for Epsom and Ewell, who say that punishment should be commensurate with the guilty act and not with its consequences, but to take a vehicle out on a road is to undertake a responsible activity. As I set out, it is foreseeable that hitting a person with a vehicle will cause injury—perhaps fatal injury—and that should be within the driver's contemplation. The existence of the offence will underline the responsibility that we all assume when we get behind the wheel. Of course, imprisonment for committing the offence is not compulsory or obligatory but will be reserved for those who have clearly failed, by the greatest amount, to shoulder their responsibility.

On specific aspects of driving that need attention, young drivers are most at risk of causing or being involved in road crashes. The insurance industry knows only too well about that preponderance. Some imaginative schemes exist, such as the offer by some insurance companies to reduce the premiums of those who go on to take pass plus as well as their driving test. Norwich Union has a novel pay-as-you-drive insurance, which encourages people to stay off the most dangerous roads or off the roads at the most dangerous times of the day.

Coming along behind those measures—this has a slightly more general application—are technological solutions, such as intelligent speed adaptation. Imagine when it will not be possible for the driver to exceed the speed limit because of how the vehicle is controlled. That will allow us to throw away all the speed humps and speed cameras, which must surely be attractive to many people and worth giving up the joy of breaking the speed limit. Such technology goes wider than measures that affect just young drivers, but it is important that we are young driver-aware in education, publicity and policing.

When we debate the Bill in Committee, I hope that we will give more attention to protecting cyclists, as seems likely from previous contributions. We want to promote cycling. It is a healthy activity, both for the cyclists and for the environment of the world that we all occupy. However, cycling on our congested roads is a dangerous activity. Let me give an example from my postbag. When my constituent, Alastair Semple, was knocked off his bike by a car at a roundabout, he found so little sympathy that the police were not even going to prosecute the car driver for careless driving until Alastair collected sufficient evidence, including photographic evidence, to persuade them that a prosecution was merited. We need more cycle lanes, stronger policing and better education for drivers and, I confess, for cyclists too. We need more publicity from the Department like the advert "Think bike", which relates to motorcycles and is, I think, successful.

It has been estimated that around a third of road casualties occur as a consequence of people driving in the course of their work. We need to create a stronger focus, through the Bill, on employer responsibility for training and education, and, frankly, for not putting their workers under impossible time pressures. There are excellent examples of good employer practice, and we need to ensure that more employers, especially those in small and medium-sized enterprises, get the message and behave equally responsibly. The Bill goes with the grain of the national strategy for reducing casualties, and for that reason it should be supported. It has been improved as a result of consideration in the last Parliament, but it remains capable of further improvement in this one. I hope that in Committee we will have an opportunity to debate some possible improvements that can be made.

4.10 pm

**Mr. Lee Scott** (Ilford, North) (Con): I agree with the hon. Member for Carshalton and Wallington (Tom Brake), who raised the issue of pedicabs, which are unchecked and unregulated, and cause major problems on our roads. There is no recourse for anyone involved in an accident with them, and that issue should be tackled as a matter of urgency. The hon. Gentleman and my right hon. Friend the Member for East Yorkshire (Mr. Knight) spoke about first aid training for drivers.

I appreciate that refresher courses would be required, but if someone has learned something there are some aspects that they will never forget. If that training saves one life, it is worth while, but I recommend that we go a stage further. Some of our European neighbours and many other countries make it compulsory to carry first aid kits in all vehicles, which benefits everyone if a vehicle is involved in an accident or, indeed, if the driver and passengers witness an accident. I urge the Government to consider making it a legal requirement to carry first-aid boxes in cars.

Speed cameras have been mentioned. I fully support them where they make our roads safe. However, there is a speed camera in my constituency at the bottom of the M11 exit to the Redbridge roundabout, where accidents have gone up by 300 per cent. since it was installed. Either it is the wrong place and needs to be moved, or one must assume that it is there for other reasons. Speed cameras should be there to make our roads safer, and for no other reason. Hon. Members have spoken about the blight of mini-motorcycles, which is a huge problem. In my constituency and, I am sure, in others, one sees very young children with no head gear or training driving unlicensed vehicles on the road. We have read in the press about many accidents and, indeed, fatalities. That must be stopped. It is not simply a matter of asking our police force or, indeed, local authorities, to enforce a ban—new legislation is required to bring mini-motorcycles into line with other road vehicles.

I am in favour of a 20 mph speed limit near our schools. I praise the London borough of Redbridge for its work in imposing those limits around schools in my constituency, particularly primary schools. My right hon. Friend the Member for East Yorkshire said that there are certain times of year when a limit is not necessary, but I disagree, as they are needed throughout the year, including school holidays, in residential areas where children play. The 20 mph limit has saved many lives over the years, and it will continue to do so. As we have heard, the question of whether a child is hit at 20 mph or 30 mph can make the difference between serious injury and a life and death situation.

**Mr. Bone:** Is my hon. Friend aware that in America 15 mph limits are flashed up at the beginning and end of the school day? Is there not a danger that a permanent 20 mph limit will be ignored?

**Mr. Scott:** My hon. Friend makes a valid point, but I am afraid that I disagree. The permanent enforcement of lower speed limits is required. Cars are usually parked in the street—as we heard, planning regulations mean that homes do not have off-road car parking spaces—creating narrow spaces where children run in and out. Children will be children, and if we can do something to prevent fatalities, we are duty bound to take such action.

The flashing speed signs just mentioned by my hon. Friend offer a valid way to reduce traffic speed in such areas and they should be used. However, I am not as opposed as my right hon. Friend the Member for East Yorkshire is to the use of speed humps. They are not needed in some places and should be removed, but they add to traffic calming in residential areas. We need to look at all methods of traffic calming, and we should not lose the contribution that speed humps make.

We have heard today about some tragic cases involving fatalities caused by drink-driving or by people using drugs or mobile phones while driving. Drivers who hit and run must be punished most severely, and such matters will be teased out further in Committee, but how do families feel when one of their members is killed by someone who has been caught driving while drunk? When such a person is given a light sentence by the court, we have to ask whether he or she is paying the price for the crime that has been committed.

If no crime has been committed in such an incident, it is clear that the court must be able to respond accordingly, and I am sure that that is another matter for consideration in Committee. We need to look at the penalties that the court can apply, but it must have the power to send an offender to prison in some cases.

We have also heard about cars from eastern Europe. In my constituency, I see many people driving around in cars that are not roadworthy. Often, they are uninsured, and it is frequently alleged that the people behind the wheel are not qualified to drive. I hope that the Bill will tackle that problem. How can such people be prosecuted if they commit an offence that leads to a tragic accident?

I support and welcome much of the Bill. As other Opposition Members have noted, some elements need teasing out in Committee, but any measure that can save a life or prevent the tragic suffering of families who have lost a loved one must be welcomed, and I do so.

4.17 pm

**Mr. Tom Harris** (Glasgow, South) (Lab): It is a delight to be able to take part in a debate that, so far, has been almost worryingly saturated in consensus. However, I shall try to continue in the same spirit.

I begin by congratulating and paying tribute to my hon. Friend the Member for Northampton, North (Ms Keeble) for her contribution today and for the immense work that she has done in previous years as part of the campaign to introduce the new offence of causing death by careless driving, which is included in the Bill. I expressed my reservations about that earlier in the debate, and I look forward to thrashing the matter out at length in Committee. I hope that my hon. Friend is a member of that Committee, as the power that she leant to her arguments will serve her well there.

I also pay tribute to my hon. Friend the Member for Bolton, South-East (Dr. Iddon). His contribution to the debate was one of the most powerful and moving speeches that I have heard during my time in the House.

Keeping with the spirit of consensus, I welcome this very important Bill. I take this opportunity to pay tribute to my own council, Glasgow city council, and in particular to Robert Booth, the director of land services. He has spearheaded the statutory speed limit of 20 mph around every primary school in the city. That system is an innovative departure and, in line with the suggestion from the right hon. Member for East Yorkshire (Mr. Knight), allows the flashing speed limit signs to be switched off during the schools' summer recesses. I welcome that and think that it is an effective use of the new power. I know that the hon. Member for Ilford, North (Mr. Scott) does not believe that the 20 mph limit should be switched off during school holidays, but I am sure that we can discuss that in Committee.

*[Mr. Tom Harris]*

The right hon. Member for East Yorkshire referred at length to his dissatisfaction with traffic humps—so-called sleeping policemen—and I agree with much of what he said. In a previous existence—as well as while being a Member of this House—I found that residents often felt that sleeping policemen were a panacea. They think that if there is speeding in their neighbourhood, they should get some traffic humps. If someone is tragically killed in an accident, the answer is always traffic humps, but it is not always the right answer. The emergency services have grave reservations about sleeping policemen. I might not go as far as the right hon. Gentleman in saying that they should not be used at all, but I think that people have unrealistically high expectations of the effects that sleeping policemen will have on their neighbourhoods.

**Paul Rowen:** Does the hon. Gentleman agree that one effect of speed humps is an increase in injury for certain people? In my constituency, the local bus company has sought to withdraw bus routes because humps have been put in to an extent that is unacceptable for people who are driving along those routes. Does he agree that we need to investigate alternative solutions?

**Mr. Harris:** I understand what the hon. Gentleman is saying, although I would be more cautious. I would suggest that, if someone suffers an injury from driving over a road hump or if the vehicle itself is damaged, the driver might be going a bit too fast. About a year ago, a friend of mine in my constituency—an elderly gentleman—complained about a series of road humps in Ardencraig road in Castlemilk. He told me that they were a waste of time. I said, "Why's that?" He said, "When my daughter's driving me to my house in the afternoon we have to slow down and it takes ages." So, perhaps road humps are more effective than the right hon. Member for East Yorkshire suggests. Of course, individual situations require individual solutions.

**Mr. Bellingham:** The hon. Gentleman is speaking a great deal of sense about road humps. I agree that the people who complain that their cars are damaged are obviously going far too fast. One of the problems that I have come across in my constituency is the displacement of traffic on to roads that do not have road humps. I can think of an example involving four roads that are all parallel. Two of them have traffic calming involving road humps and the other two do not, and all the traffic has been displaced to the two that do not. The issue of traffic engineering is complex and must be thought through very carefully.

**Mr. Harris:** The hon. Gentleman is right. That is where the role of local authorities is crucial. There is no point in considering a single road and deciding on a solution. A strategy has to be considered so that if traffic calming is implemented on one or two local roads, the knock-on effects on nearby roads are taken into account. In my experience, Strathclyde regional council, where I used to work, had a good record of doing exactly that—as does Glasgow city council.

**Alison Seabeck:** There is clearly not a standardised road hump anywhere in the country. Plymouth city council has just had to get the contactor that put in speed humps incorrectly along a whole road to remove them. Does my hon. Friend agree that, if we are going to have road humps, they should be standardised? They are often different heights.

**Mr. Harris:** I may have given the impression earlier that I am some kind of expert on road humps and, if that is the case, I apologise for misleading the House. There may well be a case for standardising sizes and lengths of road humps and my hon. Friend may well have an excellent case, but I am not qualified to offer her an opinion on that.

There is another point that I want to mention, and I appreciate the range that you have allowed to Members taking part in the debate, Mr. Deputy Speaker, because these are important issues, although they are not specifically mentioned in the Bill. A new practice that has unfortunately become more widespread in the past 15 or 20 years, although it was not heard of many years ago, is residents parking their cars on pavements. When I worked as a press officer for Strathclyde regional council many years ago, it was interesting that many of the residents who demanded road humps for their area were exactly the same people who parked their cars on pavements that were supposed to be used by pedestrians. Road engineers had, and have, a sensible response to the practice. If people park their cars on the road—where they belong—and thus reduce the width of a residential road, through traffic must slow down so that it can navigate the road safely. It makes absolutely no sense to widen a road by parking on the area intended for pedestrians and at the same time to ask for road humps.

My right hon. Friend the Secretary of State was absolutely correct to say that the UK has a good road safety record, although he was also right to say that it is not good enough and that we must improve it. I sometimes fear that society in this country sees more than 3,000 deaths a year as an acceptable level of violence, although I know that my right hon. Friend would not subscribe to that sentiment, far less give voice to it, which is just as well given that when Reginald Maudling, a previous Conservative Home Secretary, used the phrase in the House, he was promptly attacked by Miss Bernadette Devlin—I do not propose such a course of action today.

There is no other aspect of public life in this country in which more than 3,000 deaths a year would be remotely acceptable or tolerated. If that number of deaths occurred on the railways or British domestic airlines, the situation would not be allowed to continue. The hon. Member for Carshalton and Wallington (Tom Brake) talked about the number of people who are devoted to examining safety on the railways and airlines. We, as a society, have come to accept the number of deaths, but that should be at the root of our attempts to address the problem.

**Tom Brake:** The hon. Gentleman expresses support for a proposal that I advocated earlier. Would he be willing to put his name to an amendment that would introduce a road accident investigation board that could examine the pattern of road accidents and try to find solutions, as is the case for aviation and rail?

**Mr. Harris:** I will resist that temptation because such a body would simply be another quango and would create more bureaucracy—I am not instinctively in favour of such developments. Additionally, given the number of accidents that take place, such an investigation unit would repeat its investigations each time that one occurred. On balance, such a publicly funded and unelected quango would not achieve a great deal, but I look forward to hearing the hon. Gentleman's arguments in Committee.

When the Bill becomes an Act, its success will depend on the greater acceptance and use of speed cameras. I declare an interest at this point because I have six penalty points on my licence. I was clocked on the M6 in December 2003—I will not tell hon. Members the speed—and five months earlier, I was caught by a speed camera on the A9. Even though the offences were five months apart, I found out about both endorsements in December 2003 and thus went from having a completely clean licence to having a licence with six points on it in two weeks. I reveal this partly in case someone else reveals it first and, secondly, because it has made me think carefully whenever I drive. I need my car to do my job.

After such a fright from getting six penalty points on my licence in such a period of time, I have driven more carefully since the end of 2003 than at any other time in my life, and I have speed cameras to thank for that. I did not enjoy being caught, but it is an inevitable argument that even where speed cameras do not save lives—for example, the stretch of motorway where I was caught is not a particular accident blackspot—getting caught has led directly to a change in my behaviour. That outcome should be welcomed as a direct result of the proliferation of speed cameras in this country.

There is a huge amount of media outrage, and it was suggested earlier that some Opposition Members are not as enthusiastic about the proliferation of speed cameras as some Labour Members. We see evidence of the *Daily Mail* Big Brother agenda every time new speed cameras go up. The George Orwell analogy is so over-used that I wonder whether any of the sub-editors have read "1984". I do not remember Winston Smith being clocked for doing 80 mph on the M6. "1984" was about slightly more important freedoms than the freedom to break the law and endanger other people's lives.

I am not in favour of restrictions on individual freedoms. For example, I did not vote to support the 100 per cent. ban on smoking in public places, but there is no such thing as the right to break the law. That should not be tolerated by the House. If speed cameras can contribute to a change in the culture whereby speeding becomes unacceptable, in the same way as drink-driving has become unacceptable, speed cameras will be seen historically to have made a major contribution to the safety of our culture. It is often said by the anti-speed camera lobby that speed cameras turn ordinary law-abiding citizens into criminals. They do not. Law-abiding citizens turn themselves into criminals by choosing to break the law by speeding. That is an unpleasant message to give, but it is fact.

I want to challenge my hon. Friend the Minister on part of clause 18, which outlaws speed assessment equipment detection devices. I know exactly the kind of devices to which that refers, but could there not be a wider interpretation of the word "device"? Last year the AA published its new road map of Britain, which included the precise location of every stationary speed camera in the country. Whatever the protestations of the AA, the only reason for publishing the exact location of every speed camera in the country was in order to warn its members, the purchasers of that map, when they may get caught speeding. In other words, it was a device enabling people to break the speed limit on long stretches of road, and then to slow down when they were approaching a speed camera, in order to avoid prosecution. I hope that the clause will outlaw such a measure.

**Stephen Hammond** (Wimbledon) (Con): One could take the alternative view—that the measure was telling people how to conform to the law.

**Mr. Harris:** I could take that view, although I will not. That is exactly the argument that the AA used when it was justifiably criticised for producing such a reprehensible publication.

**Dr. Ladyman:** Before my hon. Friend digs too deep a hole for me to climb out of, although the AA received a great deal of publicity for having produced that document, it was based on a document produced by the Government. We publish the sites of all speed cameras, as does every camera partnership. The reason we do that is in line with the argument suggested by the hon. Member for Wimbledon (Stephen Hammond)—we want people to know where the blackspots are, where the cameras have been located, so that they can address their offending behaviour and drive safely at those sites.

**Mr. Harris:** That brings me to another point. I do not think that most drivers would respond in such a way. Personally, I do not believe that speed cameras should be visible from the road. Having speed cameras aimed at catching lawbreakers but painting them black and yellow—there are lines on the road, but they have to be there—to warn people that they are about to be monitored is completely self-defeating.

The hon. Member for Ilford, North mentioned a problem in his constituency on the approach to a roundabout from a slip-road off the M11, where accidents had increased by 300 per cent. since a speed camera was installed. I do not know anything about the particular circumstances, but I wonder whether the reason for the increase is that the visibility of the camera forces drivers to slow down too quickly, perhaps causing cars to bump together. There is a simple answer: do not make the cameras visible. If somebody is driving within the speed limit at all times, they have no need to know where any of the cameras are. The idea that either the Government or the AA are making the locations of cameras known in order to safeguard people pushes the limits of credibility. The AA performed a service for particular drivers, as it knew that drivers needed to know the location of cameras in order to hit 80 and 90 mph between them.

Another device that is used to beat speed cameras is special reflective number plates. There was an advert in Glasgow a few years ago—it has now been removed—next to the Clydeside expressway promoting reflective number plates that it said were guaranteed to beat speed cameras. Of course, there may be some loophole that

*[Mr. Harris]*

allows such number plates to be sold legally. I hope not, and I hope that the police would investigate any such advert. Will the Minister clarify whether such a device would be counted as one aimed at beating the speed camera?

**Dr. Ladyman:** I shall give my hon. Friend the clarification that he seeks now. The Bill is intended to make legal devices that simply tell people where the cameras to which he refers are. In addition, however, a covert activity of speed detection is carried out by the police using radars. What the Bill makes illegal is devices allowing people to tell where such covert activity is taking place.

**Mr. Harris:** I am grateful to my hon. Friend for that clarification.

Finally, I come to mobile phone offences and clause 26. Although once again the civil libertarians might say that the current law, which prevents drivers from using a mobile phone—at the moment, there is only a fixed penalty—and clause 26 are some sort of infringement of civil liberties, I have found among my own voters that that is not what concerns people. People are concerned that the law is already flagrantly flaunted and rarely enforced. Outside this Palace earlier this week, I watched a van driver turn off Westminster bridge and left into Millbank, stopping at the traffic lights in front of police officers and speaking on his mobile phone as he went.

Of course, I welcome the measures in the clause, and I believe that people who use their phone irresponsibly while driving should have their licences endorsed. If that ultimately means disqualification, so be it, as that is their choice. However, the clause will only be as effective as the current law unless police officers do some serious enforcement. That is the only thing that will prevent people from using their mobile phones while they are driving. While it is obvious that people who use their mobile phones while driving are not being prosecuted or challenged, there is very little inducement for law-abiding motorists to fork out the money to have a hands-free kit installed in their car. That is what the Government should be encouraging people to do, and it will happen only once people who refuse to do it are held to account.

I am grateful for the opportunity to participate in the debate and hope that I have remained largely consensual, because I welcome the vast majority of the Bill. The Whip is present in the Chamber, and I am sure that he has noted my willingness to serve in Standing Committee—I will be massively disappointed if my plea goes unheard.

4.40 pm

**Andrew Selous** (South-West Bedfordshire) (Con): As the hon. Member for Glasgow, South (Mr. Harris) has said, the debate has been consensual, and party politics should not divide us in this policy area.

I will focus on one specific area in the hope that the Minister will see fit to table amendments to deal with a serious road safety problem brought to my attention by Bedfordshire police. At the moment, many drivers routinely commit large numbers of moving road traffic offences that principally involve speeding, but that also include dangerous driving such as jumping red lights. They get away with it because their vehicle details are incorrectly registered.

That matter involves blatant discrimination. Law-abiding members of the public who correctly register their vehicles rightly pay the penalty of the law when speed cameras or police officers catch them, while people who incorrectly register their vehicles get away with driving extremely dangerously. In my constituency, for example, the A505, which runs from south of Leighton Buzzard to north of Dunstable has a 50 mph speed limit, but drivers have recently been recorded driving at speeds of up to 119 mph on that road. One driver did 82 mph in a built-up area in Dunstable, where there is a 30 mph speed limit, while another jumped a red light six seconds after the light had turned red. I can also show the Minister ample photographic evidence of drivers making rude gestures to speed cameras because they know that they cannot be touched as the law currently stands.

Since I raised the matter in an Adjournment debate on 8 December, five people have been involved in fatal accidents and three people have been seriously injured in incidents in Bedfordshire involving cars with incorrectly registered details. The tragedy is that some cars have been caught doing outrageous speeds on many occasions—one vehicle has been clocked by speed cameras on 73 occasions and a motor bike has been caught 61 times. It is obvious that death and serious injury could be prevented if the police were able to act on the ample evidence provided by speed cameras.

To give the Minister an idea of the scale of the problem, Bedfordshire police recorded 1,000 offences in December this year on which no action could be taken because it was impossible to trace the vehicles concerned. Those offences resulted in more than £30,000 of outstanding fines, many of which have lapsed under the six-month rule. The public expenditure implications are important, and I am sure that the Minister wants all fines to be collected.

Several hon. Members have mentioned PACTS. After my Adjournment debate on 8 December, the director of PACTS, Robert Gifford, pointed out in a letter that

> "You are quite correct that this is a significant issue both for police resources and for road safety. As the Road Safety Bill will be returning to the House of Commons in the New Year, there may be an opportunity to raise these issues at Committee stage."

I am happy to show the Minister that letter.

I would like to quote a couple of paragraphs from a letter written by the chief constable of Bedfordshire police, Gillian Parker. I want to place on the record my admiration for her in pursuing this issue. I am grateful to her and to her officers for all the work that they have put into trying to bring it to the Government's attention. Mrs. Parker writes as follows:

> "Most vehicles involved in these offences are registered with false details, or to a false or non-existent address. This makes the process of identifying the registered keeper and the driver virtually impossible.
>
> Even when these vehicles are stopped as a result of PNC markers placed upon them, the driver is able to provide identification and gives a plausible account as to who the registered keeper is. The evidence is usually insufficient to enable

positive action to be taken and we are left no further forward in identifying the true offender in relation to the offences outstanding."

She continues:

"Advice has been sought from CPS and our local judiciary, there is agreement that to apply the Section 3 test to speeding offences, that is to suggest speeding per se also represents careless and inconsiderate driving, would be inappropriate and unlikely to succeed in court. As a result we are powerless to seize these vehicles under this legislation.

When our offenders are stopped they usually hold driving licences and insurance, albeit registered to false addresses. Therefore, we cannot use the powers under The Serious Organised Crime and Police Act 2005."

When I spoke in the House on this subject on 8 December, I quoted similar stories from the police forces of Cambridgeshire, Essex, Greater Manchester—interestingly, the local police force of the Minister who responded—Suffolk and Thames Valley. Today, I can tell the House that I have additional information from the police forces of Nottinghamshire, Derbyshire, Humberside, Lincolnshire, Wiltshire and Warwickshire, which are facing the same problem. That is 12 police forces in total. That does not mean that the other 31 police forces are happy with the current law, but merely that we have not yet managed to get responses from them.

Let me quote the comments of some of those other police forces in case the Minister or any other Member thinks that the problem is peculiar to Bedfordshire police, which it certainly is not. Nottinghamshire police says:

"I agree with the Bedfordshire legal advisors and other Forces that this legislation—

that is, section 59 of the Police Reform Act 2002—

"is not appropriate to deal with this type of offence and offender. S.59 relates specifically to vehicles being used in a manner causing alarm, distress or annoyance. Therefore, if we cannot show the alarm etc, we have lost the powers. Unlawful use does not necessarily involve problems caused directly to members of the public. This legislation was introduced to combat the problems caused by the 'boy racers', around towns and cities in particular. I am surprised that the Home Office even suggested this."

Humberside police says:

"I agree that the Police Reform Act Powers are insufficient in this respect. While all powers have to be proportionate, the ease with which the non-compliant can continue to evade justice is alarming and unfair for the rest of us."

Derbyshire police says:

"Section 59 of the Police Reform Act 2002 is not appropriate as it relates to confiscating vehicles which are causing alarm, distress or annoyance."

Lastly, Wiltshire police says:

"If we rigorously made every possible attempt to trace some of these registered keepers and nominated drivers I agree with your comments that we would be left with a paper trail with no realistic prospect of tracing/convicting the offender on many occasions."

I apologise for quoting at length from different police forces but I hope that the quotes show the scale of the problem. Although hon. Members could be forgiven for believing that Bedfordshire police might not be fully competent—they are—I hope that the fact that 12 police forces have gone on record to say that the law is inadequate to tackle the problem will convince the Minister that we need to sit down together to examine the issue more seriously.

The Under-Secretary of State for the Home Department, the hon. Member for Leigh (Andy Burnham), tried to convince me during my Adjournment debate on 8 December that section 59 of the Police Reform Act 2002 gave the police adequate powers. I asked the chief constable of Bedfordshire to raise that with the head of the Association of Chief Police Officers' road policing business area. I am sorry to say that all that has happened is that the relevant chief constable raised the matter with the Home Office, which gave the same advice as the Under-Secretary was given when he replied to the Adjournment debate on 8 December.

The Under-Secretary also said that powers under the Serious Organised Crime and Police Act 2005 could be used to deal with the problem. As I have already said when referring to the comments of the chief constable of Bedfordshire, the powers in the Bill to seize vehicles apply only if valid driving licences and insurance cannot be produced. In most of the Bedfordshire cases, that does not apply and drivers have been able to produce valid documents. That means that highly dangerous offences continue to be committed time and again, and the police can do nothing about it.

I have raised the matter with Conservative Front Benchers and we are prepared to table amendments to deal with the problem. It would be regrettable if we had to do that. As I said at the beginning of my remarks, it would show the House of Commons at its worst if we divided on party political lines about the matter. Party politics should not come into it. It should be a case of sitting down together and ascertaining why the current law is unsatisfactory.

In my Adjournment debate on 8 December, we had the absurd and almost comical position whereby the Under-Secretary stood at the Dispatch Box to tell me that the powers were adequate while, above him in the Public Gallery, two serving officers from Bedfordshire police shook their heads as he spoke. It is incumbent on us all to listen to serving police officers who deal with the matter day in, day out and desperately want it to be resolved.

Problems also exist with the requirements that we make of people when they register their vehicles. I do not know whether the Minister is familiar with the address of 25 Duke street in Chelmsford. There is no particular reason why he should be. However, it is well known not only to Essex police but to Bedfordshire police and, indeed, to many police forces in the eastern region because it is purely a drop-off postal address, at which many vehicles are registered. It is an address of convenience. When the police turn up there, they have no hope of apprehending the relevant driver. There are therefore problems with the registration of vehicles.

I had the opportunity to speak to the Minister briefly before the debate and I shall listen carefully to his winding-up remarks. I genuinely believe that there is a misunderstanding on the part of some civil servants in the Home Office. I appreciate that Ministers must take advice and listen to their civil servants, but I hope that I have given enough evidence to show that the police need extra powers to seize vehicles, the owners of which have committed multiple offences of driving at outrageously dangerous speeds, and to tackle the problem. I greatly look forward to the Minister's response.

4.54 pm

**Mrs. Linda Riordan** (Halifax) (Lab): May I urge the Minister to seize the opportunity provided by the Road Safety Bill to address the problems of unidentified and untreated sleep disorders among drivers, as a means of improving road safety? The hon. Member for Carshalton and Wallington (Tom Brake) mentioned this issue earlier. The Bill, and the Department for Transport's "Tiredness kills" campaign, include welcome measures—the Secretary of State mentioned picnic areas—to address the problem of sleepiness in tired but otherwise healthy drivers.

However, those measures fail to educate or regulate the estimated 4 per cent. of the middle-aged population who suffer from the sleep disorder known as sleep apnoea, and who might be unaware that they have a medical condition, as such conditions are not checked for under the present licensing system. Sufferers of obstructive sleep apnoea have been shown to have a worse driving performance than healthy drivers who are over the alcohol limit.

A case study from the Sleep Apnoea Trust illustrates the problem. It states:

"For many years prior to my car accident there were periods during the day when I felt utterly exhausted. Unknown to me I was experiencing poor quality sleep every night and to an extent it was affecting my whole life. My ability to concentrate was poor. In August 1997 we had been out walking in the morning, had a light lunch (no alcohol), a further walk in the afternoon, and I was driving home when I apparently dozed off and next thing was that we hit a tree at about 60 mph. Fortunately, neither I nor my wife was seriously injured, although I was taken by ambulance to hospital with an aggravated spinal complaint.

The car following me up the hill was being driven by an off duty traffic policeman on holiday. Being first on the scene he checked for alcohol then asked several questions from which I subsequently realised (after diagnosis with sleep apnoea) that he was obviously familiar with the condition. Previous visits to my GP had not revealed anything untoward, it was put down to long and irregular hours (I suspect more than likely the general lack of understanding of the Sleep Apnoea condition)."

The prevalence of sleep disorders is significant and growing. As obesity is a contributory factor to OSA, the incidence of the disorder is likely to increase. The largest British survey to date of drivers of heavy goods vehicles studied 900 drivers over two years and found that one in six had severe OSA. It also found that one in three HGV drivers had moderate OSA. Awareness of sleep disorders among members of the public, drivers and employers of professional drivers is unacceptably low.

**Julie Morgan** (Cardiff, North) (Lab): I congratulate my hon. Friend on her work as chair of the all-party group on sleep disorders. This is an important issue. Does she agree that many drivers would hesitate to report the fact that they suffered from drowsiness because they would be afraid of losing their licence? They are probably not aware that this is a curable disease. Should not the Department for Transport and the Department of Health work together to publicise these issues?

**Mrs. Riordan** *rose—*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I am obliged to say to the hon. Lady that she really needs to direct her remarks to what might, in her view, be in the Bill that we are discussing. We cannot have a general discussion about sleep disorders. That would be more appropriate for another occasion, perhaps even an Adjournment debate. She must somehow relate what she is saying to the Bill, and not just by vaguely alluding to the fact that sleep disorders may cause road accidents. She must propose what might be done in the Bill to address the issue.

**Mrs. Riordan:** Thank you, Mr. Deputy Speaker; I do beg your pardon. I thank my hon. Friend for her intervention. I will cover the point that she raised later in my speech, as well as outlining what I would like to see in the Bill.

As I was saying, awareness of sleep disorders among members of the public, drivers and employers of professional drivers is unacceptably low, given the associated risks. Indeed, the Department is well aware of that. In 2004, an expert workshop convened by the Department for Transport on driving and medical aspects of excessive daytime sleepiness concluded:

"The key issue was how to address the undiagnosed, but potentially high-risk, driver with a sleep disorder . . . The major focus should be on identifying and treating unrecognised patients rather than just addressing the issue of driving in those already known to have OSA".

I am concerned that from the answers to parliamentary questions that I tabled in the autumn, it would appear that the DFT has not undertaken research into the medical status of individuals involved in sleep-related traffic accidents, nor kept a record of the number of accidents where a sleep disorder was a contributory factor. That suggests a fundamental gap.

**Tom Brake:** I hope it will be a helpful intervention if I suggest that sleep disorders are the sort of thing that the road accidents investigation board, which could form part of the Bill, could investigate.

**Mrs. Riordan:** I thank the hon. Gentleman for his intervention and agree with him.

Additionally, the licensing system needs to be more robust. Research undertaken by the Institute of Advanced Motorists and published in February 2006 found low awareness of the effects of medical conditions upon driving among occupational drivers and their employers. In a survey of 1,000 drivers in England, Wales, Scotland and Northern Ireland, seven out of 10 said that their employers neither offer nor require medical check-ups. It is also worth noting that although the symptoms of sleep disorders can be managed cheaply and effectively, enabling most drivers to return safely to driving, there is a failure to provide those medical services, which results in a disincentive to report to the DVLA.

**Mark Hunter** (Cheadle) (LD): The hon. Lady has raised a number of important points, but the key is surely that the Bill does nothing to address concerns about driver sleepiness as a result of the sleep disorders to which she has referred. Would the hon. Lady agree that a major disadvantage of the Bill is that it does not envisage strengthening the process of awarding licences or reviewing medical fitness to drive? Would she also agree that those issues need to be considered by the Department for Transport and that a regular review of medical fitness is required to deal with the problem?

**Mrs. Riordan** *rose—*

**Mr. Deputy Speaker:** Order. Both the hon. Members for Carshalton and Wallington (Tom Brake) and for Cheadle (Mark Hunter) have nobly tried to help the hon. Lady bridge the gap between the notes that she has prepared and the content of the Bill. I must urge her to take the escape route that is being offered to her in order to come to the point directly.

**Mrs. Riordan:** Thank you, Mr Deputy Speaker.

I agree with the hon. Gentleman, and I am asking the Minister to work more with other Departments to bridge the gaps so that drivers can feel safe to have medical checks and continue to drive.

It must be communicated to drivers who experience persistent sleepiness that in addition to the short-term measures outlined in the Bill, such as stopping at a safe rest area or drinking a high caffeine drink such as coffee, they may need to seek medical help to establish whether their sleepiness derives from a sleep disorder.

Secondly, the Department should take steps to inform drivers about sleep disorders and their responsibility to report any concerns they may have over their medical fitness to drive. The processes of awarding a driving licence and reviewing fitness to drive should be strengthened to increase the likelihood of sleep disorders being identified in drivers. Lastly, the DFT should collaborate with the Department of Health to ensure the speedy diagnosis and treatment of drivers with sleep disorders to help to remove the existing disincentive to report symptoms or to seek medical health.

5.4 pm

**Mr. Mark Harper** (Forest of Dean) (Con): When the Secretary of State opened the debate he pointed out that the national road safety figures were improving, which is welcome—but, unfortunately, in my constituency they are doing anything but that. Last year there were 20 road fatalities—about four times the national average—and this year, sadly, there have already been four deaths. It is only March, yet we are already approaching the national yearly average, so it would be gratifying if the number did not increase at all this year.

There is a mixture of reasons for those accidents. The coroner has not yet reported on many cases so we cannot talk about them, but in one accident involving young drivers the report has been made and the cause was drink-related excessive speed. My constituents were affected particularly by the prevalence of multiple fatalities, especially of younger drivers, and I shall discuss some of the remedies to prevent such accidents.

One good thing that came out of those tragedies was the good response of the local community. Mike Webb and Jimmy Martin, driving instructors and members of the Forest and Wye Valley Driving Instructors Association, have put together, in their own time, an excellent presentation, which they have been taking to schools in the area, to get through to youngsters the importance of safe and careful driving, to try to save lives. They have been working with the fire and rescue service, the police and the county council's road safety team.

I am pleased that the county council has targeted highway improvements in its budget plans for future years, to ensure that our roads are safer. Local authorities will be bidding for road safety grants from the Department for Transport and it is worth noting that there are some straightforward physical changes that can be made, especially in rural areas—for example, the proper installation of road drainage. In Gloucestershire county council's new contract, drainage will be a key performance indicator. It is important to make sure that there is no surface water on roads, as it appears to have been a factor in at least one of the casualties last year.

The Secretary of State mentioned the number of accidents that do not involve another vehicle. In my rural constituency, a number of fatalities occur when people lose control of their vehicle and hit a sizeable roadside tree. The county council is looking into the idea of cutting back trees, which will have several benefits. It will improve visibility, reduce ice cover—because the road will not be in shade—allow boundary features and road signs to be more visible, and provide more space for horse riders to get off the road if necessary. Neither measure—proper road cleaning or control of vegetation—would cost much. When we consider the financial costs of a road fatality, quite apart from anything else, such investment is sensible.

The Bill includes proposals for road safety grants, for which local authorities will bid and which the Department will award based on the road casualty figures and the quality of the local authority's casualty reduction plan. I welcome the proposal for the grants. My only plea to the Minister is that the application and assessment process should not be painful for local authorities, or require huge amounts of bureaucracy. Furthermore, given the variety of road safety performance and geographical area, as well as the nature of the road network, there should be significant local flexibility when assessing casualty reduction plans. After all, local people have a much better idea of what needs to be done to improve road safety in their area.

The hon. Member for Northampton, North (Ms Keeble) touched on the statistics about young drivers, noting that young men account for only about 4 per cent. of the driving population, but for more than 30 per cent. of dangerous driving convictions. It is clear from the various meetings that we had following road accidents in my constituency, with young drivers in particular, that we need to do more than provide education and training in the theory and practice of driving. We should bear in mind the attitudes that young males bring to driving. For one thing, they think that they are invincible; unfortunately, when they discover that they are not it is often too late, and they, or others, pay the price. There are also societal factors. Young men are influenced by, for instance, magazines that emphasise the attractiveness of speed. We need to combat such influences.

I am trying to persuade the emergency and education services in Gloucestershire to adopt a scheme that has been successful in Surrey, called Safe Drive Stay Alive. It was the idea of a Surrey firefighter, Rob Green, who was the victim of an accident caused by a speeding uninsured young driver. The Bill may help to prevent such accidents. The driver hit Rob Green and his wife when they were travelling on a motor cycle. Sadly, Mrs. Green was killed, and her husband lost both legs

*[Mr. Mark Harper]*

and suffered severe burns. When he returned to work, he developed the idea of a touring performance for young people approaching, and reaching, the legal driving age of 17. The first event was staged in Dorking. Groups of sixth-formers were bussed to a venue several times a day to see a production involving a filmed reconstruction of a genuine road accident in which a young person had been killed and others severely injured. The film used all the emergency services, and was shockingly realistic. I viewed it on a DVD with which I was supplied.

Following the screening, the audience was addressed by the emergency service personnel who had been involved in the original accident: the firefighter who cut the passengers free, the paramedic who was first on the scene, the doctor who pronounced the young person dead, the policeman who had to visit her parents, and the victim of another road accident who had ended up confined to a wheelchair. Apparently, the effect on the audience was profound. Subsequent research confirmed that the event had changed the young people's attitudes to driving, and made a noticeable difference to the way in which they conducted themselves.

As I have said, I am encouraging the relevant authorities in Gloucestershire to adopt that idea. I should like the Minister to think about it as well. If such programmes are bid for as part of the road safety grant arrangements, he may consider it appropriate to fund them.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman is right to suggest that we should target certain age groups with certain messages. The increasing prevalence of accidents among born-again bikers is often overlooked. They acquire very fast machines in middle age, and late middle age. A road in my constituency, between Ashby-de-la-Zouch and Rempstone, is a death trap. The number of accidents there is significant. Should we not target groups of that kind as well?

**Mr. Harper:** My point was not exclusive, but the statistics show a notable prevalence of casualties and convictions for dangerous driving among younger people. In my constituency last year, a significant number of such drivers were young. The hon. Gentleman makes a good point, however. All drivers need to think about the way in which they conduct themselves on the road. At many of our meetings following road accidents, many older and more experienced drivers were frank about the fact that they too might not have the right attitude to driving. They may have as much to learn as some younger drivers. Nevertheless, there is unmistakable evidence that young people account for a significant percentage of road accidents.

The pass plus course is one of the training opportunities for drivers, particularly new drivers. I have tabled some questions on that matter to the Minister, and raised it at oral questions. One of the things that I am thinking about is how to arrange things so that young drivers, in particular, see the benefit of undertaking such training. One of the blocks is that pass plus carries a financial cost. Sometimes, if a younger driver has just paid for driving lessons and is having to fund a car, taking other training is quite expensive. There is one obvious method to make that more affordable—providing young people with significant discounts on car insurance, which is a significant cost, as a result of having done pass plus or other training.

Many insurance companies offer discounts for pass plus, some of which can be quite significant—but that is not always the case. I have spoken to a number of young people in my constituency who have taken pass plus or other training courses. For example, Sarah Rudge, a 19-year-old from Mile End, and Jonathan Jones, an 18-year-old from Pope's Hill, recently took a Royal Society for the Prevention of Accidents course. I presented them with their certificates in my constituency office. I talked to them about what happened. They struggled to get improved insurance quotes, even though they had taken some training and demonstrated that they were careful drivers and approached driving with the right attitude.

If it is not possible for the Government to fund pass plus for younger drivers, perhaps they can have talks with the insurance industry to look at the evidence from drivers who have taken extra training to see whether it has had a significant effect on the safety of their driving. If it has, perhaps they could try to get the insurance industry to assess the risk properly when they offer quotes. That seems a good way to encourage increased take-up.

The insurance companies have an incentive to encourage safer driving, particularly with younger drivers. If people have accidents in which they are seriously injured, which stops them from being able to work and means that they need significant support throughout their life, it can be incredibly expensive. I have been given one example of a 22-year-old driver who attempted to overtake at high speed and had a serious accident. Considering the medical costs, the damages for injury, the modifications to his housing, the fact that he was not going to be able to work for the rest of his life, and the fact that his previous job had been modestly paid, the insurance company was looking at a total claim of £3 million. That may be exceptional, but in view of some of those factors, it is easy to see that the financial arrangements could be made to work in the right direction and encourage young people to become better trained and better qualified, and to approach driving with the right attitude. I urge the Minister to do that in conjunction with the insurance industry.

I did not intend to say anything about the proposal to tighten the penalties for causing death by careless driving, but one remark by my hon. Friend the Member for Epsom and Ewell (Chris Grayling) was worth elaborating on—his remark about what happens to drivers if they swerve to avoid an animal and cause a road accident and a death. In certain parts of my constituency, we have a significant deer population. The main roads through the forest are not fenced. A person can be driving perfectly safely and reduce their speed because they know deer are about—but deer, unlike some other animals, can give no warning. They can come out straight in front of the driver. They are of a significant size. The driver reacts. There is no time to think—it has happened to me; fortunately, there were no other vehicles in the vicinity. The driver swerves to avoid the animal and crosses to the other side of the road. At a different time, they could have caused a

serious road accident, although there would have been no intention to do so. The person would not have been driving dangerously. I would not want people in that situation to be criminalised and put in prison.

**Dr. Ladyman:** I should make it absolutely clear that the circumstances that the hon. Gentleman is describing would not generate a charge of causing death by careless driving, because such behaviour simply is not careless. Let us not create constructs that lead us to criticise this legislation for the wrong reasons.

**Mr. Harper:** I thank the Minister for that intervention, and I do not want to make too much of the issue. Some Members have focused today on what happens as a result of an accident, but however appalling such results are for the families concerned, in making law and setting penalties we have to consider the motivation and behaviour of the driver, regardless of the consequences.

**Mrs. James:** Like many Members present today, I have several high-profile cases in my constituency involving young people who lost their lives. I appreciate what the hon. Gentleman is saying, but I cannot let it pass. In the past year, three young people—Lesley-Ann Morgan, her fiancé and a friend—lost their lives in a very serious crash in my constituency when returning from a happy family evening. The wedding of Lesley-Ann and her fiancé had been soon to take place; now they are buried next to each other. Although their families have received a lot of support, they remain greatly concerned about the sentence handed out. The two young men in question, who were racing at speeds in excess of 70 mph in a 30 mph zone, could have been sentenced to 22 years imprisonment. We should never think that the families' feelings should not take precedence.

**Mr. Harper:** I take that point, and it is clear that in such cases the right offence for someone to be charged with is dangerous driving, which addresses the question of intent. The hon. Member for Bolton, South-East (Dr. Iddon) mentioned similar cases in his constituency, and his complaint seemed primarily to be about the sentences that the courts had chosen to impose. I do not know the details of those cases, but if the complaint is the sentences being chosen, giving the courts more options will not solve the problem, bearing in mind the fact that they are not taking up the options that they already have. The Crown Prosecution Service could perhaps do with some guidance in that regard.

I welcome the fact that the Bill will allow an alternative verdict to that of manslaughter in cases where such a charge is brought; that is a sensible move. We should encourage the prosecuting authorities not simply to go for the easiest charge, for which they know they will secure a conviction. If they genuinely think that the circumstances merit the higher charge of causing death by dangerous driving, they should prosecute on that, rather than going for the easier charge. That would go a long way towards dealing with the admittedly tragic cases in which the CPS should have brought a charge of dangerous driving, but chose a different charge.

My hon. Friend the Member for Epsom and Ewell also touched on enforcement. Unless there are sufficient traffic policemen to enforce offences, there is little point in having them. Speeding is a case in point. The cause of accidents in rural constituencies such as mine is often not speeding per se, but driving at inappropriate speeds. In other words, even if people are driving well within the speed limit, if they are approaching a bend, or there is poor visibility or dangerous weather conditions, they could still be driving inappropriately fast for the conditions. We can deal with that problem only if sufficient traffic officers are available to catch such people and advise them, or to take other action. Regardless of how many speed cameras there are, they are suitable only for catching people exceeding the speed limit. In many cases, driving at the speed limit is very dangerous, and we need to catch such people. That is not going to happen unless we have sufficient enforcement.

The hon. Member for Carshalton and Wallington (Tom Brake) and my right hon. Friend the Member for East Yorkshire (Mr. Knight) mentioned making first aid training part of the driving test. The other aspect of an early response to accidents is ambulance response times, which will never be as quick in rural areas as they are in urban areas, even when the system is working well. We have had some very slow ambulance response times, which I have taken up with the Minister's colleagues. An initial speedy response is important, and it is worth considering how we could build first aid training into the driving test. We could also consider how we could encourage all drivers to be more skilled in that area, without making it compulsory.

I, too, have found from observing the reaction of drivers as they are triggered, that vehicle-activated warning signs have been effective. The signs appear to have the desired effect and could be made more flexible. For example, my right hon. Friend suggested that the limits could be variable on busy roads and according to the weather conditions. Such signs are often better than speed cameras, and I commend them to the Minister.

I welcome the Bill, although it can be improved. I hope that the Minister will take on board the comments that I have made—I am sure that my hon. Friend the Member for North Shropshire (Mr. Paterson) will do so—and make improvements to make it an even better Bill.

5.27 pm

**Sir Peter Soulsby** (Leicester, South) (Lab): It is clear from contributions by right hon. and hon. Members on both sides that there is broad consensus on the majority of the Bill. However, as was evident from the contribution by the hon. Member for Epsom and Ewell (Chris Grayling), which has been echoed to some extent by the hon. Member for Forest of Dean (Mr. Harper), there are significant differences of opinion about the need for a specific new offence of causing death by careless driving and a potential punishment of imprisonment for up to five years.

I shall concentrate on that issue, but before doing so I pay tribute, as others have, to my hon. Friend the Member for Northampton, North (Ms Keeble), who has campaigned on it for a considerable time. She rightly drew attention to the feelings of the families and friends of people killed by those subsequently convicted of careless driving but who escaped appropriate penalties. The families and friends feel burning resentment at such sentences, and understandably so.

*[Sir Peter Soulsby]*

I shall follow the example of my hon. Friend the Member for Bolton, South-East (Dr. Iddon), who told us of cases in his constituency. I wish to draw attention to a particular case from mine because to some extent it forms a response to the remarks of the hon. Member for Forest of Dean by pointing up the gap between the present offences of dangerous driving and careless driving, and the penalties associated with them. The case illustrates why that gap must be filled.

On the afternoon of 12 June 2004, 12-year-old Callum Deacon, from the Saffron lane area of my constituency, was out on his bike with friends in Asquith way. He was hit and, tragically, killed by a speeding motorcyclist. Significantly, the motorcyclist did not brake immediately, but carried on for a few hundred yards. Because he did not brake, there were no skid marks, so it was not possible to tell definitively at what speed he had been travelling.

Incidentally, I was encouraged by the remarks from my hon. Friend the Member for North-West Leicestershire (David Taylor) about the dangers associated with motorbikes. In our consideration of the Bill, we are right to focus not only on cars, but on motorbikes and to recognise the dangers for those who ride or are hit by them. Callum's body was catapulted 40 yd down the road, so we can well imagine at what speed that motor cyclist must have been going, but it was apparently impossible to prove his speed satisfactorily for the benefit of the courts to ensure a conviction for dangerous driving. The driver admitted careless driving, as he had not braked, but because there were no skid marks and because his speed could not be determined precisely, the judge very reluctantly—he expressed his dissatisfaction at having to do this—had no alternative but to rule that there was insufficient evidence to convict for dangerous driving, although that had been the charge.

As a result of the inability to convict for dangerous driving, the motor cyclist, who had admitted careless driving, was fined £2,000 and given a few points on his licence. To my mind and those of many hon. Members, that penalty was derisory. It is not surprising that Callum's parents, Mandy and Ivan, who had to wait 20 months for that verdict, described it as an insult to his memory. Of course, they know, as we all know, that nothing can bring Callum back, but they have, very much to their credit, actively campaigned to ensure that drivers who cause death by careless driving receive an appropriate prison sentence in future.

**Mr. Harper:** I am listening very carefully, and the hon. Gentleman says that the difficulty of assembling evidence was the reason for sentence imposed in that case. If the motor cyclist was charged with causing death by careless driving, given the difficulties with the evidence and proving the speed and so forth, he would not be given a prison sentence, because the judge would not consider that he had the necessary evidence in front of him. The danger is that we may hold out the promise of something that simply will not happen. If the evidence had existed, we would not need the new charge, because the motor cyclist could have been convicted of dangerous driving.

**Sir Peter Soulsby:** It is important to remember that the defendant admitted careless driving, and it was very clear, too, that the judge was most dissatisfied by the gap that existed between the maximum penalty that he could impose for the admitted offence of careless driving and the very high hurdle for dangerous driving, which he had been unable to establish. That gap is significant, and the Bill sets out to fill it.

As I have said, Callum's parents know that nothing can bring him back, but their campaign has been actively supported by the community in the Saffron lane area and by the *Leicester Mercury*. The right hon. Member for East Yorkshire (Mr. Knight), who has some connections with Leicester, paid tribute to that paper earlier, and I do the same: it is has actively campaigned on behalf of Callum's memory, and its headline, "Insult to our boy's memory", is very much a reflection of local feeling on the issue. As is typical of the *Leicester Mercury*, it very much reflects the community that it serves.

**David Taylor:** My hon. Friend's constituency almost neighbours mine. Yes, the *Leicester Mercury* has an excellent record of campaigning on such tragic events. The Weir family of Donisthorpe in North-West Leicestershire, whose teenage son, a pedestrian, was killed late at night by a lorry driver who died of a heart attack some weeks later, were unable to get to the bottom of the evidence because of the lack of a charge. They will never know precisely and unambiguously what happened, because the inquest procedure was inadequate. They would certainly love to see such an offence on the statute book, although it will do nothing to ease their hurt.

**Sir Peter Soulsby:** That example—right hon. and hon. Members could no doubt give others—adequately illustrates the gap in the law and, I believe, the overwhelming public support there will be for the provision when the Bill is enacted, as I hope it will be.

To digress, I welcome the Secretary of State's remarks. In addition to strengthening legislation, he drew attention to the need for the courts to take seriously—certainly far more seriously than they appear to do on occasion—the causing of death by driving motor vehicles, whether it is by driving dangerously or, as the Bill provides, by driving carelessly.

I welcome the proposals to toughen the range of penalties for careless driving. I hope that it will be possible in Committee to consider toughening the penalties still further. I know that Callum's parents would agree that the sooner the Bill is enacted and implemented, the better. From the experience of other hon. Members and the examples given, I know that, like me, many people disagree fundamentally with the hon. Members for Forest of Dean and for Epsom and Ewell. There is a need to fill the gap.

**Tom Brake:** I thank the hon. Gentleman for letting me have the opportunity to put on the record the position of the Liberal Democrats on death by careless driving. I hope he agrees that it should be possible in Committee to provide sufficient clarity for those of us who are not opposed in principle to the offence so that we can support the Government's position.

**Sir Peter Soulsby:** I welcome that contribution. Concerns can be addressed in Committee. No doubt hon. Members who serve on it will want to return to the subject to ensure that they are.

Callum's death is by no means unique or, I suggest, unusual. It is one of many cases in which justice has been denied to the friends and relatives of those killed by careless drivers. There have been far too many such cases. With some exceptions, the majority of right hon. and hon. Members will agree that we should quickly ensure that his death is one of the last cases when those who are guilty appear to escape proper punishment because of an unacceptable gap in the law.

5.37 pm

**Mr. Peter Bone** (Wellingborough) (Con): It is a great pleasure to follow the hon. Member for Leicester, South (Sir Peter Soulsby), who spoke on the very subject that I want to talk about. After five hours of debate, I am glad that we have returned to that important issue. I also very much welcome the agreement between Front-Bench spokesman to move forward so that we find the right law to deal with the problem. The Government should be congratulated on introducing the Bill, but it needs improvement.

I want to talk specifically about what has become known in my constituency as Alexine's law. Alexine's parents and family have taken a close interest in today's proceedings. There is a huge gap in the law between careless driving and causing death by dangerous driving. Let me spell it out: as the law stands, if someone pleads guilty to careless driving, the maximum punishment is a £2,500 fine and discretionary disqualification; the maximum punishment on conviction of causing death by dangerous driving is 14 years' imprisonment, an unlimited fine and mandatory disqualification.

One problem with the current law is that the police and the Crown Prosecution Service are likely to accept a plea of guilty for the offence of careless driving to be sure of a conviction—the very point that the hon. Gentleman made. In many of those cases, they should push for the offence of causing death by dangerous driving. However, that means that more evidence has to be gathered and more work done, and there is a chance that the defendant will be found not guilty. That is why we absolutely need something in between. It is not acceptable for someone to take another's life, even if unintentionally, then plead guilty to careless driving in the knowledge that they will escape with just a fine. Off the record, the police say that the best way to murder someone is with a car, as the penalties are not very high, even if the perpetrator is caught. Such a statement may appear ludicrous in the light of the picture that I have painted but, sadly, it is the truth. I thank the Under-Secretary of State for the Home Department, the hon. Member for Slough (Fiona Mactaggart), for the help that she has provided on the issue of causing death by dangerous driving. She has provided me with informative advice through letters and meetings, and I am grateful. I pay tribute, too, to Brigitte Chaudhry of RoadPeace who, with her colleagues, has worked hard to highlight the gap in the law.

As secretary of the associate parliamentary group for justice for road traffic victims I have met and listened to the victims' families. I have been told of extremely sad and tragic cases in which young people have been killed, yet their killers have escaped with just a small fine because it is easier for the courts to prosecute someone who pleads guilty to careless driving than find the evidence to prosecute someone for causing death by dangerous driving. There are obvious budgetary pressures on the Crown Prosecution Service as well.

I became aware of the huge gap between careless driving and the offence of causing death by dangerous driving when my predecessor, together with our excellent local newspaper, *The Evening Telegraph*, campaigned for a new law and a new offence of causing death by careless driving. On 7 June 2004, 17-year-old Alexine Melnik was tragically killed in a road traffic accident. Alexine, whose parents live in Rushden in my constituency, had her whole life to look forward to, but it was cut short. The person driving the car that caused the crash pleaded guilty to careless driving. He was given a £500 fine and he kept his licence; 17-year-old Alexine lost her life. Alexine was returning from Great Yarmouth as a passenger in a car travelling on an A road on a hot, sunny afternoon. Her car was hit from behind—both cars were travelling at a speed of about 50 mph—and was knocked into the oncoming traffic. She lost her life, but the driver who caused the crash could not remember what had happened. He had been up since 4.30 am, and many people would conclude that he had fallen asleep at the wheel. There is clearly a case for stronger prosecution in such cases. It is not acceptable for lawyers in the House to say that there are sufficient laws in place, as those laws are not used. There is a gap, and we need to fill it.

Alexine's family has been campaigning since her death for a change in the law so that a new offence of causing death by careless driving that attracts a custodial sentence can be introduced. As I said, the campaign is known locally as Alexine's law in remembrance of Alexine Melnik. If that law is introduced, although it will not bring her back, it will certainly mean that she did not die in vain. Mr. and Mrs. Peter Melnik and their family have campaigned tirelessly to raise the issue, and last March Mr. Melnik gave evidence when the previous Road Safety Bill was in Committee. The dedicated campaigning of the Melnik family and other families across the country who have been sadly affected by the gap in the law has made a genuine difference. It is their hard work, borne out of the tragedies that they have suffered, that has highlighted the issue to the Government and to Parliament. No one who heard Mr. Melnik's evidence could fail to be impressed by his integrity and determination to seek justice for families who have lost loved ones as a result of other people's bad driving. One can only marvel at the courage that Mr. Melnik and his family have shown.

As a result of lobbying by road safety groups and affected families, the Home Office carried out a consultation exercise entitled "Review of Road Traffic Offences Involving Bad Driving". I believe that it is right that the views of the public are sought before elected representatives make decisions. In fact, I have been running a campaign called "Listening to Wellingborough and Rushden" since 2001. I felt that politicians of all parties had become a little arrogant and out of touch, and that they were happier to preach to people than to listen to them.

*[Mr. Peter Bone]*

My campaign seeks the views of local people, groups and organisations, and then campaigns for change on their behalf. As part of the campaign, I contacted many people to make them aware of the Home Office's consultation, and urged them to submit responses in favour of the creation of a new offence of causing death by careless driving.

The response was huge, with people from all political parties supporting a change in the law. In my response to the consultation, I stated that I felt it was imperative that the new offence of causing death by careless driving needed to be created. I also said that people so convicted should face heftier punishment, which should include a prison sentence.

There are two reasons for that, and the first is that a tougher penalty will act as a deterrent. As Mr. Melnick said:

"We have a duty of care to others when we take to the wheel of a care. We cannot wash our hands of that responsibility when things go wrong and the outcome doesn't suit. If we are put through the pain and anguish of a proper and intensive investigation in order to establish . . . an understanding of what happened, I contend most people would consider it to be a minor inconvenience when compared to the trauma and finality of death.

We are a civilised society and one of the cornerstones of it is the value and respect for human life. Just because we drive a car doesn't absolve us of the responsibility to uphold that value."

Secondly, the new penalty will give the victim's family a sense of justice. Although a life cannot be brought back, a small fine imposed by the courts is no justice for a family who have lost a love one because of bad driving. I was pleased when the Minister of State intervened earlier to make it clear that, with this Bill, we are talking about bad driving, not about people who suffer a lapse of concentration or who swerve to avoid a deer in the road. They will not be prosecuted, but at the moment those who drive badly get away almost scot-free.

I have raised this issue on many occasions in Parliament. In my maiden speech, I stated that I would do all in my power to bridge the existing gap in the law. I have addressed two oral questions to the Prime Minister, and several written questions to the Home Secretary. I was very pleased that, as a result of the Home Office consultation and the pressure brought to bear by MPs and the public, including Mr. Melnik, the Government introduced a new offence of causing death by careless driving in the Road Safety Bill.

The provisions of the new law would have given the courts the option of handing down a custodial sentence of up to five years for someone found guilty of causing death by careless driving. That was a major step forward in closing the gap between the offences and the punishments of careless driving and causing death by dangerous driving.

There is well documented opposition to the heftier punishments associated with the new offence. Members of the legal profession have concerns about a custodial sentence because of the issue of intent. There are also concerns that a custodial sentence could be given when a person has committed an unintentional act rather than a deliberate one. Some people say that no one gets into a car with the intention of killing someone, but I believe that the courts should be allowed to decide whether to dole out the maximum penalty on conviction.

It may be that, in most cases, a prison sentence of five years is not appropriate, but we need to give the courts the option of deciding whether it is. They need the widest discretion, after hearing all the facts and evidence. We are always hearing from the judiciary that the Government dictate what they can and cannot do, but this Bill gives us an opportunity to give the courts the option of different punishments.

When the House of Lords considered the Bill, it voted against a custodial sentence being handed out in a magistrates court, but the vote was very close. It was still in favour of the option of a custodial sentence if someone was convicted in a Crown court. I reiterate my belief that we should give both courts the option of different punishments. That includes a custodial sentence to be handed out on conviction. I urge the Government to adopt the right course of action and reverse the decision made in the House of Lords. I believe that the Secretary of State gave that assurance earlier.

I would like the new offence of causing death by careless driving and the maximum sentence of five years' imprisonment to be part of the Bill. My main fear is that if the Bill is left as it stands, people will plead guilty to careless driving in the hope that their case will be heard in a magistrates court, where there is no chance that they will receive a custodial sentence. That would still result in a weakening of the law because defendants would know that if they pleaded guilty to careless driving, they could get off with a punishment that was much less severe than the one that they deserved. Given the tragic and sad stories that I have heard as secretary of the all-party group on road traffic victims, that is just not acceptable. I urge the House to give the courts—both Crown and magistrates—the opportunity to impose a custodial sentence following a conviction for careless driving when a death has occurred.

I congratulate the Government on listening to the concerns of victims of road accidents and the House of Lords on introducing the new offence of causing death by careless driving. The new law needs to be considered in detail in Committee. It is very encouraging that Parliament is working as it should. Both sides have concerns, but want to move things forward. I hope that Alexine's law passes on to the statute book as quickly as possible.

5.51 pm

**Mr. Owen Paterson** (North Shropshire) (Con): It is a great pleasure to follow my hon. Friend the Member for Wellingborough (Mr. Bone), who has campaigned on road safety since he came to Parliament, following the example of his predecessor. I will turn to his points a little later.

We should remember that in 2004, 3,221 people were killed on the roads—just under nine a day—and there were 280,840 casualties. If that number of people were killed on our railways, aeroplanes or ferries, there would be a national outcry and the issue would take over the press for weeks. If that number of people were killed in Iraq, there would be a similar response. However, that carnage takes places on our streets, outside our homes and in our country lanes and, for some strange reason, there does not seem to be a sense of national anger. The debate has been constructive and this is an instance of

when politicians must take a lead and make tough, and sometimes unpopular, decisions in the interests of the whole community.

The Opposition welcome much of the Bill as a genuine attempt to reduce the slaughter on the roads and will take a constructive and, we hope, helpful stance in Committee. Although we extend that broad welcome to the Bill, we feel that it could be improved and will aim to achieve that wherever possible. It could be more imaginative and, in places, tougher. In seeking to achieve that aim, we hold it as profoundly essential that the number of tragedies on the road is reduced. We have heard numerous cases from hon. Members on both sides of the House. Tragedy is an apt word, because behind the crude statistics, human beings are dying, often in horrendous circumstances. That should be no one's fate and we should wish it on no one—and no driver wishes it on anyone.

There was a terrible story last Christmas involving the death of a 16-year-old girl who was thrown from a car that was being driven by her brother when it collided with another vehicle in Oxfordshire. One cannot begin to imagine the grief of the parents who have to live with that every day. In February, three people from one family died after their car came off the road and plunged into a nearby river. Last December, just a mile from that scene, a father and a seven-year-old also died. The local constable Mick McCready said:

"When you have just dragged three people out of a river, you want to find a way of stopping road accidents."

That is what we have been trying to discuss constructively this afternoon.

The problem involves huge numbers of people. The Minister has answered parliamentary questions that I have tabled. In 2004, there were 34.27 million substantive licence holders driving 25.75 million cars, 2.9 million vans and 434,000 lorries between them. It is pertinent to some of the clauses of which we strongly approve that the number of foreign-registered vehicles leaving the UK has rocketed from 671,000 in 1997 to 1,595,000 in 2004.

We welcome measures in the Bill that bear down on serial offenders and some hard core offenders on matters such as driving uninsured vehicles. I pay tribute to my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) for his powerful and clearly argued speech on a problem of which I was unaware. I hope that in Committee we and the Minister can agree on amendments that would resolve such an extraordinary problem and that would have the support of a number of police forces.

As the answers to the parliamentary questions showed, the sheer number of drivers and vehicles requires drivers' co-operation and collaboration with the authorities in order to improve road safety. With such large numbers, coercion will not work. I entirely agree with my right hon. Friend the Member for East Yorkshire (Mr. Knight) who, in a long and detailed speech, argued that we need flexibility. We wholeheartedly approve of the proposals for flexibility on points, for example.

However, there are profound differences in the way in which we believe road safety should be approached in order to achieve our common objective. In some ways, the Bill is a wasted opportunity. In some respects it does not go far enough, and it fails to take a holistic view of the problem. There should be a change of attitude in the way that we deal with road safety. To achieve the aim of reduced casualties requires a partnership not just between the enforcement agencies and road safety professionals, but with all road users, especially drivers. Road safety should not be an "us" and "them" problem, with one group aspiring to impose duties and obligations on another. It should be a shared enterprise.

That is where parts of the Bill are wrong. It follows a long line of legislation adding to the number of controls imposed on drivers and adding to the penalties. In this context, the vexed question of speed cameras arises. Ten years ago there were 200,000 speeding fines. That number increased to 2 million last year, bringing in more than £114 million. All those revenues should be spent on road safety improvements. Whatever our opinions on the use of speed cameras, they have caused ill-will outside the House and are widely perceived as revenue-raising devices, not road safety devices. By resorting to a combination of draconian law and indiscriminate enforcement, there is a risk that we are losing the hearts and minds of drivers, when we need their co-operation to help improve road safety.

I have seen reports that 1 million drivers have six or more points on their licence. It was very honest of the hon. Member for Glasgow, South (Mr. Harris) to admit that he was one of them. Those drivers are, on the whole, law-abiding, hard-working people trying to go about their daily business, who have been caught. I should declare that my wife gave me a GPS device which tells me where cameras are. Unlike the hon. Gentleman, I am in the happy position of not having any points—touch wood. I believe that the device has made me drive better. Can the Minister clarify that devices that show where cameras are positioned will continue to be allowed?

**Dr. Ladyman:** Such devices will continue to be perfectly legal. I have one myself.

**Mr. Paterson:** I am delighted at the cross-party consensus. We agree with the Government that devices that jam detection devices should be banned. We all have detectors in the front of our head. They are called eyes. The more devices there are to tell us where cameras are, the better. We want people to drive at the right speed and within the law.

In 1829, Peel stated:

"Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public."

I am worried that we will be at risk of losing respect for the law and voluntary observance if we have too much unfocused regulation. The resort must sometimes be to the stick, but it must also be to the carrot, and there is not much carrot in the Bill.

On the stick, we will seek in Committee to toughen penalties still further. My hon. Friend the Member for Epsom and Ewell (Chris Grayling) mentioned level crossings. Incredibly, the *Shropshire Star* has reported that in 2005, as I think he mentioned,

"73 offences were reported involving motorists ignoring the red flashing lights, driving over the crossing, zigzagging across as the barriers are in the process of lowering and even colliding with lowered barriers."

*[Mr. Paterson]*

Sadly, some of the incidents occurred in Wem, in my constituency. That is completely insane, idiotic and stupid behaviour, and the Opposition will table amendments to toughen up on people who break rules on level crossings.

The hon. Member for Bolton, South-East (Dr. Iddon) mentioned a terrible hit-and-run tragedy. Again, we will be looking for greater penalties for those who leave the scene of an accident in which an injury has occurred before the emergency services arrive. As my hon. Friend the Member for Epsom and Ewell said, there is currently an incentive for someone who might be over the alcohol limit to drive away from an incident as fast as possible to give himself time to sober up. The hon. Member for Bolton, South-East raised a valid point: we must bring in tougher measures on hit-and-run drivers, who I think form part of the small hardcore that I mentioned earlier.

Careless driving was mentioned by the hon. Members for Northampton, North (Ms Keeble) and for Leicester, South (Sir Peter Soulsby), and by my hon. Friend the Member for Wellingborough, who has done so much on this matter. He mentioned the terrible case of Alexine Melnik. The Opposition have been open about the fact that we have reservations about clause 20 as it stands, although we welcome clause 33. We will discuss the provisions in detail in Committee. I discussed the concerns briefly with my hon. Friend prior to the debate. As I understand it, in the Alexine Melnik case, the driver—they may or may not have gone to sleep—who drove into the back of the car in which she was a passenger, driving her into the path of an on-coming vehicle, had been up and working since 4.30 that morning.

We will look hard at the problem in coming days and produce our own amendments, but I will be interested to hear the Minister's comments on the following. I have a definition of manslaughter from "Webster's" dictionary:

> "The unlawful killing of a man, either in negligence or incidentally to the commission of some unlawful act, but without specific malice, or upon a sudden excitement of anger."

"Archbold" gives a definition of dangerous driving that has two requirements:

> "The way he drives falls far below what would be expected of a competent and careful driver"

and

> "It would be obvious to a competent and careful driver that driving that way would be dangerous."

As a layman, it seems to me that getting up at 4.30 in the morning and working all day, apparently without a break—I am obviously not au fait with all the details—is not behaviour that conforms to that of a competent and careful driver. I hope that the Minister will comment on whether a route forward might be to look at the laws of manslaughter and dangerous driving and see whether they can be enforced in a more effective manner.

Our concern is that clause 20 as it stands hangs on the effect of the offence. If the person who was struck in an accident was a strong and fit middle-aged man, the incident happened in a town and the ambulance arrived within a few minutes and he was quickly taken to hospital, he could survive. In a rural area such as mine or the Forest of Dean, where an ambulance cannot be expected to attend within minutes—I think that the minimum in my area is 18 minutes—and the person involved is elderly and not terribly fit, exactly the same impact could cause a death. In one case, the circumstances would not lead to prosecution for death by careless driving, and in the other they would. I endorse the comment by my hon. Friend the Member for Epsom and Ewell that we must examine the issue of severe injury.

**Dr. Iddon:** I have cited the Haque case, which went from arrest on suspicion of manslaughter through the Crown court, where the charge of dangerous driving was dismissed, and ended recently with an acquittal in Chorley magistrates court. I have discussed that matter with the Crown Prosecution Service, which referred to the Kondeh Conteh appeal case. Kondeh Conteh was a man who was found guilty of causing death by dangerous driving and who got off in the Court of Appeal, where it was stated that the case did not meet the threshold for dangerous driving. The definition is difficult to interpret, and the precedent set by such cases has caused problems.

**Mr. Paterson:** That intervention is helpful. Perhaps we can examine the definition of dangerous driving, which carries a maximum sentence of 14 years, to see whether we can plug that gap. Hon. Members on both sides of the House have raised examples, and there is clearly a problem.

We are concerned in principle that the sentence will depend on the effect of the action, which could be capricious. As I have said, a fit young man hit at 30 mph in a town might survive because of an effective intervention—a doctor or nurse might be nearby or the ambulance might be very quick—but the same impact would kill a person in the country. In such cases, someone will go to jail and someone will not.

**Ms Keeble:** When a stabbing takes place, the victim might or might not die, which determines what the perpetrator is charged with. We are considering the degree of care exercised in driving and the level of culpability, which is the difference between dangerous driving and careless driving. The problem is that the gap between dangerous driving and minor traffic offences is too great.

**Mr. Paterson:** I am grateful for that comment, but I am not sure whether the hon. Lady has answered my point. We acknowledge the existence of a problem, which we intend to address. We should probably move on from that point, because we intend to discuss the matter in detail in Committee. If a fit young man were hit by a car in a town as a result of dangerous driving, the impact may not kill them, but if they were hit in the country, where ambulances take longer to arrive, the offence would be triggered.

**Ms Keeble:** Like the hon. Gentleman, I read that point in the briefing. Whether a person is killed as a result of an offence depends on a series of issues, including their level of health, and the charge is determined by that outcome, so I am not sure whether his point holds.

**Mr. Paterson:** The hon. Lady probably wants to include serious injuries, too.

**Ms Keeble** *rose—*

**Mr. Paterson:** I will move on, because we will discuss the matter in detail in Committee. We have concerns about clause 20, which we want to discuss, but we acknowledge the existence of the problem and want to find a solution. We are not convinced that clause 20 is right, and we will table amendments that will hopefully lead to a constructive debate in Committee.

The hon. Member for Glasgow, South touched on 20 mph limits. Picking up on the comments by my right hon. Friend the Member for East Yorkshire, we agree that there should be various speed limits and greater flexibility. I, too, have been impressed by the impact of self-illuminating signs that are triggered by vehicle movement, and I like the suggestion that more of those signs should be erected near schools. It is worth remembering that 70 per cent. of all accidents involving injury occur in urban areas.

Fifty per cent. of deaths and injuries on roads occur on main roads, and many of those accidents are caused by car drivers overtaking lorries and creating head-on collisions. We should like to discuss raising the maximum speed for lorries on unrestricted single carriageway roads from 40 mph to 50 mph. That would lead to serious environmental gains. Moreover, it is ridiculous that modern lorries have to grind along in a lower gear given the new braking and suspension systems. There would be a safety gain because frustrated drivers would not be provoked to overtake at inappropriate moments.

**Mr. Tom Harris:** Might not that increase the likelihood of accidents? Car drivers will still inevitably want to overtake, but they will be given far less time to do so because the vehicle that they are overtaking is going faster, leaving a much smaller window of opportunity.

**Mr. Paterson:** There is a sporting chance that the hon. Gentleman will get on to the Committee, and we can discuss this in some detail. I do not agree with him. I think that holding lorries back to 40 mph is frustrating for car drivers. The figures are pretty dramatic. As I said, 50 per cent. of deaths and injuries occur on main roads, and many of those involve head-on collisions.

We are looking to toughen up our amendment on reflective markings. That would be very effective. Forty-five per cent. of all fatalities occur at night. The hon. Member for Carshalton and Wallington (Tom Brake) referred to the evidence from the University of Darmstadt that 37 per cent. of all side collisions occur because trucks were seen too late. The cost of reflective markings—about £100 to £150—is trivial compared with that of a new truck, which is worth £100,000 to £150,000.

My hon. Friend the Member for Ilford, North (Mr. Scott) mentioned rudimentary first aid training. We are strongly in favour of introducing that in the theory part of the driving test. More than half of all road accident casualties occur before the emergency services arrive, so the actions of bystanders are vital. Research by Hussain and Redmond in 1994 showed that up to 85 per cent. of preventable pre-hospital deaths involve factors such as a blocked airway that could be avoided if people at the scene knew rudimentary first aid. According to the Red Cross, a person with his airway blocked will probably take about four minutes to die. That is far too short a time for an ambulance to arrive. All that one has to do, apparently, is to tilt the person's head backwards, although I am no medic—I would not wish anyone to find me around at the time of an accident.

Drivers under the age of 29 make up more than a third of those involved in accidents, and drivers between the ages of 17 and 20 are six times more likely than a driver over 40 to be involved in a collision that causes injury. It is interesting that some of the new EU countries—Slovakia, Slovenia, Latvia and Estonia—have practical first aid tests as part of the process of learning to drive. We support proposals to make a few simple changes to the theory test that would impart vital life-saving skills and be of real benefit.

My hon. Friend the Member for Forest of Dean (Mr. Harper) made some excellent points about young drivers. The hon. Member for Ellesmere Port and Neston (Andrew Miller) touched on the good work that is done by the Institute of Advanced Motorists. We would like to discuss the idea of having different tiers of licence and different tests so that there is, in effect, a graduation process. It is somewhat irrational that we allow young people, who have probably taken a few driving lessons and passed their test having had experience only in towns, to be suddenly let loose on motorways, with no limit on the horsepower of the car. As the institute says, there would be real benefits in people continuing to develop their driving skills after passing the basic test. It is well worth pursuing discussions with the insurance industry to see whether that would have a financial bite. As the Secretary of State said, people might be more inclined to take it up if there is a financial gain. We would therefore like to pursue that in Committee.

We are not happy about the way in which the Bill treats training as an alternative to punishment. We believe that that is psychologically wrong. Driving should be perceived as a progression and people should be encouraged to take driving courses voluntarily. The psychology of making it an alternative to punishment is not quite right and we would like to discuss the matter further.

**Andrew Miller:** The hon. Gentleman may be interested to learn that, in Cheshire, the police have employed such a practice for a long time. Young drivers who experience minor incidents such as small bumps, in which nobody is hurt, and may have been prosecuted for a road traffic offence, are given the option of going on some driving awareness courses. That is a good idea.

**Mr. Paterson:** That is a helpful intervention. Any sort of training or driving course is a good idea. However, it should not be viewed as a punishment, but a sensible action and a progression from the basic test. It should be like getting scout badges, with the benefit of reduced insurance. However, that is the sort of detail that we could discuss further in Committee. Looking at the clock, I see that I am beginning to run out of road, but I should like to make a couple of other points.

*[Mr. Paterson]*

The prohibition on the use of hand-held mobile phones while stationary in a traffic jam is absurd and we would like to raise that in Committee. There are safety gains to allowing people to use their phones in such circumstances. For example, a carer for an elderly person or a young child waiting to be picked up at school may need to be contacted or make contact. If the car is stationary with the hand brake on, or if it is in park, I do not understand why the phone should not be used.

Motor cyclists should be allowed to use bus lanes. I do not understand why they would interfere with their function for buses. We would like to probe that in Committee.

We are behind the Government in trying to improve road safety and we will co-operate in every way to introduce sensible and workable provisions. However, we want to improve the Bill. We will try to toughen some aspects and restore the balance in road safety regulation to ensure that ordinary people who happen to drive cars are fully engaged and committed to and co-operative in the urgent and vital task of reducing the carnage on our roads.

6.17 pm

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** It is good to follow the hon. Member for North Shropshire (Mr. Paterson). From his tone and his description of the way in which Conservative Members will handle the Bill, we can all look forward to an enjoyable and constructive Committee stage. I suspect from the comments this afternoon that we will spend more time in Committee discussing the things that are not in the Bill than those that are. However, we must wait and see.

One day, I may write a book on parliamentary strategy. If I do, I shall dedicate a chapter to the tactics that the Opposition have to adopt when they agree with the Government. It is not the Opposition's job to agree with us or give us an easy ride. Broadly, they have three strategies. The first is the missed opportunity strategy, whereby they accuse us of not doing a pile of things that we could have done. The second is the Trojan horse strategy—suggesting that we intend to do something that we have not included in the Bill. The third is the devil-in-the-detail strategy, whereby they say that they will explore the measure with us in Committee. All three were thoroughly deployed this afternoon. The Liberal Democrats have a fourth strategy, which is to say that every argument has two sides and they agree with both.

Before I deal with specific points, let me start with the comments of the hon. Member for Epsom and Ewell (Chris Grayling). He made some sensible points but appeared to try to build a case that the thrust of the Bill was not where it should be—on the hard-core offender. He gave a series of examples of actions that are clearly against the law now. The problem is not to make them against the law because they are already illegal, but enforcing the law. The Government share the hon. Gentleman's interest in enforcing the law as it stands. We work hard and closely with the police on such issues. When someone is an outlaw, the answer is not to create more law but to catch the outlaw and enforce existing law.

**Chris Grayling** *rose—*

**Dr. Ladyman:** Let me make a bit of progress. I judge from the mood of the House that people can smell their dinners and that they do not want to be here all night. I shall make some progress before I give way.

The hon. Gentleman also talked about people failing to stop after an accident, but I did not understand whether he was arguing that no law existed in that regard, or that the penalties were insufficient. I can tell him that failing to stop after an accident can already attract a six-month prison sentence, a £5,000 fine, a mandatory endorsement and a discretionary disqualification. It is already a serious offence, and clearly the law has to be enforced.

The hon. Gentleman and several other hon. Members mentioned railway crossings. Several provisions on that matter were put into the Bill in the House of Lords, and we understand their purpose. However, we are not sure that they have really hit the mark or that they are necessary. There is clearly a case for the existing law on who is responsible for making improvements at level crossings to be clarified, and we intend to table amendments to that effect.

However, most of the debate on that subject today was about the punishment for jumping red lights at level crossings. We shall consider those points carefully and discuss them in Committee to see whether there is an issue there. I saw just such an incident a few weeks ago when I was waiting in a traffic queue at a level crossing in my constituency. It was a level crossing with double barriers, but the diagonal single barriers came down first, and someone drove down the outside of the queue of traffic and gambled on being able to cross the line before the second set of barriers came down. That is clearly the kind of idiotic behaviour that the hon. Member for North Shropshire (Mr. Paterson) described earlier, and the law on that has to be enforced. At the moment, however, the penalties for that kind of behaviour are the same as those for going across a red light anywhere. If we are going to change that penalty, we need to widen the debate and ask whether the penalty for crossing red lights in general are tough enough, rather than limiting the discussion to level crossings. That is something that we shall consider carefully and bottom out in Committee.

The new offence of causing death by careless driving that we want to create was mentioned by my hon. Friends the Members for Bolton, South-East (Dr. Iddon) and for Leicester, South (Sir Peter Soulsby), the hon. Members for Wellingborough (Mr. Bone) and for Forest of Dean (Mr. Harper), and, in particular, my hon. Friend the Member for Northampton, North (Ms Keeble), who has campaigned on that issue for many years. The tragic cases outlined by my hon. Friend the Member for Bolton, South-East explain more eloquently than I possibly could why we need to create the new offence.

The hon. Member for Wellingborough made particular sense when he described the gap between the present offences of careless driving, which attracts a £2,500 fine and a possible ban—not even a mandatory

one—and of dangerous driving, which attracts a mandatory ban, a substantial custodial sentence and other possible penalties that are available to the courts. That gap is clearly too big, and it needs to be filled. We shall have a debate about exactly how we structure that offence and the penalties that should apply, and I hope that the Conservatives will then withdraw any objection that they might have in principle. I hope that they will be convinced that the new provision can work in practice and that they will support us. We will certainly work hard to bottom that out with them in Committee.

The hon. Member for Carshalton and Wallington (Tom Brake) mentioned a number of issues. He was the first to talk about the Red Cross in regard to first aid, although the right hon. Member for East Yorkshire (Mr. Knight) and one or two others also mentioned it. Let me remind the House that the theory test already includes a series of questions on first aid, so anyone who wants to be sure of passing that test needs to have swotted up on first aid. It is certainly the case that one does not automatically get a question on first aid because questions are chosen randomly from a body of questions available for the test. However, the questions are there, and one has to swot that area of expertise to be sure of passing the test.

**Tom Brake:** I understand that something like 20 out of about 1,000 questions are on first aid. There is potential for the number of question on first aid to be increased, and we could look to see whether there is a case for adding something about first aid to the hazard perception test.

**Dr. Ladyman:** I am not sure how one would introduce first aid into the hazard perception test, but I agree with the hon. Gentleman that it would be possible to increase the number of questions in the theory test and therefore increase the chance of getting a question on first aid. I have already put the Driving Standards Agency and the Red Cross together to discuss that possibility. I have also said that if we can find some way of providing training materials, perhaps a DVD on first aid, we will look at ways of distributing it with the theory and hazard test DVDs that we sell through stationers around the country. We charge about £8 for those DVDs, and the theory and hazard tests can be practised on one's computer. I am prepared to look at whether we can distribute some first aid material through that route. However, I am not convinced of the need for a mandatory test.

The hon. Gentleman and others mentioned retro-reflective markings. My officials have given me a note suggesting what to say on that, and, rather injudiciously, they have suggested that on reflective tape I should say that I am reflecting. The clause introduced in the Lords requires the fitting of retro-reflective tape to comply with the United Nations Economic Commission for Europe regulation 104 specifications. We have not yet decided what action will we take in respect of the clause, but such regulatory powers already exist so it is not needed. The use of retro-reflective tape on all road vehicles is already permitted under the Road Vehicles Lighting Regulations 1989, as amended in 2005. We will require it on all new vehicles in the United Kingdom as soon as the European regulatory process will allow us to do so, so we can make progress on this without legislation.

**Tom Brake:** Will the Minister tell the House what additional information he will receive and how he and his officials will come to a conclusion about whether the Government want to support this clause?

**Dr. Ladyman:** My view at the moment is that we do not need this legislation. We can already do this on a satisfactory time scale that will not place additional costs on industry. The hon. Gentleman said that the measure would cost only £100 per rig, but if there are million rigs in the country that is an additional cost to industry of £100 million. At the moment, we are double checking whether we need legislation in order to be able to do this on an appropriate time scale.

**Mr. Paterson:** The amendment that we tabled in the Lords applies to new trucks and rigs. However, the Minister commented that the provision might be contrary to European law. Can he elaborate on that?

**Dr. Ladyman:** I do not mean that the provision is contrary to European law. My understanding is that this will eventually be mandated by European law. Therefore, if we wait for that to take place there will not be an additional burden on our haulage industry compared with the rest of Europe. We will all be on a competitive, level playing field. However, it may be 2010 before the provision comes in, and that is the issue on which we need to agree.

The right hon. Member for East Yorkshire raised a number of points, including a plea for sympathy for the owners of heritage Bentleys—of which there are not many in the estates of Ramsgate, but I am sure that those of my constituents who have a heritage Bentley tucked away somewhere will be grateful to the right hon. Gentleman. He also referred to British summer time, as did my hon. Friends the Members for Stafford (Mr. Kidney) and for Glasgow, South (Mr. Harris), and one or two other Members. I was surprised to hear so many Scots Members saying that they would be keen to see change in one form or another. We have been quite open about the research that we produced and there is no question but that a change would be of significant road safety benefit, but that is not the only issue to be taken into consideration. There would be difficulties for people in the north and for industry, agriculture and others. We have to be careful about leaping into that morass.

**Mr. Greg Knight:** May I put two points to the Minister? First, my comments about historic vehicles apply just as much to Morris Minors as to vintage Bentleys. Secondly, on British summer time, will the Minister reflect on whether the Government would be prepared to provide the House with an opportunity on Report for a free vote on the issue?

**Dr. Ladyman:** No, I cannot promise that. I note the right hon. Gentleman's comments about heritage Morris Minors, but equally that the appropriate example from his constituents' point of view was a Bentley.

*[Dr. Ladyman]*

My hon. Friend the Member for Stafford mentioned alcohol levels. He is a long-term campaigner on road safety and he made a powerful case, but I am not persuaded that the time is right for a 50 mg limit, because we are not yet enforcing the 80 mg limit properly. The police need to be able to target their fire on serious offenders at the 80 mg limit. Once the enforcement rate is high at that level, there may be an argument for a future Government to reduce the limit to 50 mg, but that time has not yet arrived.

My hon. Friend and the hon. Member for Forest of Dean spoke about young drivers. I am looking into the matter and just this week held a meeting with the Driving Standards Agency to discuss our programme. A few years ago, we consulted widely about young drivers—whether we wanted provisional licensing, or P plates—and the feeling was very much that that was not the way to go. In this country, our strategy has always been that a person should be a fully competent driver to pass the test and obtain their licence. Staged or progressive licensing is not appropriate. Before someone goes on the road, they should be a competent driver and pass the test.

The pass plus programme is a slightly different issue and we need to consider how to incentivise people to participate. We are talking to insurance companies, but even if they gave discounts I am not sure how much that would help, as many young people go on the road for the first time on mum and dad's insurance—the kid will not have an incentive to do pass plus unless they are paying for their insurance from their own pocket. A broader campaign of education, targeting resources on younger drivers, looking into training for younger drivers and working with approved driving instructors to provide young drivers with the necessary experience might be more fruitful lines to explore, and I am talking to the DSA about those ideas.

Hon. Members raised a number of other issues. My hon. Friend the Member for Glasgow, South and the right hon. Member for East Yorkshire mentioned road humps. However, I have to say that if somebody drives so fast over a road hump that they are injured, I have not the slightest bit of sympathy for them. The road hump would be doing its job by slowing them down. Road humps are always installed in consultation with the emergency services and various designs are available to meet different needs.

My hon. Friend the Member for Halifax (Mrs. Riordan) spoke about sleep disorders such as tiredness and sleep apnoea. One aspect of being moved from Department to Department is that Ministers' crimes tend to follow them around. When I was a health Minister, my hon. Friend's predecessor initiated a debate on sleep apnoea to which I responded, so I am well aware of the issue. Primary care trusts are responsible for ensuring that services are available for the care of people with sleep disorders. We have launched a prominent campaign, advising all drivers to take at least 10 to 15 minutes' rest every two hours. Only last week I made a pitch to an informal council of transport Ministers in Austria, suggesting that we launch a trans-European campaign on driver tiredness. I think that that would be an appropriate campaign for Europe to focus on.

Both the hon. Member for North Shropshire and my hon. Friend the Member for Glasgow, South mentioned speed cameras. My hon. Friend wants the cameras to be hidden—painted black—while the hon. Gentleman wants a better partnership with the motorist.

As I told my hon. Friend earlier, the road camera programme is aimed at areas where there is overt enforcement. We want people to know that there is enforcement in those areas, because we want them to control their behaviour at known blackspots. In addition, the police retain all the powers that they have always had to carry out covert enforcement. We encourage them to use those powers. We certainly do not want to legalise devices that would let people know where the police are covertly enforcing speed limits. We do not want radar detectors to be legalised, for example.

**Mr. Paterson:** Will the Minister give way?

**Dr. Ladyman:** I will give way briefly, but I want to end my speech after that.

**Mr. Paterson:** If overt enforcement is intended, would it not be better for the cameras to be painted bright yellow?

**Dr. Ladyman:** Absolutely—and they are. Not only are they painted bright yellow; we insist that they are placed where people can see them. Not long ago, my right hon. Friend the Secretary of State made a statement about the way in which we would change the use of cameras and the use of money. That is relevant to the view expressed by the hon. Member for Epsom and Ewell that money raised by the cameras should be spent on road safety and similar initiatives.

We have made it quite clear that people should know where the cameras are, and should be able to see them. We will change the way in which speed limits are indicated where enforcement takes place, so that people are clear about the speed at which they ought to be driving.

**Mr. Jim Devine** (Livingston) (Lab): Will my hon. Friend give way?

**Dr. Ladyman:** Very briefly.

**Mr. Devine:** The police in my area advertise in the local paper where the speed cameras and speed traps will be. Does my hon. Friend think that that is a good idea?

**Dr. Ladyman:** I am happy for my hon. Friend's local paper to advertise the location of the speed cameras and the areas of enforcement. What I do not think it will have advertised is where the police are undertaking covert surveillance, because the police will not have told the paper where that is happening.

We are not in the business of trapping motorists. We are in the business of trying to create a partnership in which motorists understand that we are serious about enforcement and about their observing speed limits, but equally serious about the need for the limits to be practical. They must understand that we are serious about road safety, and that we are not just after their money.

I believe that my right hon. Friend's statement represented a significant step towards that understanding. I also believe that all road users—whether they are pedestrians, cyclists or motorists; whether they are driving to work or driving for pleasure—will see real benefits in the Bill. As it makes its sedate way towards its Committee stage, I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

## ROAD SAFETY BILL [*LORDS*] (PROGRAMME)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the following provisions shall apply to the Road Safety Bill [*Lords*]:

*Committal*

1. The Bill shall be committed to a Standing Committee.

*Proceedings in Standing Committee*

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 20th April 2006.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## ROAD SAFETY BILL [*LORDS*] [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),*

That, for the purposes of any Act resulting from the Road Safety Bill [*Lords*], it is expedient to authorise the payment out of money provided by Parliament of—

(1) expenditure incurred by the Secretary of State in consequence of the Act; and

(2) any increase attributable to the Act in the sums payable out of money so provided in consequence of any other Act.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## ROAD SAFETY BILL [*LORDS*] [*WAYS AND MEANS*]

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),*

That, for the purposes of any Act resulting from the Road Safety Bill [*Lords*], it is expedient to authorise—

(1) the making of the provision for financial penalty deposits and provision for imposing fees and charges, and

(2) the making of payments into the Consolidated Fund.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## DELEGATED LEGISLATION

**Mr. Deputy Speaker (Sir Michael Lord):** I propose to put together the Questions on motions 6 and 7.

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Dogs

That the draft Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006, which were laid before this House on 26th January, be approved.

### Environmental Protection

That the draft Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006, which were laid before this House on 26th January, be approved.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

### Competition: Maritime Transport

That this House takes note of European Union Document No. 16106/05 and Addendum 1, Draft Council Regulation repealing Regulation (EEC) No. 4056/86 laying down detailed rules for the application of Articles 85 and 86 to maritime transport, and amending Regulation (EC) No. 1/2003 as regards the extension of its scope to include cabotage and international tramp services; and endorses the Government's intention to support the Commission's proposal to repeal Regulation 4056/86, whilst encouraging the Commission in its ongoing discussions with the liner shipping industry and its customers.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## PETITIONS

### Croft Road-Hay Lane Link

6.40 pm

**Anne Snelgrove** (South Swindon) (Lab): I have pleasure in presenting a petition signed by 450 residents of Wroughton and Croft roads in my constituency. It expresses opposition to the proposal of a link between Croft road and Hay lane with a tunnel under the M4, which will have a direct connection to junction 16 of the M4. I am grateful to Charmian Spickernell and all those who have worked to collect the signatures and organised protests against the tunnel.

The petition reads:

Wherefore your Petitioners pray that your honourable House shall urge the Office of the Deputy Prime Minister to consider the plight of the residents of Wroughton and Croft Road and others in the Borough of Swindon and elsewhere who fear the consequences for traffic and carbon emissions and endeavour to ensure that the alternative route crossing the railway and linking back to Swindon with shorter local journeys and the opportunity for a public transport interchange is now considered.

And your Petitioners, as in duty bound will ever pray &c."

*To lie upon the Table.*

## Train Services (Maidenhead and Twyford to London)

6.41 pm

**Mrs. Theresa May** (Maidenhead) (Con): I am pleased to present the "save our trains" petition, signed by 786 people in the Maidenhead constituency and others. The petition has 500 signatures that were collected by the *Maidenhead Advertiser*. I am grateful to it for its support for the "save our trains" campaign. I am also grateful to Angie and Michael Scott, Adam Hale and Emma Hobbs, who all worked to collect signatures for the petition. In addition to those 786 people, 961 petitioners have signed the on-line petition, making a total of 1,747 signatures, against proposed cuts in train services from Maidenhead and Twyford to London.

The petition reads:

The Petition of constituents of Maidenhead and others,

Declares that the Petitioners oppose the proposed cuts in the number of fast and semi-fast trains between London and Maidenhead and Twyford. The Petitioners further declare that the Department of Transport, Network Rail and First Great Western should recognise the importance to local people and local businesses of good transport links for Maidenhead and Twyford.

The Petitioners therefore request that the House of Commons urge the Department of Transport to recommend that Network Rail and First Great Western abandon the planned cuts in services and reinstate fast and semi-fast services in the December 2006 timetable, thereby ensuring that the Maidenhead area continues to enjoy good train services that benefit local people and local businesses.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Ambulance Services

6.42 pm

**Mrs. Janet Dean** (Burton) (Lab): I am pleased to present a petition containing 497 signatures from residents of Mayfield and Ellastone in my constituency.

The petition

Declares that the petitioners are concerned by the plans to reorganise ambulance services and believe that they will result in a significant drop in the standards of emergency medical care in their rural part of Staffordshire.

The Petitioners therefore request that the House of Commons urge the Prime Minister, the Secretary of State for Health and the Minister of State for Health Services:

1. to guarantee that the high standards of emergency medical care the petitioners enjoy at present will be maintained;

2. to guarantee that community first responders will continue to attend all the types of incidents they attend now without any reduction in the drugs they are allowed to use to help patients or to protect themselves; and

3. to exclude Staffordshire Ambulance Service from the proposed reconfiguration programme until such time as its high standards have been matched across the remainder of the proposed West Central region.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Train Services (London to Bedwyn)

6.43 pm

**Mr. Richard Benyon** (Newbury) (Con): I present a petition on behalf of rail users in west Berkshire and the Newbury area, who are outraged at the loss of rail services from London to Bedwyn. There are further signatures from people who are alarmed at the congestion that these cuts in rail services will cause in Newbury, Reading, the M4 and beyond.

The petition

Declares that the fast and semi-fast services between London and Bedwyn, which served the stations in between, were a great benefit to local people and businesses.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Transport to abandon plans for cuts in services between London and Bedwyn.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Terminator Seed Technology

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell.]*

6.45 pm

**Mr. Anthony Steen** (Totnes) (Con): Before I speak on this matter, I want to say what a pleasure it is to see the Minister of State in his place, particularly given his interest in these matters. Putting up a Minister of State in an Adjournment debate also shows that the Government see this as an important matter, so I am very grateful that he is here—*[Interruption.]* Well, if the hon. Gentleman is not a Minister of State, he jolly well ought to be.

I want to discuss the Government's position on continuing the moratorium on the commercial use and field-testing of terminator seed technology, and what the Minister hopes that the conference of the parties to the convention on biological diversity will achieve when it meets in Brazil on 20 March. The moratorium was agreed in 2000, and there is concern that it will be overturned. If it is amended to permit case-by-case assessment, its very purpose will be in jeopardy.

It may be useful if I explain to the House what terminator technology is. Terminator technology, or varietal genetic use restriction technologies—known as V-GURTs for short—produces seeds that grow into plants that have sterile seeds, often referred to as "suicide seeds". The plant itself appears normal, as do the seeds that it produces, but if planted they would never germinate.

I do not want to be drawn into a debate on genetic modification technology; I want to concentrate exclusively on terminator technology. Of course, GM technology can be used to modify seeds to accomplish many different outcomes, such as higher crop yields, greater disease resistance or drought resistance. An example of the latter is planting in the Sahara crops that do not need much water.

I was one of the first Members of Parliament, Mr. Deputy Speaker, as I am sure you recollect, to raise the issue of GM crops—by way of a debate in this Chamber in July 1998. I was then co-chairman of an all-party group on GM, and I want to make it plain that this very important subject is not the exclusive prerogative of either the Green party or the Liberal Democrats—strangely, I cannot see any of them in their places this evening, such is their concern.

**Mr. John Horam** (Orpington) (Con): I am grateful to my hon. Friend for raising this very important topic and I, too, am delighted that the Secretary of State, as I think he is, is in his place—*[Interruption.]* Oh, well—whoever. We are delighted to have a Minister of such seniority to answer these questions. However, he should be aware that this is not simply an issue for rural areas. Although there are probably only three farms in the whole of Orpington, my constituents are as concerned about this issue as constituents in rural areas are. The people of Orpington fully support my hon. Friend's suggestions.

**Mr. Steen:** I am grateful to my hon. Friend for that intervention; at least I have support on the Conservative Benches. It is worth commenting on the fact that there are no Liberal Democrats here, but I will not dwell on the point any longer, because the House will recognise it as a matter of fact. My hon. Friend is right to say that interest in this issue is not peculiar to the people of south Devon, although many of them are interested in it. It should arouse worldwide interest, and certainly interest in urban seats just outside London. I repeat my gratitude to my hon. Friend for being in his place and for raising that important point.

Terminator technology is just one form of genetic modification, but many believe it to be the most significant development because it alters seeds' fundamental characteristic—their self-reproducing nature. The Government announced on their website on 21 February—when, incidentally, the House was in recess—that

> "an application for a GMO (Genetically Modified Organism) incorporating GURTs would be dealt with in the same way as any other GMO."

I believe that to be a wrong assessment. V-GURTs have a unique property. They are not just any type of genetic modification; they have ramifications that could affect the entire planet.

Why would anybody want to introduce terminator technology? There are two possibilities. They may want to prevent the contamination of non-GM crops by GM crops, thus resolving a fundamental concern about GMOs. Or, as most people suggest, the technology is designed to ensure greater profits for seed manufacturers by requiring new seeds to be purchased annually. However, the seed industry should not be painted as the villain in this picture. I have no interest in seed companies—although I might like one, I do not have one—but they are commercial businesses that have a duty to their shareholders and employees to make profits. Their decision-making process should, and largely does, focus on what is in the best interests of the company, rather than any wider audience.

The decisions are taken within a framework of national and international law. Monsanto, the very large company that trades in seeds, has made a welcome decision not to use terminator technology, but the decision on what technology is acceptable is properly the remit of elected representatives in Parliaments such as this, and of Governments. It is Governments' responsibility, not the companies', to determine the appropriate use of innovative and controversial technology.

If terminator technology will prevent GM contamination—that was an issue in my constituency in 1998, when the first GM trials took place outside Totnes and resulted in many people destroying crops and being sent for trial in Plymouth—why do environmental groups not hail it as a great invention? It is partly because so little is known about the precise nature and behaviour of the technology. As Dr. Srinivasan and Professor Thirtle recently said:

> "The nature of interaction of terminator varieties with other crops and species is not known. It remains to be assessed whether terminator varieties are, accidentally or otherwise, capable of rendering the seeds of (adjacent) non-terminator varieties also sterile."

Gene silencing and gene instability could result in the seeds behaving in unexpected and unpredictable ways. Some scientists have speculated that the process will

*[Mr. Steen]*

render only 80 to 85 per cent. of the so-called suicide seeds sterile, leaving 15 to 20 per cent. carrying the gene in an inactive form. That clearly poses the danger of the gene spreading into other crops through cross-pollination. It has also been suggested that it would be impossible to ensure that all seeds were treated with the chemical—for example, ethanol—required to switch on the terminator gene. That obviously creates the potential for wide margins of error that could result in the unintended spread of those GM seeds.

In the worst-case scenario, terminator seeds would have more than the intended consequences of producing sterile plants. The technology could leak out and prove much more dangerous than the spread of other types of GM contamination. If the technology proved imperfect and spread, farmers could end up unwittingly planting sterile seeds that would diminish their crop yield, with disastrous consequences. How can we consider lifting the moratorium on that technology, when the evidence is so vague?

Let us suppose that the technology worked perfectly and produced seeds that were always sterile. Should we then give it the go-ahead? Should the Government go to Brazil and say, "Whoopee, we've got the answer—let's go ahead"?

I have no doubt that the Minister is aware that at least 1.4 billion people—nearly double the size of the population of India—mainly in developing countries, currently practice seed saving from one year to the next. That has been practised since crop civilisation began many hundreds of thousands of years ago. It is not only cheaper than buying new seeds every year, but allows the development of regional varieties particularly adopted to local conditions. Obviously, that practice would not be possible if people started out with a suicide seed. The seed collected from the crop would be useless and new ones would be needed.

However, so long as farmers can choose not to buy such seeds, it could be suggested that there is no reason why the market should not determine the commercial success of suicide seeds versus fertile seeds, whether GM or non-GM. Could countries that wish to ignore such technology simply do so? The concern is that if all big multinational seed producers decide to use terminator technology and produce only suicide seeds, there is a real possibility that farmers may not have a choice about whether to buy into that technology in the future. The choice would have gone. The danger is that companies might produce only seeds with agronomic characteristics that also come packaged with a terminator gene. It might be that not only all new seed varieties came packaged with a terminator gene, but seed companies modified all their seeds, so that all existing varieties became terminator seeds—suicide seeds.

It is worth remembering that innovation and development in seed technology are essential if we are to feed the world's rapidly increasing population, which it is estimated will reach 10 billion people in 2070. As Monsignor Bruce Kent said, the train has left the station; there is no way of stopping the population of the globe doubling by 2070. Therefore, we need seed companies to continue with research and development, and they need to be able to recoup their research expenditure from sales.

Terminator technology has been a solution to the weaknesses of patenting law and its enforcement. It is clear therefore that if the moratorium on terminator technology is lifted, those companies will have understandable reasons to make the most of its obvious advantages for profits, particularly if we do not improve patent law. That could well result in the end of the local adaptation of varieties and community-based seed, which would clearly have adverse consequences for biodiversity.

In any case, agriculture is not a precise science, and it is inevitable that terminator seeds and normal seeds might become mixed up over time, particularly on small-scale holdings in developing countries, where land is not clearly separated by substantial fences or hedges. In such circumstances, accidental mixing or physical contamination could easily occur, and it would have devastating consequences if, as a result, the crop was significantly less than what had been planned.

It takes no great stretch of the imagination to envisage the horrendous food shortages and famines that could occur as a result in countries where food is already in high demand. In Africa, 90 per cent. of all seed planted is from farm-saved sources, and the vast majority of farmers are subsistence farmers. Thus those who live at subsistence level are most vulnerable and most at risk. The Kenya Small Scale Farmers Forum said in September 2005:

> "We do not trust regulations or seed companies to ensure that GURTs seeds do not accidentally contaminate or get mixed in with conventional seed, or planted by mistake. But farmers planting sterile seed face disaster and hunger."

For such reasons, many developing countries are vehemently opposed to that technology. A number of African non-governmental organisations released a statement on 2 February 2006, calling for the moratorium to be strongly reaffirmed, if not made concrete in an outright ban. The effect of terminator technology on developing countries is particularly worrying in the light of concerns that even if individual countries decide to ban the use of terminator seeds, the Government's institutions and structures in those countries are often not sufficiently well established to be able to enforce such a ban, and thus it may well creep in by the back door.

*It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.*

*Motion made, and Question proposed,* That this House do now adjourn. —*[Mr. Alan Campbell.]*

**Mr. Steen:** In conclusion, I do not believe that terminator technology should be ruled out for ever. We cannot say that. What we do know is that there is insufficient evidence on how the technology would operate in practice, when one takes into account the possibility of gene silencing and gene instability, and cross-pollination if some seeds that carry the gene turn out to be fertile.

As things stand, there is little to recommend the commercial use of so-called suicide seeds when we consider the likely impact on developing countries, which are especially vulnerable to any crop failure. If

terminator seeds become mixed up with normal seeds, the scale of the catastrophe could be horrific. Once the technology is let out of Pandora's box, there is no putting it back. We must be more certain of the consequences before we release the genie from the bottle—if the House will excuse the mixed metaphors. We can guess, however, that the consequences could be far-reaching and dramatic. This could be another historic turning point, as significant as the agricultural or industrial revolutions. It could be a major technological change in society and the world.

I urge the Minister to reaffirm the Government's commitment to a precautionary approach and not accept a case-by-case assessment at the meeting tomorrow to determine the EU's position on terminator technology at the conference of the parties to the convention on biological diversity in Brazil later this month. I hope that he can give me a robust reply, because at least his party and mine have shown, by being here, our interest and concern about this new and quite frightening technology.

7.2 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** I congratulate the hon. Member for Totnes (Mr. Steen) on securing the debate and thank him for the usual generosity and kindness displayed in his introductory remarks. I hope that he and the hon. Member for Orpington (Mr. Horam) will not feel slighted if I disabuse them of the notion that they have either a Minister of State or a Secretary of State to reply to this important debate; I am afraid that they have a mere Under-Secretary. I apologise for the absence of my hon. Friend the Minister for Climate Change and the Environment, who usually speaks on such matters. He is in Brussels at an Environment Council. My fellow Under-Secretary of State also cannot be here, but he will attend the forthcoming conference in Brazil on behalf of the Government.

I listened with great care and interest to the hon. Member for Totnes. He is right to draw attention to the subject in light of the forthcoming meeting on the UN convention. I am grateful to him for giving the Government the opportunity to put one or two things on the record, because there has been misleading reporting in the past week or so in the national press.

Terminator seed technology, which the hon. Gentleman described well, is still at the concept stage. It will not be with us in the foreseeable future. As he acknowledged, the leading biotechnology company Monsanto has said that it has no plans to market terminator seeds. The Government are not aware of any commercial activity in terms of that development anywhere in the world.

As with all new technologies, terminator seeds present both risks and potential benefits, as the hon. Gentleman also acknowledged. Those need to be carefully considered before countries agree to approve them for use. The issue, which he outlined in detail, of farmers saving seed from their harvest to grow the following year is clearly a consideration, for some countries more than others. So, too, is the potential benefit of having the means to reduce the spread of novel genes from genetically modified crops. As for the international position, no country can be forced to accept terminator seeds. The Cartagena protocol on biosafety under the UN convention on biological diversity was developed to ensure that all countries that are signatories to the protocol can make their own decisions about whether to authorise a genetically modified organism for import.

**Mr. Steen:** That is not quite the point. If the major seed companies that control 80 per cent. of the world's seeds produced only terminator crops, it would not be long before there was nothing else to buy, as there would not be a choice. The question whether or not a country signs up to the protocol is a red herring.

**Mr. Bradshaw:** It is not entirely a red herring. There are no companies, as I said, that are even thinking about commercialising such seeds. The strength of the countries that have come together under the Cartagena protocol make it very unlikely that the scenario about which the hon. Gentleman is concerned will develop. As I was saying, the protocol takes a strong precautionary approach, which means that countries can decide not to allow imports, even if there is lack of certainty about the extent of possible adverse effects. The protocol allows socio-economic considerations to be factored in.

**Mr. Horam:** Is the Minister saying that a country must agree to the introduction of the seeds before they can be sold commercially there?

**Mr. Bradshaw:** That is absolutely right. The Cartagena protocol encourages all parties to share information on potential impacts—socio-economic information as well as scientific, technical, environmental and legal information on genetically modified organisms—which will assist in informed decision-making. There has been talk in the media recently of the moratorium on the use of terminator seeds—indeed, the hon. Member for Totnes referred to it. The House may find it helpful if I read out the decision made at the fifth conference of the parties.

**Mr. Steen:** There is no point in one African country deciding not to go down that road, as the seed will just blow over its border. That is the problem.

**Mr. Bradshaw:** That is exactly why it is important that those countries have come together in the protocol. As the hon. Gentleman rightly said, developing countries in particular share common concerns. It may be helpful if I read out the decision, because it has been suggested that there is a moratorium, but that is not quite the position. Paragraph 23 of decision V/5 by the convention on biological diversity recommends that

"in the current absence of reliable data on genetic use restriction technologies, without which there is an inadequate basis on which to assess their potential risks, and in accordance with the precautionary approach, products incorporating such technologies should not be approved by Parties for field testing until appropriate scientific data can justify such testing, and for commercial use until appropriate, authorized and strictly controlled scientific assessments with regard to, inter alia, their ecological and socio-economic impacts and any adverse effects for biological diversity, food security and human health have been carried out in a transparent manner and the conditions for their safe and beneficial use validated. In order to enhance the capacity of all countries to address these issues, Parties should widely disseminate information on scientific assessments, including through the clearing-house mechanism, and share their expertise in this regard."

*[Mr. Bradshaw]*

Later this month, the convention will meet, as the hon. Gentleman said, to consider a progress report by its scientific sub-group before deciding whether a further decision should be made. I am grateful for the opportunity to stress that the UK Government's position has not changed, although misleading press reports have given the impression that it has. We would like to continue with the decision reached by the convention in 2000.

As the hon. Member for Totnes knows, EU legislation is the competent legislation on these matters as far as the UK is concerned, and he was right to point out that it ensures that there are very strict controls on the general use of GMOs. No GMOs can be marketed until they have been approved by a rigorous assessment procedure. Decisions on each GMO are considered separately against a list of criteria laid down in the legislation. Like any GMO, one that makes use of terminator technology would be approved only if the evidence showed that it would not pose an unacceptable risk to human health or the environment.

Like the hon. Member for Totnes, the Government recognise the importance of constantly expanding our understanding of GMOs. To keep abreast of possible developments in that and related areas, we have commissioned a study to review the various technologies that might be used to achieve biological containment of GM or non-GM crops. The study will review the current state of play in the development of GURTs and will be published later this year.

**Mr. Steen:** So can I tell my constituents that the Government support a continuation of the moratorium in terminator technology seeds? Will the Government argue for that position in Brussels tomorrow, so that the EU will adopt it in Brazil later this month?

**Mr. Bradshaw:** As I have suggested, it would not be quite right to describe what we have as a moratorium. The situation is a bit more nuanced than that, but the hon. Gentleman is welcome to send the quotation from the 2000 agreement that I have just read to the House. The UK Government's position has not changed, as some in the media have tried to suggest. The hon. Gentleman could tell his constituents that we are maintaining our precautionary approach, but it would not be wholly accurate to say that a moratorium, in the sense that the term is generally understood, was in place.

**Mr. David Drew** (Stroud) (Lab/Co-op): I am grateful to my hon. Friend for giving way, and I congratulate the hon. Member for Totnes (Mr. Steen) on securing this debate. In Brazil, will the UK be negotiating in its own right? Alternatively, will Austria, which holds the EU presidency, be the main negotiator? I should not be unhappy about that, as the Austrians have a fairly robust view of GM, but who will negotiate in Brazil?

**Mr. Bradshaw:** We will arrive at an agreed EU position, but I do not expect that it will be different from the one that I have just outlined. However, my hon. Friend is right to seek clarification. In all areas where the EU has competence, member states reach an agreed position that is used, on our behalf, in negotiations. My hon. Friend will be at the talks, and I am sure that he will play an active part. He is right that the EU presidency has control of the negotiations, and the same was true when we had the presidency.

**Mr. Drew:** Although there may be agreement at the Brazil talks about terminator technology, does my hon. Friend agree that, as yet, there is no pan-European agreement in respect of GM?

**Mr. Bradshaw:** Yes, but there is still an EU policy on GM. The Austrian national policy may have slight differences of nuance when compared with ours, but my hon. Friend knows very well that, in Brazil, the Austrian presidency will represent the EU position, not the Austrian view.

I reassure the hon. Member for Totnes that our independent Advisory Committee on Releases to the Environment produced guidance on best practice in the design of genetically modified plants in 2001. That guidance covers the possible use of GURTs, but it does not endorse any particular GURT technology. It includes an examination of environmental implications, including the possible benefits of technologies to produce sterile seed and to minimise transgene expression, although some of that remains at an early experimental stage. The Committee recognised the concern that exists about GURTs, but it did not discuss the socio-economic and ethical issues in its guidance.

In conclusion, I assure the hon. Member for Totnes and the House that the Government will continue to adopt a precautionary approach to GM crop developments, including any related to terminator seeds and gene use restriction technologies in general. Our clear priority will remain the protection of human health and the environment.

*Question put and agreed to.*

*Adjourned accordingly at fourteen minutes past Seven o'clock.*

# House of Commons

*Thursday 9 March 2006*

*The House met at half-past Ten o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

*The Secretary of State was asked—*

### Greenhouse Gas Emissions

1. **Mr. Andrew Mackay** (Bracknell) (Con): What mechanisms are in place to monitor the accuracy of published figures of greenhouse gas emissions for measuring progress against climate change targets; and if she will make a statement. [57019]

**The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett):** The figures used to monitor progress towards the UK's climate change targets are published annually in the UK's greenhouse gas inventory. The inventory is subject to annual independent scientific peer review by a team of specialists organised by the secretariat of the UN framework convention on climate change. The inventory also contains internal quality assurance and quality control procedures, in line with international guidance prepared by the intergovernmental panel on climate change.

**Mr. Mackay:** Has the well publicised row between the Secretary of State's Department and the Department of Trade and Industry, which concerned the measurement of baseline greenhouse gas emissions, been satisfactorily resolved yet?

**Margaret Beckett:** There is no row. I do not row with my colleagues. If I understood him correctly, the right hon. Gentleman was asking about the baseline emissions, which are a matter for technical assessment and scientific advice.

**Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): Does my right hon. Friend recall that my private Member's Bill includes a specific requirement in respect of Government reporting on greenhouse gas emissions that would deal with some of the points raised by the right hon. Member for Bracknell (Mr. Mackay)? Does she agree that one of the best things that he or anyone else concerned with this matter could do would be to be here at 9.30 tomorrow morning to support my Bill? I am glad to say that it enjoys support from the Government and across the House.

**Margaret Beckett:** I congratulate my hon. Friend, on his Bill and on his sales pitch.

**Chris Huhne** (Eastleigh) (LD): The data show very clearly that carbon dioxide emissions have increased by 2.9 per cent. since the Government came to power. Moreover, the Secretary of State will know that environmental taxes peaked at 3.6 per cent. of gross domestic product in 1999, according to figures from the Office for National Statistics, but that the latest figures show that they have slipped to 3 per cent. Does she think that there may be some connection between falling environmental taxes, which are now lower as a share of GDP even than when the Government came into office, and the record of failure on emissions?

**Margaret Beckett:** First, I welcome the hon. Gentleman to his new responsibilities. I am sure that he will find the subject fascinating and enjoyable, as we all do. I do not agree with the basic premise of his question—that $CO_2$ levels have risen because of changes in the impact of taxation. In fact, the rise has much more to do with the impact of fuel prices on the choices of fuel made by power generators. We very much regret that impact and, although the most recent figures suggest that it might not have been as severe between 2003 and 2004 as we had anticipated, we completely accept that we have to get the rise under control. However, I remind the hon. Gentleman of one further fact that undermines the point that he made: all five EU countries whose emissions are lower than they were in 1990 recorded an increase in $CO_2$ emissions in the period to which he referred.

**Mr. David Chaytor** (Bury, North) (Lab): In respect of emission reductions, is there any reason to doubt the validity of the 2003 Energy White Paper? It argued that energy efficiency was the safest and cleanest way to manage carbon reductions.

**Margaret Beckett:** No, I do not think that there is any reason to doubt that judgment. Energy efficiency can be a very powerful tool. For historical reasons of under-investment over many decades in this country, it is available to us to a greater degree than is the case with the many other European countries that up to now have been able to deliver higher levels of energy efficiency. However, my hon. Friend will know that the investment put in by this Government, not least through the warm front programme, means that we are beginning to make inroads in that respect.

**Mr. Peter Ainsworth** (East Surrey) (Con): Some Opposition Members wish that the Secretary of State would have rather more rows with the DTI. Her Department says that, on current trends, we will cut carbon emissions by 13 per cent. by 2010, but the DTI says that the cut will amount to only 10 per cent. Are DEFRA and the DTI working on different sets of data and predictive models, and which figure is right?

**Margaret Beckett:** The latest figures predict a cut of about 10 per cent., but the two Departments are not

working on different models. Figures and assessments are being revised all the time, as information comes in. I understand why the hon. Gentleman wishes that I would have more rows with my colleagues, but I find that that does not help me to get my own way, which is what I like to do.

**Mr. Ainsworth:** We are very supportive of the right hon. Lady getting her own way, and hope that she is successful. We know that relations with the DTI are difficult, but how is she getting on with monitoring the accuracy of the data used by the Office of the Deputy Prime Minister and the Chancellor? Is she aware of research that shows that the ODPM's efforts to predict greenhouse gas emissions from new housing are completely flawed because they are based on data that are 25 years out of date? What discussions did she have with the Treasury about the accuracy of published figures on greenhouse gas emissions before the Chancellor aborted the operating and financial review? That decision has wasted millions of pounds, angered responsible business leaders and underlined yet again that, although she may be serious about climate change, the Government as a whole cannot be trusted on the issue.

**Margaret Beckett:** With respect, that question muddles together several issues. It is true that the operating and financial review is not going ahead, but there remain requirements on companies to report on environmental standards under other legislation, which is partly why it was decided that there was no need to have two different sets of reasons for reporting. As for the validity of data from other Departments, I understand that the hon. Gentleman's party is now saying that it wants us all to be on the same page and move in the same direction on such issues. That is good, and I welcome that. However, the issue is not the data—whether they are as good as they should be or could be improved—but what we actually do about them. That is something on which I would like to see greater agreement.

## Warm Front Scheme

2. **Ms Diana R. Johnson** (Kingston upon Hull, North) (Lab): If she will make a statement on the development of the warm front scheme. [57020]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** The warm front scheme has assisted more than 1 million households since June 2000 and now provides central heating to all eligible households. It was announced in the 2005 pre-Budget report that an additional £250 million would be made available to the scheme.

**Ms Johnson:** In view of the steep increases in domestic energy bills, does my hon. Friend agree that a further improvement to the scheme, which would help those most likely to be in fuel poverty, would be to replace the warm front scheme's current maximum grant arrangements with a system based on an average grant? Such a system is already in place in Scotland and it ensures that low income households are not required to make any contribution to the cost of the work in their homes.

**Jim Knight:** I am grateful for the interest that my hon. Friend shows in the scheme and I note that the warm front scheme has assisted more than 2,785 of her constituents in its present form. The extra money that was announced by the Chancellor in the pre-Budget report will obviously go some way towards alleviating some of the effect of increases in fuel prices, and we continue to review the scheme to ensure that it is working well to achieve our aim of ending fuel poverty.

**Jeremy Wright** (Rugby and Kenilworth) (Con): Does the Minister accept that there are two problems with the warm front scheme, which prevent it from helping more people in more ways? The first is that the warm front grant is often used to pay for insulation, which should be provided free of charge by energy suppliers under the energy efficiency commitment scheme. The second is that warm front contractors often charge substantially more than other local contractors would—in some cases, more than £1,000 more. Will he look into those two problems and resolve them?

**Jim Knight:** I can certainly look into those problems, but I would like to pay tribute to the Eaga Partnership, a successful social enterprise that carries out that work for us. I certainly welcome the hon. Gentleman's interest in the scheme, especially as his party, when in government, denied that fuel poverty even existed.

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): Does my hon. Friend agree that an extension of the warm front campaign that could link energy from waste with district heating could transform our energy supplies? Is it not time that the Liberal Democrats, Greenpeace and Friends of the Earth realised that the scientific arguments for energy from waste are compelling and stopped their knee-jerk reactions to those important questions? Let us have an energy from waste programme that really works.

**Jim Knight:** My hon. Friend will know that we are looking at energy from waste as part of our waste review. I am sure that my hon. Friend the Minister for Climate Change and the Environment will bear those comments in mind.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Paul McIntyre, the head of the energy strategy unit, has said:

"On current policies we won't eliminate fuel poverty by 2010."

Does the Minister agree?

**Jim Knight:** We accept that the 2010 target is an ambitious one, but we obviously welcome the additional £250 million that was pledged by the Chancellor for the 2005–08 period. Those resources will be necessary for us to meet our target, to which we remain committed, of ending fuel poverty for vulnerable households by 2010, and eliminating it for all households by 2016.

## Climate Change

3. **Tony Lloyd** (Manchester, Central) (Lab): If she will make a statement on the findings of the intergovernmental panel on climate change.

**The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett):** My Department has accepted the assessments of the intergovernmental panel on climate change as providing the most authoritative picture of climate change. The third assessment report of the IPCC was published in 2001 and has made a most valuable contribution to our understanding of the importance of the issue. The IPCC is undertaking its fourth assessment. The draft reports are currently undergoing peer review and will not be published until 2007.

**Tony Lloyd:** May I endorse my right hon. Friend's remark that the IPCC produces the most authoritative reports? However, its reports have not been uniformly accepted throughout the world, even though the science that they contain is as good as it can get. We surmise from the leaks of the draft report that my right hon. Friend will have in April that it will be even more dire in its predictions than previous reports, because it will say that there is no upper limit to temperature increases owing to carbon dioxide increases. Does the Minister believe that it will galvanise the whole of the international community, including the United States and countries that opted out of Kyoto, to do something serious about climate change?

**Margaret Beckett:** My hon. Friend is right to say that the number of those who question the science has diminished dramatically. That can only be a good thing. The new draft report is still undergoing peer review, so this is a delicate time to comment, but over the past year, not least as a result of the efforts of this Government through our G8 and European Union presidencies, even those who may retain some lingering traces of scepticism have accepted that the risks are such that it is wise for them to address those risks. That is why we are seeing more emphasis on adaptation, and not just on reducing emissions, although the two have to go together. As my hon. Friend will know, following the Gleneagles summit and the establishment of the Gleneagles dialogue, there is now a much greater degree of international dialogue, exchange, communication and so on, drawing in all the major economies of the world. We hope that that will provide us with a way forward.

**Mr. Michael Jack** (Fylde) (Con): Does the Secretary of State agree that an important contribution to addressing the findings of the IPCC would be to reduce greenhouse gas emissions from our power stations by the use of biomass? In that context, could the Secretary of State explain to the House why the value of the renewables obligation certificates now makes it less attractive to use biomass as a co-firing fuel medium in power stations at the very time when research shows that as a biofuel it gives the best return per hectare in carbon dioxide reductions?

**Margaret Beckett:** The right hon. Gentleman is right to say that there is growing awareness of the value and potential of biomass and of biofuels. The value of the renewables obligation certificates and the issues that go with that are part of what the Government are looking at in the energy review. I am sure that, in his capacity as Chairman of the Select Committee on Environment, Food and Rural Affairs, he will know what other Members may not have fully realised, which is that the European Commission has recently published further observations on the role and importance of biomass and biofuels. There is growing recognition of their potential and a growing will to develop the industries in the European Union.

**Mr. Bill Olner** (Nuneaton) (Lab): Does my right hon. Friend agree that the UK space industry plays a tremendous role in providing earth-observing platforms? At what level does her Department talk to the UK space industry on global warming and other matters regarding the planet?

**Margaret Beckett:** I am not sure what direct contacts we have with the industry, but our scientists draw on a wide range of disciplines and information. They are very much in touch with other scientists and have done a huge amount of observational work with them. Not unusually in this field, we have some of the best scientific expertise anywhere in the world. My hon. Friend may know that our climate change scientists are making the fruits of their work more freely available—for example, in the developing world, to aid in adaptation.

**Dr. William McCrea** (South Antrim) (DUP): Although I acknowledge the serious nature of the problems of climate change that face us all, the Secretary of State will remember that the five Opposition parties wrote to her offering to work with her Department and the Government to find a united way to face that challenge. Has she accepted that offer?

**Margaret Beckett:** Yes, I did receive such a letter and I welcomed it, as I have indicated before, because it suggested that all the parties represented in the House accept the science and the targets that the Government have set, which is an important step forward. There are two other things, however. I shall not start ringing bells until I can see that we are in greater agreement about what we should actually do, because there has been a pattern whereby all the concrete actions that the Government have proposed have been one by one opposed by other parties in the House. We have not yet had an opportunity to test whether that has changed. It is a slightly different matter for a Government to engage in dialogue about future policy development than it is for other parties, although I very much hope that their policy decisions are fruitful, and greatly welcome the moves that have been made so far.

### Avian Influenza

4. **Patrick Mercer** (Newark) (Con): What recent assessment she has made of the efficacy of vaccinating poultry against avian influenza. [57022]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** The scientific advice is that the vaccines currently available would not provide the most efficacious way of dealing with a bird flu outbreak. Early identification, containment and eradication are considered the best way of dealing with such an outbreak.

**Patrick Mercer:** I am most grateful to the Minister for his courteous reply, but in Newark and Retford many

poultry farmers and breeders have received conflicting advice, from all sorts of different sources, about whether or not they should vaccinate, yet few of them have received any official guidance from DEFRA. As a result there is complete and utter confusion. Can the Government put an end to it, please?

**Mr. Bradshaw:** I am sorry if some of the hon. Gentleman's poultry keepers and breeders feel confused. Without more detail, I do not know who is giving them conflicting advice, but the advice from the Government—from the chief scientific adviser, Sir David King, downwards—has been absolutely clear, and that is, as I said in my initial reply, that the vaccines currently available are not considered the most efficacious way of dealing with a disease outbreak.

**Mr. David Drew** (Stroud) (Lab/Co-op): Will my hon. Friend clarify the situation in the EU, as there seems to have been a breakdown in the pan-EU approach to avian influenza? Are countries that are vaccinating at present intending to cull later, or do they believe that the vaccinated poultry will be protected?

**Mr. Bradshaw:** The European Commission has granted limited consent to the Netherlands and France to vaccinate on a pilot basis, in extremely limited circumstances. In the case of France, for example, vaccination is happening in only two of the three regions that applied for it, owing to resistance from the industry and the public. In answer to the second part of my hon. Friend's question, I expect that both the Netherlands and France hope that a vaccination programme might avoid the need to cull in the event of an outbreak, but our advice is that that scenario is extremely unlikely.

**Mr. Dan Rogerson** (North Cornwall) (LD): Local authorities will inevitably have a key role in tackling any outbreak of avian influenza, so what advice are they being given on how they should advise and protect the public, and what resources will be supplied to enable them to carry out that work?

**Mr. Bradshaw:** Local authority emergency planning departments are intricately involved in all the discussions and preparations across Government, involving not just our Department but the Department of Health, and local authorities will be involved in the forthcoming contingency exercise. They should be well aware of their roles; the information is available and is given to them, but if the hon. Gentleman has evidence that they are not quite sure what they should do in the event of an outbreak, he should let me know, because there is no excuse for that.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Further to the Minister's observations about the limited vaccination of poultry in France and the Netherlands, will he tell the House what conditions and limits we shall impose on the trade in vaccinated birds and their products from those two countries?

**Mr. Bradshaw:** The advice from the Food Standards Agency is that there is no problem with the consumption of birds that have been vaccinated. Of course there are restrictions on importing birds from areas in the immediate vicinity of the outbreak in south-east France. Trade controls on avian flu are on a regional basis, from which we could benefit, as we did last year when there was a case of Newcastle disease in this country. Exports were restricted from the area concerned, but it would not be sensible, or in accordance with sound veterinary advice, were we to ban exports on a national basis in the case of AI.

**Sir Nicholas Winterton** (Macclesfield) (Con): While I much appreciate the limitations of vaccination, particularly in the short term, what education have we received from countries where vaccination has been practised widely? I refer particularly to countries in Asia where vaccination is given to large numbers of birds. Have we anything to learn? Will the Minister put some information in the public domain so that the public may be reassured?

**Mr. Bradshaw:** The simple answer is that the lessons are mixed. The hon. Gentleman is right to say that some countries—notably China, where there is a serious problem of endemic AI, both in wild birds and in poultry—have gone down the route of vaccination. Scientific opinion is mixed on whether that is a sensible thing to do. Three other countries in Asia which have not received so much publicity—Malaysia, Japan and South Korea—have all had outbreaks of AI in the past few years. They are all in a region where AI is endemic in wild birds. They have dealt with the problem through containment and eradication. They have not vaccinated. The answer to the hon. Gentleman's question is that the evidence is mixed.

**Mr. Russell Brown** (Dumfries and Galloway) (Lab): When the first case was confirmed across the channel in France there was great anxiety in the industry in the UK, and even more so because the doom-and-gloom merchants said that cases would arrive on these shores within two or three days. How much contact has my hon. Friend had with his counterparts in the Scottish Executive on this matter?

**Mr. Bradshaw:** We have worked extremely closely with all of the devolved Administrations. My hon. Friend is right to say that although we should not in any circumstances be complacent about AI, the outbreak in Lyon was some weeks ago and there has been no further geographical spread since then. It is still the only outbreak in poultry in the EU. However, there is no room for complacency. We must remain extremely vigilant. We do, as my hon. Friend requests, work closely with our colleagues in the devolved Administrations.

**Mr. James Paice** (South-East Cambridgeshire) (Con): I am afraid that there is much confusion in the country. Only last week the Prime Minister said that vaccination is not effective in stopping the spread of the disease, but experience in Hong Kong—a properly validated scientific exercise—has shown that vaccinated birds do not transmit the disease. It appears that we have a Government policy of no vaccination, yet the Government expect an imminent delivery of Nobilis vaccine for use in zoos. At the same time there is increasing doubt about whether other outdoor birds

could be housed. We do not want a repeat of what happened during the foot and mouth outbreak, when halfway through the disaster the Government began to consider vaccination. Will the Minister now guarantee that the Government's present policy will not change, or must the uncertainty continue?

**Mr. Bradshaw:** No, that is a ludicrous suggestion; of course we must be flexible. The evidence must be studied and we must take account of changing circumstances. As the hon. Gentleman well knows, the situation in the poultry industry in Hong Kong is completely different from that in this country, as it is across the channel in the Netherlands. As he has raised what my right hon. Friend the Prime Minister said last week, I remind him that Sir David King was grossly misrepresented on one broadcast last week about his view of vaccination. It may help the House if I read the brief statement that he issued in response to that. It was that his advice to Government remains

"that the disadvantage of using currently available vaccine significantly outweighs any potential benefits."

### Clean Neighbourhoods

5. **Mr. Siôn Simon** (Birmingham, Erdington) (Lab): What information she has collected on the use local councils are making of the powers granted to them in the Clean Neighbourhoods and Environment Act 2005. [57024]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** There is considerable variation in the performance of local authorities in using their powers to improve the local environment. We intend expanding the local environment quality survey to all local authorities in England, and we will publish the results.

**Mr. Simon:** I thank the Minister for that answer. Birmingham city council is proving very good at levying fines under the new Act, and proving very bad at chasing up their collection. Given the obvious limited deterrent effect of fines that do not have to be paid, and notwithstanding the notable incompetence and dithering of the Tory-led and Liberal-assisted leadership of Birmingham city council, can my hon. Friend suggest any ways in which councils such as Birmingham might put a bit of substance behind their sound and fury and collect fines rather more effectively than purely vigorously?

**Mr. Bradshaw:** I hope that they will be partly persuaded by my hon. Friend's intervention. He is quite right to point out that there are huge variations in local authority performance. Some local authorities do not levy any fixed penalty notices at all, whereas others issue hundreds. It is important that local authorities such as his own in Birmingham use the extra powers that the Labour Government have given them to tackle environmental crime—powers, I might add, that were opposed by the Conservative party.

**Mr. Andrew Robathan** (Blaby) (Con): Under the Act do local councils have the power to instruct parked vehicles to switch off their engines? If Westminster city council does not have that power, will the Minister instruct all ministerial drivers in the Government car service to switch off their engines, because they are among the worst offenders in Westminster, polluting the local environment while they wait for their bosses with their engines ticking over?

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** Not in our Priuses.

**Mr. Bradshaw:** Not in our Priuses, indeed. I agree with the hon. Member for Blaby (Mr. Robathan). As someone who uses the bicycle as his usual form of transport I, too, am annoyed by motorists who leave their vehicles idling for no reason. Obviously, they may have a reason to do so if they are waiting in cold temperatures for a long time for a Minister who is delayed at a meeting, but I join the hon. Gentleman in urging people not to allow their engines to idle unnecessarily.

**Andrew Gwynne** (Denton and Reddish) (Lab): The Clean Neighbourhoods and Environment Act has indeed introduced a number of substantial powers for local authorities to tackle environmental problems in their areas. One of the main complaints that I hear is about antisocial behaviour and criminal activity in passageways. What progress is being made to allow the introduction of gating orders under the Act, as that would greatly improve my constituents' quality of life?

**Mr. Bradshaw:** The provisions on gating alleyways to which my hon. Friend refers come into force on 6 April. I hope that his local authority in Denton and Reddish will use them to tackle the problems that he has rightly highlighted.

### Meat and Poultry Imports

6. **Ann Winterton** (Congleton) (Con): What recent developments there have been in Government policy on illegal meat and poultry imports to the UK. [57025]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** Since November, Her Majesty's Revenue and Customs has doubled the number of staff who check passengers, freight and post from H5N1-affected countries. We are also launching publicity campaigns on avian influenza on top of existing campaigns on illegal imports.

**Ann Winterton:** Avian flu receives a great deal of publicity, but will the Minister reflect on the increasing danger of illegally imported meat and meat products into this country? On average, up to 12 tonnes are imported a year, a percentage of which is infected with foot and mouth, so will he improve considerably defences against those illegal imports? Ten sniffer dogs for 110 points of entry and increased baggage X-ray facilities are simply not good enough. Will he give higher priority to this important issue, which may adversely affect both human and animal health?

**Mr. Bradshaw:** The hon. Lady is right to say that we should not slacken our guard against other threats because of the high level of vigilance against avian flu.

However, we are not slackening our guard—we have provided £25 million of new money over three years to tackle the problem of illegal imports, and we have vastly increased resources for Customs and Excise, which has improved its checking, as there have been more seizures and prosecutions. There is no such thing as 100 per cent. security, but I am satisfied that we are doing as much as we can with the very generous resources that the Chancellor has made available.

**Mr. Roger Williams** (Brecon and Radnorshire) (LD): Recent estimates suggest that 15 million of the 30 million pheasants reared in this country for shooting are imported from France either as eggs or as young poults. Given the outbreak of H5N1 in France, has the Department undertaken any risk assessment of that trade, which will start in earnest in the next couple of months?

**Mr. Bradshaw:** Yes indeed, we have done so. The assessment is that there is no risk as long as the pheasants do not come from an area where there has been H5N1 infection. Our vets have written to their French counterparts asking for extra reassurance. If we had to curtail those imports, there would be serious repercussions for our shooting industry, which makes a huge contribution to the economy of rural areas.

**Bill Wiggin** (Leominster) (Con): The European Food Safety Authority's recent report on foot and mouth disease found that between 1 and 5 per cent. of travellers bring into the EU about 5 kg of animal products from foot and mouth disease-infected areas. The promised meat disposal bins and extra staff do not seem to have materialised. There have been only eight prosecutions, of which one was custodial, since the disease was in Britain. As 97 per cent. of the foot and mouth disease risk is in passenger baggage, why have we only 10 meat detector sniffer dogs to cover the whole UK? Between 2,800 and 17,500 tonnes of illegal meat is imported annually into the EU. How hard is it to train more dogs to sniff out that much meat?

**Mr. Bradshaw:** There have been nine prosecutions, in fact. We have 10 sniffer dogs—10 more than we had under the Conservative Government. We will soon have 14, which will be 14 more than any other EU country.

## Recycling

7. **Mr. Graham Allen** (Nottingham, North) (Lab): What steps she is taking to ensure that the Government target for 25 per cent. of household waste to be recycled will be met this year. [57026]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** We are confident of meeting our 25 per cent. target for household recycling and composting this year. I congratulate local authorities and the public on their tremendous achievements in trebling recycling and composting since Labour came to power in 1997.

**Mr. Allen:** I congratulate the Minister and the ministerial team on the great progress that has been made. However, our league position in Europe is probably more akin, sadly, to that of Nottingham Forest, or perhaps even Exeter, than to Chelsea's. Will my hon. Friend consider introducing annual increments in household waste recycling so that we can continue that important task?

**Mr. Bradshaw:** My hon. Friend is right to highlight both our progress and the fact that we are still a long way behind most other EU countries. I invite him and other Members to study the draft consultation document on the review of our waste strategy, which contains new targets for recycling that are considerably more ambitious than our 2000 targets—up to 50 per cent. by 2020. If we can hit that, it will put us in good company with some of the best performers in the rest of Europe.

**Tony Baldry** (Banbury) (Con): The Minister will be aware that Cherwell is the best-performing district council in the south-east of England for recycling household waste and one of the 10 best in the country, at well over 50 per cent. That has not been particularly difficult, however. If we can get the rest to the level of the best, we can meet the target in a straightforward way. Any hon. Member who would like to see how it is done is welcome to come to Banbury, and I will take them on a tour round the various coloured wheelie bins that have been used so effectively by the district council.

**Mr. Bradshaw:** I am sure hon. Members can hardly wait. The hon. Gentleman is right, though, and I congratulate his local authority on its performance. He is also right to highlight the huge variation in the performance of local authorities, with some up as high as 50 per cent. plus, as his is, and some down in single figures. That shows that it can be done, and we want the poor performers to learn from the good.

**Dr. Alan Whitehead** (Southampton, Test) (Lab): Does my hon. Friend consider that the production of energy from waste is compatible with the recycling targets that he mentioned? Is the suggestion in the waste review that energy from municipal waste might rise from 9 per cent. at present to 27 per cent. by 2020 an aspiration or a target? Has he made an estimate of the energy production capacity that that increase might represent? Does he agree that it would represent the capacity of three or four nuclear power stations, and if he does, will he communicate that idea—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. There were a good three questions there.

**Mr. Bradshaw:** We do think that energy from waste has a role to play, and think, as do all the green non-governmental organisations, that it is preferable to landfill. The figure in our review document is not a target, but an assessment of where we think we are likely to be, which is considerably higher than we thought in our 2000 review—we thought we would be at 33 per cent. by 2020—because we have done so much better on recycling and expect to do better still.

## Biofuels

8. **Mr. Bob Blizzard** (Waveney) (Lab): What assessment she has made of the economic viability of using crops for biofuels. [57027]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** Bio-energy has an important role to play in supporting the Government's objectives for improving sustainability, reducing the impact of climate change, farm diversification and supporting rural jobs and areas. We have commissioned a report on the economics of energy crops, and it is expected to be published shortly.

**Mr. Blizzard:** As my hon. Friend knows, farmers have been asking for further duty reductions to make biofuels competitive with petroleum. With the tripling of the oil price, is biofuel now competitive and can we expect the bioethanol industry to take off? If so, do we have the vehicles to use bioethanol? In Brazil, they have so-called flex vehicles, which run on ethanol and petrol in the same tank.

**Jim Knight:** As my hon. Friend knows, because he takes such an interest in the issue, the renewable transport fuels obligation to achieve the 5 per cent. target by 2010 is causing the market to react positively. It is worth noting that if farmers grow such crops, they can claim on their land under the single payment scheme and energy aid, which is worth €55 a hectare.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): The Minister will be aware of the vital role played by beet growers in the rural economy in Norfolk, Suffolk and Cambridgeshire. What does he think is the ideal level of duty on biofuels?

**Jim Knight:** European sugar regulations are being changed, which will allow sugar to qualify for the single payment scheme and energy funding, like other crops. I gather that British Sugar is planning a large development at Wissington to use sugar beet, which will no longer be exported. I look forward to the use of sugar in the production of energy and am sure that the level of duty is perfectly satisfactory, on which, if the Chancellor wants to make an announcement, he will do so.

**Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): On Teesside, Tees Valley Biofuels recently announced that it is building a plant that will create 50 new jobs. Will my hon. Friend congratulate it on being so forward looking? What support and help can it expect from the Government, given the far-reaching nature of its achievement?

**Jim Knight:** I congratulate Tees Valley Biofuels on its achievement. I hope that it has been one of the beneficiaries of the £66 million in grants that we have given to enable the processing of biomass since 2003.

## Water

9. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): If she will make a statement on the current level of water supplies. [57028]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** The present general picture is of below-average river flows across England and Wales. Reservoir levels are normal for this time of year outside the south-east. The Environment Agency has produced a report, "Drought prospects 2006", explaining the likely consequences of a continuing rainfall deficit and recommending action by water companies and the public.

**Mr. Vara:** Although I welcome improvements in reducing the amount of water leaking from pipes, 3,649 million litres continues to leak every day. What measures are the Government taking to encourage water companies to deal with that problem?

**Jim Knight:** The effort that the hon. Gentleman has described is principally the responsibility of Ofwat. Significant progress has been made in reducing leakage since the peak in 1994. Most water companies are now at their economic level of leakage, which is the level at which further cutting leakage is more expensive than producing water from another source. Thames Water, which has been the subject of some concern, is now meeting the targets on leakage reduction in its three areas of operation.

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): Will my hon. Friend explain the thinking behind the policy on abstraction charges with particular regard to the fairness of water rate payers in the north-east subsidising water rate payers in the south-east?

**Jim Knight:** My hon. Friend will know that the Environment Agency is responsible for that and is looking into it. I am sure that it will note her comments.

**Gregory Barker** (Bexhill and Battle) (Con): Although 3 million homes are still under water restrictions from last summer, few people realise that nearly half the water extracted in England goes to serve not homes but large, centralised power stations. What assessment have the Government made of the impact that a far more ambitious policy of renewable decentralised energy would have on our water reserves? What input have DEFRA Ministers had into the current energy review as regards reducing the amount of water extracted by the big generators?

**Jim Knight:** I have noted with interest what the hon. Gentleman and his right hon. and hon. Friends have been saying about the generation of power from smaller units. It is interesting, and we have some sympathy towards it. The Environment Agency continues carefully to monitor demand for water, and the water companies themselves have a responsibility to plan 25 years ahead to ensure that the supply is there to meet demand. That is why four new reservoirs and three extensions are being planned.

**Mr. Roger Gale** (North Thanet) (Con): Southern Water is constructing an extension to the sewage treatment plant at Weatherlees in Thanet in order to raise the standard of effluent in east Kent in line with the measures required by the European Union. When that is complete, millions of gallons of virtually potable water will still be pumped daily into the sea at a time

when there is a severe water shortage in the south-east. I suspect that that is repeated around the country. What measures is the Department taking to ensure that that practice ceases and that usable water is used for good purpose?

**Jim Knight:** I am grateful to the hon. Gentleman for raising the excellent work done under this Government on improving the quality of water pumped into the sea. Bathing water quality has improved significantly over the past nine years. I will ask my hon. Friend the Minister of State to write to the hon. Gentleman on his specific question about the re-use of water.

### Single Farm Payments

10. **Miss Anne McIntosh** (Vale of York) (Con): What representations she has received on the payment of single farm payments in North Yorkshire. [57029]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** The Rural Payments Agency responds to all correspondence relating to the single payment scheme. As the scheme is not administered on a regional basis, it does not hold records on representations specific to North Yorkshire.

**Miss McIntosh:** Is the Minister aware that not a penny piece has been paid to any North Yorkshire farmer although the Minister promised that the bulk—96 per cent.—would be paid before the end of March? Indeed, that figure has now been reduced to a mere 50 per cent. Is he further aware that Scottish and Welsh farmers have been paid in full, with the perverse and distorting effect that they are outbidding North Yorkshire farmers for the cattle sold in our own marts?

**Jim Knight:** I have to remind the hon. Lady that today is 9 March. We will pay the bulk of payments by the end of March. I also have to inform her that the Welsh and Scottish Administrations are paying farmers in part, whereas in England we are paying them in full.

**Mr. John Grogan** (Selby) (Lab): Notwithstanding that answer, does my hon. Friend accept that there is real concern among farmers in North Yorkshire and the rural community about the performance of the Rural Payments Agency? Will he encourage it to be as transparent as possible in providing information on how many validations have been made and to treat sympathetically those farmers who face delays in payment because it has been unable to finalise its digital maps?

**Jim Knight:** We will certainly want to continue to look sympathetically at that. I have noted the comments made by my hon. Friend and other Members from Yorkshire. We gave farmers a year's notice and promised that we would begin payments in February. We have delivered on that promise despite all the noise we heard in this House and elsewhere suggesting that we would not. We are pretty pleased with that great effort, by which we have managed to deliver on our promise.

### Avian Influenza

11. **Mr. Nigel Dodds** (Belfast, North) (DUP): What discussions she has had with devolved Administrations on protecting the UK against an outbreak of avian influenza. [57030]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** Avian influenza is regularly discussed with colleagues in the devolved Administrations. The main legislative controls to protect against an AI outbreak apply throughout the UK.

**Mr. Dodds:** I thank the Minister. What measures has he discussed with officials of the Department of Agriculture and Rural Development in Northern Ireland, given that Northern Ireland shares a land frontier with the Irish Republic, and have any consultations taken place with the Government of that jurisdiction?

**Mr. Bradshaw:** Yes, and officials in Northern Ireland work very closely with officials across the border in the Republic to co-ordinate any response to avian flu. Northern Ireland officials had input into our contingency plan, which was most recently updated in December, and they will play a full part in the contingency exercise that we plan to hold next month.

**Mrs. Madeleine Moon** (Bridgend) (Lab): Has the Minister considered holding discussions with the Association of Local Government Ecologists, whose members are in close daily contact with all the local bird recorders and local communities, to make sure that there is a network of local information and contacts, as that would ensure that local authorities were at the forefront of tackling avian flu if it came to local areas?

**Mr. Bradshaw:** I am not aware that we have had any specific discussions with local government ecologists, but if we have not, I shall suggest that it sounds like a very good idea.

### Batteries (Recycling)

12. **Dr. John Pugh** (Southport) (LD): Whether further steps are planned to encourage the recycling of batteries. [57031]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** The draft EU batteries directive is likely to be finalised later this year. In anticipation of that, the waste and resources action programme will pilot collection schemes for household batteries in England.

**Dr. Pugh:** I do not want to accuse the Government of having a recycling strategy and package with batteries not included, but with 600 million going into landfill and only one in 100 household batteries being recycled, is not there a phenomenal amount still to do?

**Mr. Bradshaw:** Yes.

## Climate Change

13. **James Duddridge** (Rochford and Southend, East) (Con): If she will make a statement on the Government's progress in meeting its climate change targets. [57033]

14. **Mr. Jim Cunningham** (Coventry, South) (Lab): What progress has been made by the UK on its Kyoto commitments on greenhouse gas emissions. [57034]

**The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett):** The Government expect to exceed by about 7 percentage points our Kyoto protocol commitment to reduce the UK's greenhouse gas emissions by 12.5 per cent. below 1990 levels by 2008–12. We have today published the UK's demonstrable progress report, which has recently been sent to the secretariat of the United Nation's framework convention on climate change, confirming our progress towards our target. A copy is available on my Department's website.

**James Duddridge:** I thank the Secretary of State for that reply, but given that Sir David King, the chief scientific adviser, has stated that the 2010, not 2012, target will be "a very tough target" and that longer-term targets are perhaps more critical, what assessment has the Secretary of State made of a 60 per cent. reduction by 2050? Is that now more of an aspirational than an achievable target?

**Margaret Beckett:** I am talking about the Kyoto targets, which are for greenhouse gases as a whole, whereas I think that the hon. Gentleman's reference to Sir David King may have been about our $CO_2$ targets for 2010 and 2050. They are very tough targets. That is why they were set: there is a great deal to do. In the not-too-distant future, we will publish the climate change review, to which we committed ourselves in 2000, to show how we can get closer to those targets; but of course, no one has yet drawn out the path to 2050. Work is continuing on that, and I can assure the hon. Gentleman that we will keep the House informed of that work.

**Mr. Cunningham:** Can my right hon. Friend say what the British Government are doing to assist other countries in achieving their climatic targets—for example, with projects, technology and so forth?

**Margaret Beckett:** My hon. Friend is quite right to suggest that not just the Government but the private sector in the UK can do a great deal to help others. Developing countries do not have such targets, but they can certainly make a substantial contribution towards solving or exacerbating the problem, as the case may be, and now that we have the Kyoto protocol enforced, since the earlier part of this year, there is increasing scope for projects to be developed under the clean development mechanism, whereby sometimes Governments but sometimes private companies can invest in technologies in developing countries to help them towards a low-carbon economy. Indeed, I rather take the view that that may be a big spur towards the transfer of technology, which has been sought as a development goal for so long.

**John Hemming** (Birmingham, Yardley) (LD): The Secretary of State will be aware that the Kyoto targets do not include emissions from international aviation, which is obviously good news for any Minister who wishes to jet off to international conferences on carbon emissions. However, how will the Secretary of State resolve the discrepancies between her Department and the Department of Trade and Industry over aviation? Unless we repeal the second law of thermodynamics, we cannot have the massive increase in aviation specified in the aviation White Paper and reduce carbon emissions? How will she resolve that discrepancy?

**Margaret Beckett:** Of course I am aware that aviation is not included. At the time, it was thought to be much too difficult and the belief was that, if people tried to include aviation, the project would never get off the ground—sorry for that. I am sure that the hon. Gentleman knows that, during our EU presidency, we got agreement from the European Commission to consider including aviation in the EU emissions trading scheme. There is what one could call a slightly theoretical commitment from the global aviation organisations that emissions trading is the way to tackle the impact of aviation but no concrete steps have been taken towards that. If we can get the matter agreed in the EU, that would be a hugely powerful step towards global action. As for Ministers travelling to discuss climate change, the hon. Gentleman reminds me of a question that I was asked at a meeting for the Gleneagles dialogue in London. One journalist asked why no Minister had arrived by bike. I explained that it was a little difficult to get here by bike from Latin America.

## Waste Incineration

16. **Angela Watkinson** (Upminster) (Con): If she will make a statement on the Government's policy on the incineration of waste. [57036]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** The Government believe that incineration with energy recovery is a better solution than landfill for residual waste that cannot be reused, recycled or composted.

**Angela Watkinson:** Most waste collection authorities are doing their best to educate people about the virtues of waste reduction. The Under-Secretary knows about the huge amounts of waste required to feed a hungry incinerator and all the associated lorry movements in transporting that waste from collection to disposal points. Does not he understand that incineration is incompatible with waste reduction?

**Mr. Bradshaw:** No, it is not necessarily. We must be careful during our review of waste policy that we do not introduce incentives into the system that increase incineration at the cost of recycling. We do not intend to do that. However, there will always be residual waste after recycling, reused to the point of minimisation. For

the first time, we reduced waste last year. However, all the other European countries that do much more recycling than we do turn more waste to energy. That is why we envisage having more incinerators but not as many as we believed would be necessary in 2000.

### Common Agricultural Policy

18. **Martin Linton** (Battersea) (Lab): If she will require the Rural Payments Agency to publish payments made under the common agricultural policy single payment scheme on a constituency basis. [57038]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** The Rural Payments Agency published common agriculture policy payment information in 2005, disclosing recipients of payments by geographic location. The RPA will publish single payment scheme payments, probably by the end of September 2006, and is currently reviewing the basis of this publication.

**Martin Linton:** I hope that my hon. Friend will publish the figures by constituency because it is important for Members of Parliament to know how much is being disbursed in their areas. There is no reason why, having done that, he should not go on to include addresses and postcodes, too. After all, £1.6 billion is currently paid into the bank accounts of farmers and growers, apart from those in North Yorkshire apparently, and I see no reason why people who receive public money should not accept—

**Mr. Deputy Speaker:** Order. We have had 30 seconds of explanation but no question. The hon. Gentleman should ask a question quickly.

**Martin Linton:** Every other public contractor has to accept public accountability, so why should farmers and growers be different?

**Jim Knight:** We are capable of disclosing information geographically but have yet to decide whether to do that on a constituency or a postcode basis. We must bear in mind our responsibilities to the individual recipients. It is important for my hon. Friend to know that some of our larger farmers, who are the larger recipients, are some of our more efficient farmers who embrace most readily the reforms that we are making to the common agricultural policy. We should not fall into the trap of simply lambasting some of the most efficient producers in this country.

### Cattle Testing

19. **Paddy Tipping** (Sherwood) (Lab): If she will make a statement on her plans for pre- and post-movement cattle testing. [57039]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** Pre-movement testing of cattle in England will help to reduce the risk of TB spread. Our intention is to introduce pre-movement testing from 27 March, subject to the findings of the independent review that is currently under way.

**Paddy Tipping:** Bovine tuberculosis is an increasingly serious and costly problem. The focus so far has been on badger culling, but does the Minister accept that better farm biosecurity has an important role to play in reducing the incidence of the disease?

**Mr. Bradshaw:** Yes, I would accept that. My hon. Friend is right to complain about the level of the focus in the consultation on badger culling. Many people do not realise, for example, that pre-movement and post-movement testing has already been introduced in Scotland, or that it will now be introduced in England and Wales. All vets and scientists advise that pre-movement testing is a complete no-brainer if we want to get a handle on the disease.

### Incinerators

20. **Mr. Lee Scott** (Ilford, North) (Con): How many new incinerators the Government expect to be built in England by 2020. [57041]

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** The number of new incinerators built will depend on the technologies and the scale of facilities chosen by local authorities. The Government estimate that waste to energy of all types will account for about 25 per cent. of our municipal waste by 2020, up from 9 per cent. today but considerably less than was envisaged under our 2000 waste strategy because we have done so well on recycling.

**Mr. Scott:** Has the Minister had any discussions with the Mayor of London on this vital issue?

**Mr. Bradshaw:** I have not had any such discussions directly, but I believe that my right hon. Friend the Secretary of State had discussions with the Mayor of London recently on a range of matters. Furthermore, as part of the review of the powers of the Mayor and the Greater London authority, my officials regularly discuss whether waste should be included in any extension of those powers.

## Business of the House

11.30 am

**Mrs. Theresa May** (Maidenhead) (Con): Will the Leader of the House give us the business for the coming weeks?

**The Leader of the House of Commons (Mr. Geoffrey Hoon):** The business of the House will be as follows:

MONDAY 13 MARCH—Second Reading of the Northern Ireland (Miscellaneous Provisions) Bill, followed by consideration of Lords amendments to the Identity Cards Bill.

TUESDAY 14 MARCH—Remaining stages of the Animal Welfare Bill.

WEDNESDAY 15 MARCH—Second Reading of the Education and Inspections Bill.

THURSDAY 16 MARCH—If necessary, consideration of Lords amendments, followed by consideration of Lords amendments to the Terrorism Bill. Followed by consideration of Lords amendments to the Immigration, Asylum and Nationality Bill.

The House may also be asked to consider any Lords messages which may be received.

FRIDAY 17 MARCH—Private Members' Bills.

The provisional business for the following week will be:

MONDAY 20 MARCH—Estimates [2nd Allotted Day]. There will be a debate on the costs of peacekeeping in Iraq and Afghanistan followed by a debate on deficits in the national health service.

Followed by proceedings on the Consolidated Fund (Appropriation) (No. 2) Bill.

At 10pm the House will be asked to agree all outstanding estimates.

Details will be given in the *Official Report*.

TUESDAY 21 MARCH—Consideration of Lords amendments.

WEDNESDAY 22 MARCH—My right hon. Friend the Chancellor of the Exchequer will open his Budget statement.

THURSDAY 23 MARCH—Continuation of the Budget debate.

FRIDAY 24 MARCH—The House will not be sitting.

*[The following is the information: Uncorrected oral and written evidence taken by the Health Committee on 1 and 6 December 2005 (HC 736-i,-ii and-iii), on Public Expenditure Health and Social Services 2005.]*

I should also like to inform the House that the business in Westminster Hall for 16 and 23 March will be:

THURSDAY 16 MARCH—A debate on the report from the Quadripartite Committee on strategic export controls.

THURSDAY 23 MARCH—A debate on the participation of young people in democracy.

**Mrs. May:** I thank the Leader of the House for giving us the business for the next two weeks.

The Government inherited a legacy of falling homelessness, yet there are now more than 120,000 homeless people, up 18 per cent. since 1997, and the number of homeless households in temporary accommodation has gone up 145 per cent. since 1997. Can we have a debate on the Government's failure to tackle the problem of homelessness?

Will the Leader of the House tell us when the Independent Police Complaints Commission report on the shooting of Jean Charles de Menezes will be published?

The right hon. Gentleman will have seen reports that three of the Government's nominations for peerages have been blocked by the House of Lords Appointments Commission. When asked yesterday whether Downing street had leaked this information, the Downing street press spokesman said:

"Give me one good reason why it is in our interests to leak this".

Will the Leader of the House arrange for the Prime Minister to make a statement to the House on the circumstances in which Downing street thinks that it is in its interests to leak confidential information?

I am sure that the right hon. Gentleman agrees that Government Ministers should be accurate in statements to the press. Last week, in a broadcast on the investigation into whether the Secretary of State for Culture, Media and Sport had breached the ministerial code, the right hon. Gentleman said:

"It's the Cabinet Secretary, not a politician, the most senior civil servant deciding that Tessa has not breached the ministerial code."

The right hon. Gentleman was wrong. The Cabinet Secretary established the facts, but it was the Prime Minister—who, as far as I know, is a politician and not just an emissary from God—who said that the code had not been breached. Will the right hon. Gentleman now make a statement correcting his mistake?

Today the chairman of the Committee on Standards in Public Life, Sir Alistair Graham, criticised the Prime Minister for refusing to act on the committee's proposal for an independent body to investigate breaches of the ministerial code, saying that the Prime Minister's failure to act was leading to a "loss of public confidence". We support the proposal for an independent body to review the code, and the Prime Minister's refusal to act cannot continue. Is it not time for the Prime Minister to make a statement to the House on his position, and for a full debate on the ministerial code, so that public confidence in Government can be restored?

Public confidence will not be improved by today's report that the Government plan to restrict the right of Members of Parliament to put questions to Ministers. However inconvenient it is for Ministers, surely the right of Members to question them and hold the Government to account lies at the very heart of our democracy. Will the Leader of the House ensure that there is a debate on his plan to gag MPs?

In a written statement issued in the House on 13 December last year, the Secretary of State for Transport said that letting the Greater Western franchise to First Group would deliver

"an improved service for passengers".—[*Official Report*, 13 December 2005; Vol. 440, c. 143WS.]

*[Mrs. May]*

Given that it means cuts in services to Berkshire, Wiltshire and elsewhere, will the Leader of the House arrange for the Secretary of State to come to the House to correct that misleading statement?

In the light of all those issues—Downing street leaks, misleading statements by Ministers, loss of public confidence in the ministerial code, and attempts to gag Members of Parliament—has not the time come for a debate in the House on standards of ministerial conduct?

**Mr. Hoon:** The right hon. Lady's predecessor had an endearing habit of believing all that he read in the newspapers. I rather hoped that she might address some of the stories that her researchers had culled from the pages of newspapers with a little more scepticism. I shall deal with her specific points in due course, but I think that it would improve the standard and quality of debate in the House if she occasionally viewed some of those stories with a slightly more critical edge that she appears to have applied to them this morning.

The Government have put a huge amount of effort into continuing the process of reducing homelessness in our society. It is a terrible problem, which we have addressed with a series of initiatives. I do not recall that the last Government's efforts produced any particular successes.

The right hon. Lady asked about the publication of the IPPC report. I do not have the information to hand, but I am sure that it can be made available in due course. As for the nomination of peers, the Government have established an independent system to ensure scrutiny of such appointments. I would have much more sympathy for what the right hon. Lady says if from time to time she could point to any evidence whatever that the matter had ever been considered by the last Conservative Government. In fact, they were content to bluster through the issues without ever addressing them as the present Government have.

The Prime Minister has made clear that the only person who decides who is and is not in the Government is the Prime Minister. He has said

"You can't subcontract that decision. That is why I didn't agree with the recommendation and still don't"

—the recommendation for an independent body, that is. I think that that is a complete answer to the right hon. Lady's point.

As for the right hon. Lady's believing what she reads in *The Guardian*, there are no plans to restrict the right of Members to table parliamentary questions. That is, quite properly, a matter for the Procedure Committee. The right hon. Lady will know that the Committee has looked at the issue in the past, and has made strong recommendations for improvement in the system—not least in view of the considerable increase in the number of parliamentary questions. The Committee has, properly, been extremely concerned not only about the number of questions tabled, but about the manner in which they have been tabled. I recognise that that is the responsibility of the Procedure Committee and it is appropriate that it should be.

As for rural rail transport, my right hon. Friend the Secretary of State for Transport was in the Chamber yesterday and I am sure that he would have been delighted to deal with that matter had he had the opportunity. Clearly, the Government remain committed to supporting rural rail transport and will continue to do so.

**Mr. David Heath** (Somerton and Frome) (LD): The Leader of the House will be aware that Standing Committee A today concludes its consideration of the Legislative and Regulatory Reform Bill—colloquially known as the parliamentary scrutiny (abolition) Bill. Will he ensure that we have at least two days on the Floor of the House for the Report stage of that enormously important Bill to provide an opportunity either for the Government to rewrite it entirely to avoid its being shredded in another place, or for Members to find out why the Government wish to take upon themselves powers that are in excess of those afforded to Henry VIII or the national Government in time of war?

May we have a debate on the United States extradition treaty, which is grossly disproportionate and unbalanced? The American Congress has yet to ratify it. It has found time to ratify extradition treaties with Lithuania, the Marshall Islands, Micronesia and Peru, but apparently not with the United Kingdom.

May we have a debate on the continuation or otherwise of the council tax rebate of £200 that was provided last year? Given that council tax bills have certainly not gone down across the country and I am unaware of pensioners' income going up, why was it necessary to provide that rebate last year—a general election year—and not this year?

The Leader of the House's consideration of future business is bound by very few Standing Orders, but it is bound by Standing Order No. 55, which requires that estimates need to be considered by 18 March. Why, then, are we having estimates on 20 March, thus setting aside the one Standing Order that binds the programme of the House? What on earth do people in his office do other than look at Standing Orders?

**Mr. Hoon:** I am sorry that the hon. Gentleman has come to the House in such a bad mood. He is normally a kind, avuncular and friendly figure. I was about to congratulate him on his reappointment, but perhaps, in the light of his mood, I need to commiserate with him. If he had accepted the advice of the House to stand in the election for leader of his party, he might have got a different job, but, nevertheless, we are pleased to see him back.

There has been a programme motion on the Legislative and Regulatory Reform Bill, as the hon. Gentleman well knows, and the House has already resolved those matters, but I am sure that that can be looked at afresh if there is a strong feeling that it is necessary.

Obviously, the extradition treaty involves significant negotiation with the United States. That reflects the different constitutional arrangements that exist in the United States. It is well known that the United Kingdom's system of dealing with treaties in general is fairly straightforward. That is not always the case for those countries that have the benefit of a rather more complex written constitution. No doubt the Liberal Democrats will reflect on that when they recommend having complex written constitutions.

Council tax rebate is clearly a matter for my right hon. Friend the Chancellor of the Exchequer and he will deal with that in due course. As for the business of the House, that is obviously a matter for the House, as I report it to the House regularly.

**Mrs. Ann Cryer** (Keighley) (Lab): My right hon. Friend has already announced that there will be a debate the week after next on the peacekeeping force in Afghanistan. May we also have a debate on peacekeeping in Iraq? That country seems to be moving towards civil war, with Muslims killing Muslims. Could there be a role for a UN peacekeeping force in Iraq eventually, on the removal of the existing coalition force?

**Mr. Hoon:** The debate will be concerned with the costs, as is proper, of peacekeeping in both Iraq and Afghanistan. It will be an opportunity for hon. Members to discuss those issues and I am confident that the House will believe that the money for peacekeeping is being well spent and assisting the development of democracy in both Iraq and Afghanistan.

**Mr. Philip Hollobone** (Kettering) (Con): Will the Leader of the House make time available for a debate on distraction burglary, which is an especially pernicious and evil crime that targets elderly people and is difficult to detect? In agreeing to such a debate, will he support the campaign of the *Northamptonshire Evening Telegraph* to beat these con men?

**Mr. Hoon:** The hon. Gentleman consistently raises important issues that affect his constituents and, I imagine, other constituencies as well. The matter must be taken extraordinarily seriously given its terrible effects, especially on our elderly community. The appalling behaviour has an impact on not only the people who are directly affected by it because it causes fear among many other people, who might be anxious about answering their doors or going out after dark. I entirely support the efforts of the hon. Gentleman and his local paper to raise that important issue.

**Mr. Michael Clapham** (Barnsley, West and Penistone) (Lab): Is my right hon. Friend aware that next Wednesday the Law Lords will be asked to decide in the Sylvia Barker case, which is a mesothelioma case, on whether compensation should be denied if a person has spent any period as self-employed and whether it should be reduced if all those who exposed the employee cannot be claimed against? It is likely to cause great indignation if the case is decided against Sylvia Barker. Will my right hon. Friend thus call an immediate debate if the decision goes against her so that the House can decide how to address the indignation that will be caused?

**Mr. Hoon:** My hon. Friend makes his point very clearly. I have learned from standing at this Box over many years that I should not comment on cases that are still before the courts. However, if he chooses to raise the matter with me after we know the result of the case in the House of Lords, I will be able to respond more fully to him.

**Mr. Andrew Mackay** (Bracknell) (Con): Is the Leader of the House aware that even by his patronising standards, his response to my right hon. Friend the Member for Maidenhead (Mrs. May) about Sir Alistair Graham's report, which was published today, was awful? When the chairman of the Committee on Standards in Public Life makes serious observations to the Prime Minister, he deserves a proper response. He deserves a response from the Dispatch Box next week—will it happen?

**Mr. Hoon:** My right hon. Friend the Prime Minister is here every week to answer questions on any subject that hon. and right hon. Members may raise. Of course, he was here yesterday, and if the matter had been a burning issue for Opposition Members, they would have raised it in the way in which the right hon. Member for Bracknell (Mr. Mackay) has done today. The views of the chairman of the Committee on Standards in Public Life on the issue are well known, so the matter is not new and has been before the House on many occasions. If I have misquoted the Prime Minister, clearly I apologise to the House, but I do not believe that I have. This Prime Minister and previous Prime Ministers have made it clear that it is ultimately for them to decide whom to appoint to ministerial office.

**Mr. David Winnick** (Walsall, North) (Lab): Given what might appear to be a case of someone who has been nominated for a peerage putting pressure on the House of Lords Appointments Commission, would it not be useful for us to have a statement so that we can debate the matter and praise—I would have no hesitation in doing so—the work that we have done to make political donations far more transparent than they were when the Tories were in office, when they absolutely refused to make any change to the law that would have allowed donations to political parties to be made known? At the same time, we could build on the progress that we have made so that the possible link between political donations and getting a peerage or knighthood would become weaker, not stronger. Some of us are rather worried about the current position.

**Mr. Hoon:** I certainly agree with my hon. Friend's substantive point. The Government have taken clear steps to improve the process of appointment, to make it transparent and to ensure that there is proper supervision of what happens. I do not entirely share his criticism of the discussion that is taking place in one particular case, although I have no detailed information about the case—nor should I. It does not appear to me that an individual is trying to put pressure on the Appointments Commission, but that there is the situation with which we frequently have to deal when such information seeps into the public domain, which cannot be in the interest of the process or the individual in question.

**Mr. Michael Jack** (Fylde) (Con): The departure from the national health service of Sir Nigel Crisp has raised fresh doubts about the future management of the NHS. It is causing problems to hospital trusts such as the Blackpool, Fylde and Wyre trust, which is faced with ward closures and service cuts. In light of the uncertain situation, will the Leader of the House look to have an early debate on the whole conduct and management of

*[Mr. Michael Jack]*

the NHS, so that we might probe with some clarity just how the Government will get out of the mess that they have got themselves into?

**Mr. Hoon:** The right hon. Gentleman is usually a fair-minded person when it comes to establishing the facts, and I am sure that in the interests of his reputation he would want to add that in Fylde there are 5,400 more nurses, 543 more doctors and 142 more consultants. That is a remarkable record, and one on which I know, if he had a little more opportunity, he would want to congratulate the Government. Having a debate about the astonishing improvement in the health service under this Government is not something that the Government fear at all. We have had a number of debates on the question.

On health service deficits, I have set out the figures before; a tiny number of NHS organisations are responsible for an overwhelming proportion of those deficits. *[Interruption.]* Right hon. and hon. Members are shaking their heads and groaning, but these are the facts. The truth is that a small number of organisations are involved. I thought that the Conservative party was concerned with financial propriety and with ensuring that organisations balance their books. That is precisely what the Government are trying to do in the health service.

**Mr. Dennis Skinner** (Bolsover) (Lab): Now that the question of standards in public life is being discussed again by the media, would it not be an idea, if we are to have a debate, to turn our attention to the Register of Members' Interests as well? Now that this has become a great public issue, it is high time that we returned to the idea put forward many times by myself and others: Members of Parliament paid £60,000 a year, which is enough to live on—no one can starve on it—should be stopped from making money on the side. This book has page after page of people with directorships, most of them Tory MPs. If we want a legacy, let it be "One Member of Parliament, one job only". Moonlighting should stop for everybody, especially them.

**Mr. Hoon:** My hon. Friend has expressed his point of view very well with his characteristic style, and I enjoyed the way he put it. No doubt, we will have some comments from Opposition Members about their views on this issue.

**Nick Harvey** (North Devon) (LD): Will the Leader of the House find time for a debate on the draft statutory instrument on the parliamentary pension regulations, on which he has announced a very short timetable for consultation? Does he understand the concern of the trustees that Members of the House should have the same pension options in the new era that begins in April as other members of the public, and in particular our concerns that older Members will not have as much of an option on their right to commute their pension into a lump sum; that the death in service benefit on which, sadly, any Member's family could depend at any moment, will be restricted; and that divorced Members will not get the opportunity to rebuild their benefits that other members of the public will have? In view of that short consultation, could we have a debate so that Members can make their views known?

**Mr. Hoon:** I certainly appreciate that this is an important issue not only for Members of Parliament but for all pension funds facing the significant changes that the new financial legislation brings into force on 6 April. It is a matter of concern to people up and down the country. The Government have made changes that will encourage people to save for their pension right through their working life, and I recognise the importance of that for Members of Parliament and others. I am certainly willing to discuss the matter with the hon. Gentleman in detail.

**Julie Morgan** (Cardiff, North) (Lab): I know that my right hon. Friend is aware that there will be a debate in Westminster Hall this afternoon on violence against women to mark international women's day. Can we have a debate on the Floor of the House about equal pay—one of the other major issues facing women in this country today—particularly in the civil service because that is something over which the Government have more control?

**Mr. Hoon:** I acknowledge the important material about equal pay that was recently published and the fact that there is still some way to go in ensuring equality of remuneration in both the public and the private sector. It is something to which the Government are absolutely committed, which is why we continue to bear down on these discrepancies and will continue to do so.

**Mr. Julian Brazier** (Canterbury) (Con): May I urge the Leader of the House to have an early debate on the development of so-called head shops, which are selling dangerous but legal alternatives to cannabis and other drugs? Meridian Television has put together a terrific dossier about that. At a time when we have a ban, a shameful ban, on many traditional herbal medicines, many of these substances, some of them newly developed, are legally available and are being openly sold. They provide highs like those associated with cannabis and harder drugs but are still technically within the law.

**Mr. Hoon:** I know that this is something that the Home Office monitors and regularly reviews. It is vital that the law is upheld. If the hon. Gentleman has examples of specific instances or areas where the law needs to be updated to reflect threats to the health of the public, I hope that he will make them known.

**Mr. George Mudie** (Leeds, East) (Lab): Yesterday it emerged that the Home Office had agreed a contract with the somewhat controversial property company Mapeley to open 69 high street offices to issue passports. This is work that the Post Office looked to for a future. A fortnight ago the Speaker intervened and forced the Department for Work and Pensions to reveal the contents of its contract on Post Office accounts, which demonstrated that after 2010 pensioners would be forced to use banks. Both those matters threaten the future of 8,500 out of 12,500 post offices. Does the Leader of the House agree that this is a shabby way to

treat 4.5 million pensioners, 8,500 sub-postmasters and even Members of this House? Will he use his persuasive powers to bring a Government spokesman here to make a statement on the present policy on the future of the Post Office, or is this—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. The hon. Gentleman has had a generous allocation.

**Mr. Hoon:** Thank you, Mr. Deputy Speaker. I think that I have got the drift.

This is a serious issue, and one that the House has addressed not only during business questions in recent weeks but on other occasions. To deal with at least one aspect of what my hon. Friend said, no one is suggesting that people should be forced to use the banks. Indeed, I have been at great pains to emphasise that there is a range of accounts available at the post office, many of them simple and straightforward to use, which bring real benefits to pensioners; for example, interest payments. They should be encouraged to use those accounts, preserving the Post Office and its business. I see no reason to be quite so alarmist about the future of the Post Office. The Government strongly support it, and we continue financially to support the post office network, not least in rural areas. It is something to which the Government are committed.

**Mr. Christopher Chope** (Christchurch) (Con): Does the Leader of the House deny that proposals to curtail the right of hon. Members to ask ordinary written questions have been circulating in Government circles?

**Mr. Hoon:** I am not going to comment on leaked documents. [HON. MEMBERS: "Ah."] I have made it absolutely clear that this is a matter for the Procedure Committee and, ultimately, for the House. These issues have been debated in the past; for example, by the Procedure Committee and the Modernisation Committee. Serious concern has been expressed by Members of the House about the numbers of questions tabled and, crucially, about the circumstances in which they are tabled. It would be inappropriate not to consider those concerns; otherwise the House will simply allow ever more questions about matters of an ever more routine nature. Indeed, when the matter was last looked at, it seemed clear that many of the questions tabled were of a routine research kind, asking for information that was already in the public domain, and I know that right hon. and hon. Members have expressed concern about that before.

**Gwyn Prosser** (Dover) (Lab): Yesterday's announcement that the beef ban is to be lifted might have been good news for some farmers, but it was bad news for veal calves and the animal welfare groups that have campaigned to ban live animal exports from Dover? Will my right hon. Friend find time for a debate on the Floor of the House to explore what progress Ministers have made towards ensuring that meat is exported on the hook rather than on the hoof, which is declared Government policy?

**Mr. Hoon:** I know that that is a long-term ambition of those who rightly campaign to protect animal welfare. The subject has arisen over many years both here and, obviously, in the European Union. The Government take it seriously. I cannot offer my hon. Friend the prospect of an early debate on it, but my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, who has just answered questions, takes a keen interest in such matters.

**Mr. Peter Robinson** (Belfast, East) (DUP): On Monday, we are due to debate the Northern Ireland (Miscellaneous Provisions) Bill. It had been the intention of the Secretary of State for Northern Ireland to amend it to add important proposals for the governance of Northern Ireland. Is that still the Government's intention? If it is, can the Leader of the House take it from me that it is not considered an appropriate vehicle to introduce important constitutional proposals? That should be done in primary legislation on the Floor of the House.

**Mr. Hoon:** I will not get into the detail of that. I urge the hon. Gentleman, his colleagues and others who represent Northern Ireland constituencies to ensure that progress is made and that there are discussions about improving the governance of Northern Ireland. That is what is important. I know that that is vital to the people of Northern Ireland and those whom he represents. I urge him to use his best endeavours to bring that about.

**Mr. Clive Betts** (Sheffield, Attercliffe) (Lab): May I support the request by the hon. Member for North Devon (Nick Harvey) to discuss the impact of pensions legislation on the parliamentary pension fund in April? I am aware of the correspondence between the hon. Member for Bournemouth, West (Sir John Butterfill), as chair of the fund's trustees, and the Leader of the House, which goes through a number of the options for changing the rules to the scheme and the complications, which are considerable. May I suggest that it would be appropriate to debate those matters before hon. Members are finally asked to vote on them, so that the trustees and my right hon. Friend get the views of hon. Members on things that could have a serious impact on their future pensions?

**Mr. Hoon:** I appreciate the concern. I have made it clear that I am willing to discuss that in depth and in detail. As my hon. Friend rightly indicates, and as I have found to my cost, the issues are not simple and straightforward. The complexity of the regulations and the legislation makes me wonder whether it would be entirely appropriate to have a detailed debate. I realise that that is not the best argument, but nevertheless I think that it would be better if we discussed the matter seriously and calmly. I am certainly willing to see him to do that.

**Sir Nicholas Winterton** (Macclesfield) (Con): May I warmly support the request by the hon. Member for North Devon (Nick Harvey) relating to parliamentary pensions? It is a critical issue. May I also—this supports the Leader of the House—commend the Procedure Committee's report on parliamentary questions, which sought to remove the abuse of the Order Paper, not to restrict hon. Members from asking genuine and important questions?

*[Sir Nicholas Winterton]*

However, as the right hon. Gentleman seeks to be a radical, reforming Leader of the House, will he find time to debate critical issues, such as police authority mergers and the restructuring of the health service, in Government time, with substantive motions before the House to be decided on free votes? That would enable hon. Members legitimately and properly to express their views without any influence from Government Whips.

**Mr. Hoon:** The hon. Gentleman was doing so well with his first two observations that I was hoping to be able to say how much I agreed with him, but snatching defeat from the jaws of victory, I recognise that he needed to return to a number of issues that we have debated. I am sure that there will be plenty of opportunity for right hon. and hon. Members to discuss specific proposals for police authority mergers if they are not agreed to by local communities. I know that we will come back to that on a regular basis.

**Keith Vaz** (Leicester, East) (Lab): May we have a debate next week on the guidelines for the provision of stairlifts for elderly people by local authorities? My constituent Vera Cheshire is 78 years of age. She has a colostomy bag, an artificial leg and has lost the use of one of her arms. She has been waiting for 18 months for a stairlift from Liberal-led Leicester city council. Does my right hon. Friend agree that when local authorities fail to discharge their duties, especially to the vulnerable in society, it is important that Ministers intervene and that, at the very least, we should debate such important matters?

**Mr. Hoon:** As ever, my hon. Friend makes his point, and he does so with considerable force. It is outrageous that anyone should have to wait so long for assistance from their local authority. I am sure that the Liberal Democrat leadership in the House of Commons will look at that as a matter of some urgency.

**Mr. Alex Salmond** (Banff and Buchan) (SNP): Does the Leader of the House not detect the groundswell of support for a debate on the marketplace for honours established by the Government? Is not it the case that 80p out of every £1 of individual donations to the Labour party comes from people who are subsequently ennobled or knighted by the Government? What about the queue of people, like Dr. Patel, at the House of Lords Appointments Commission who are demanding to know where their peerage is? Having given the money, it is a case of cash for no peerage. Do not we need a debate on the debasing of the political process by the Government in a manner that would make Lloyd George blush?

**Mr. Hoon:** Clearly, my political antennae are not as well attuned as the hon. Gentleman's. I have not detected a great groundswell. He delivered his press release effectively, and we take account of that matter. Again, I am surprised that he has not given credit to the Government for their efforts to ensure that there is a new and independent system of appointment. I commend him to look at the procedure so that he understands it more thoroughly.

**Tony Lloyd** (Manchester, Central) (Lab): May I refer the Leader of the House to early-day motion 1706, about trade union recognition and the attempts by Asda Wal-Mart to break the trade unions in that company?

*[That this House notes that Asda Wal-Mart has been fined £850,000 in the United Kingdom for offering employees a pay rise to give up union rights at their depot in Washington Tyne and Wear; congratulates the GMB union on its successful campaign on the legal right to maintain union recognition which is fundamental to society; expresses concern over the role of the Portland public relations company in its attempts to discredit the GMB; and further notes that trade unions play a constructive role in the United Kingdom for employees and employers.]*

Will my right hon. Friend advise me how we can use the mechanisms of the House to best get across the message that although American investors are welcome, those who come here with union-busting tactics will be resisted both by the trade unions and by society more generally?

**Mr. Hoon:** I accept the importance of the rules relating to recognition. The Government have improved those for trade unions. It is right that those who want to join them and achieve appropriate thresholds should be recognised in negotiations with their employer. It is equally important that all employers recognise the law and the relevant rules.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Last week, a farmer constituent of mine received a letter from the Rural Payments Agency detailing his single farm payment entitlement. It was accompanied by a 12-page booklet, which explained the terms of the entitlement. He was told that it may or may not be correct, but that contacting the RPA would be a waste of time because it was too busy. Meanwhile, he continues to wait for his entitlement, but has no idea when it will arrive. It has been three years since agriculture was debated in the House in Government time. It is a scandal how farmers are treated in this country. Will the Leader of the House hold a debate on agriculture as soon as possible?

**Mr. Hoon:** I do not accept the description that the hon. Gentleman uses of the process, not least because for 10 years I represented farmers in Derbyshire. I had regular meetings with them and know how complex the payment system was in those days. I also know how much they complained about the complexity of the arrangements. The purpose of the single farm payment system is to simplify the arrangements. It obviously faced some difficulties in its introduction, but I am confident that the system is better than the one that it replaced.

**Mr. David Chaytor** (Bury, North) (Lab): May we find time for a debate on the future of maternity services? The Leader of the House might be aware of the plans by the Greater Manchester strategic health authority to rationalise the number of maternity units. He will not

yet be aware of the petition of 30,000 signatures that I have received, objecting to any proposal to close the maternity unit at Fairfield hospital in my constituency. Given the high priority given to patient choice in last year's election manifesto, does he agree that it would be utterly illogical to deny to thousands of women in my constituency the right to attend the hospital of their choice to give birth to their children? Fairfield hospital is that choice. May we debate that?

**Mr. Hoon:** My hon. Friend has made his point and he is right to the extent that I am not familiar with the particular circumstances of the situation that he describes. I am not going to argue with him about it, but I will ensure that my right hon. Friend the Secretary of State for Health writes to him setting out in some detail what is happening.

**Mr. Peter Bone** (Wellingborough) (Con): Yesterday, the Prime Minister stated that nobody has to wait more than six months for their NHS operation, yet at the same time, the Department of Health website showed that many people are still waiting more than six months. Will the Leader of the House grant a debate on the huge difference between the Prime Minister's statements on the NHS and the reality? And by the way, will—

**Mr. Deputy Speaker:** Order. We can do without the "by the way".

**Mr. Hoon:** The hon. Gentleman has made precisely this point already; indeed, I happened to be in the Chamber yesterday when he made it during a point of order. I recognise that he is entitled to repeat it, but I would have appreciated his observations more if he had recognised at the same time that there are 1,500 more nurses, 670 more doctors and 250 more consultants serving his constituents. That is the result of the remarkable extra investment in his constituency and right across the country.

**Andrew Gwynne** (Denton and Reddish) (Lab): My right hon. Friend will probably not be aware that Liberal Democrat-controlled Stockport council is increasing its council tax by almost 5 per cent., at the same time as making £10 million-worth of cuts in local services, despite having had a year-on-year increase in Government grant. Given that Stockport council has failed to collect more than £7 million in tax since the Liberal Democrats took control, does my right hon. Friend not think it perhaps time to find an opportunity to debate in the House the poor record of some councils in collecting council tax?

**Mr. Hoon:** My hon. Friend has made his point very well and I am sure that there will be opportunities on the Adjournment or in Westminster Hall for a debate on the difference between what the Liberal Democrats say in the House and what they do in the country.

**Dr. Vincent Cable** (Twickenham) (LD): Is the Leader of the House aware that in many of our constituencies, shopping centres are being decimated by very high rent inflation, precipitated by upward-only rent agreements enforced by commercial landlords? Will he approach the Government Departments concerned and ask them to produce a statement on the various policy options available to alleviate this problem?

**Mr. Hoon:** This is an issue of great concern to high streets throughout the country and I am aware of its impact—I see it for myself in my constituency. My right hon. Friend the Chancellor of the Exchequer is looking at it carefully, but equally, the hon. Gentleman should recognise that such locations are subject to market forces. If he makes some submissions on how the Liberal Democrats would deal with this issue, I am sure that they will be looked at with great interest.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. We must move on.

## Royal Irish Regiment (Home Service)

12.13 pm

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** Mr. Deputy Speaker, I want today to announce the settlement package for the Royal Irish (Home Service) personnel being discharged as a result of the Northern Ireland normalisation process. I want also to mention that we have completed work on a related issue—the reduction in the number of Royal Armoured Corps and infantry bands within the Army, as part of the overall work on the future Army structure. As a further part of that work, the band of the Royal Irish Regiment will be disbanded by 31 March 2008, and the Territorial Army band in Northern Ireland will be renamed the Royal Irish Regiment Band (TA). Full details have been provided to the House in a written ministerial statement today.

The House will recall that on 1 August 2005, the start of the security normalisation process in Northern Ireland was declared. We said then that, should the security situation remain satisfactory, Operation Banner, under which the military provide support to the Police Service of Northern Ireland, will end on 1 August 2007, and that after that there will be no requirement for the three Royal Irish (Home Service) battalions. However, they will be required to support the police in the 2006 marching season.

I want to take this opportunity to pay tribute to these dedicated and brave men and women, who have contributed so much in bringing us to where we are today. We will never forget that more than 200 Royal Irish (Home Service) and Ulster Defence Regiment personnel made the ultimate sacrifice while serving in Northern Ireland. I know that the day of disbandment will be a sad one for the battalions and for each and every member of the Home Service, but we should take the opportunity to look at how far we have come. They should all be rightly proud of the crucial role that they have played in creating the environment for normalisation to begin, and I offer my thanks for their sacrifice and fortitude.

My Department has been working hard to draw up a settlement package for the military personnel in question, and I am now in a position to provide details of it. In addition to the normal armed forces occupational redundancy and resettlement package, full-time personnel will receive a tax-free, flat-rate ex gratia payment of £28,000. Part-time military personnel will receive a tax-free, flat-rate ex gratia payment of £14,000. These payments are in recognition of the impact that disbandment will have on those serving in the Home Service, and are an acknowledgement of the pressures that they will face on re-integrating into the community.

All full-time soldiers will be offered normal redundancy terms, which include a lump sum, tax-free compensation payment and, for many, early payment of pension. They will also have access to a full resettlement service, including training and a job-finding service. Part-time Home Service personnel will benefit from a job-finding resettlement service. There will be a bespoke Royal Irish after-care service to provide continuing support; it will be accessible by all former members of the Ulster Defence Regiment and of the Royal Irish (Home Service), as well as their dependants. Exact details of the after-care service are, however, still being worked on.

I cannot over-emphasise how eager we are for as many Home Service personnel as possible to take the opportunity to continue their career in the armed forces, where they can carry on making a valuable contribution to defence. Consequently, we are offering an alternative taxable engagement bounty of £10,000 to eligible Royal Irish (Home Service) personnel who wish to transfer into, and are accepted into, the general service Army.

The settlement package will be offered to all Royal Irish (Home Service) officers and soldiers still in service on 31 August 2006. The package has been designed to take into account three factors collectively: first, the pressures and restrictions that members of the Royal Irish (Home Service) faced while serving in their local community, and which are likely to continue to affect them in the immediate aftermath of the regiment's disbandment; secondly, the importance of assisting more than 3,000 of our people as they return to civilian life; and finally, the socio-economic difficulties that they may experience as a result of the regiment's disbandment and their former membership of it.

Resettlement will commence from 1 January 2007. Full-time soldiers will finish their service in tranches spread over a longer period. The majority will leave between 1 January and 31 July 2007, although a very small number of personnel will be required until 31 March 2008, by which time the process will be complete.

The package, which goes well beyond statutory entitlements, is well deserved and we hope that it will be well received by Home Service personnel. To put it in context, I give three typical examples. A 22-year-old full-time Home Service private with four years' service would receive a tax-free lump sum payment of about £38,000. A 34-year-old full-time Home Service corporal with 16 years' service would receive a tax-free lump sum payment of about £85,500 and an immediate pension for life. A 43-year-old full-time major with 22 years' service would receive £152,000 and an immediate pension. Overall, the cost of this package to the Ministry of Defence is in the region of £250 million. Everyone will regard this as a very generous package for a unique set of individuals who have made a substantial contribution to the achievement of normalisation in Northern Ireland. Regimental traditions will be preserved by the 1st Battalion the Royal Irish Regiment and by the Territorial Army element, the Royal Irish Rangers, which will remain an integral part of our defence capability.

The normalisation process will also impact on civilian personnel, and a process of consultation will take place with the trade unions on the civilian redundancies, in accordance with our duties under section 188 of the Trades Unions and Labour Relations (Consolidation) Act 1992. Affected civilian staff will be kept informed of progress, but we will not be in a position to make an announcement until later this year.

Consideration is also being given to the formal recognition that should be given to mark the unique circumstances faced by the Royal Irish (Home Service)

and its antecedents in providing continuous support to the police in Northern Ireland throughout the counter-terrorism campaign. The regiment has been consulted on that, and its views will be given due weight. I hope to be in a position to make an announcement on the matter later in the year.

I hope that the House will welcome the resettlement package outlined in this statement, and agree with me that it treats the men and women of the Royal Irish (Home Service) fairly and with the dignity and respect that they deserve.

**Mr. Mark Harper** (Forest of Dean) (Con): I join the Minister in praising the contribution of the Royal Irish regiment down the years, and especially those components that form the Ulster Defence Regiment. The Opposition recognise the immense sacrifices that they made during their lengthy period of active operations when Northern Ireland was a focus of terrorist violence. Indeed, they have been on operational duty as long as I have been alive.

I am sure that I speak for everyone on both sides of the House when I say how pleased we are with the progress being made towards a just and lasting settlement in Northern Ireland. We hope that the talks succeed, but the ninth report of the Independent Monitoring Commission makes it clear that it is very difficult to predict the nature of the threat to public order. Events in the summer and autumn of 2005 confirm that, and show that the police can be placed in a position where they need reinforcements. They also show the potential for extreme violence, including sectarian violence, to erupt suddenly in the course of rioting, and for that violence to include potentially lethal attacks on the security forces. Therefore, what specific measures does the Minister intend to put in place to ensure that the Army will retain the capacity to react adequately, should the security situation deteriorate? We may hope for the best, but we must plan for the worst.

Given that the Minister has effectively acknowledged that the Army is overstretched, will he reassure the House that the proposed financial arrangements will not act as a disincentive to those wishing to transfer to another regiment? As for the details of the package, we welcome the generous compensation that will be available for our soldiers. They deserve no less.

Finally, I have a question about Army bands. Given the reduction in the number of bands outlined in written statements, is the Minister able to give a commitment on the future of the Corps of Army Music's headquarters at Kneller hall in Twickenham?

**Mr. Ingram:** On the final question, I shall write to the hon. Gentleman and place my reply in the Library of the House. I thank him for his comments on the role of the Royal Irish (Home Service), and am sure that they are shared across the House.

The hon. Gentleman asked about the potential for ongoing disturbances in Northern Ireland. He will know that overall responsibility for security matters rests with the Chief Constable of Northern Ireland, obviously with the support of other agencies, including the British armed forces. There is no question but that the Chief Constable is entirely happy with the proposals, but his expert judgment also plays a role. If the conditions and flavour of the times were different, we would not have begun the progressive normalisation process that is welcomed by everyone. Army resources will of course be available, if required, and that is also part of the understanding with the Chief Constable.

The hon. Gentleman asked about the disincentive to transfer to other regiments. We have put up the £10,000 bounty to encourage those who wish to transfer to do so, as we are eager for that to happen. Those who do transfer will forgo the other part of the settlement, but I do not believe that to be a disincentive. We are keen for people to transfer, and the bounty on offer is substantial. I met members of the Home Service on deployment in Iraq, and some of them were already beginning to think about their future career in the Army. That is to be welcomed, and I thank the hon. Gentleman for his support for the overall package presented today.

**Nick Harvey** (North Devon) (LD): I thank the Minister for his statement, and for the notice of it that I was given. I echo the words of tribute that have been paid to the very dedicated and decent people who have done such a demanding job in very difficult circumstances. It is right that they should have a generous package, and I welcome the measures that the Minister has announced today.

I took over the role as my party's spokesman on defence only a relatively small number of hours ago, since when just about every piece of briefing that I have read has referred to staff shortages, recruitment and retention difficulties, and overstretch, especially in the light of forthcoming engagements in Afghanistan. I am therefore sure that the Minister will understand my surprise at waking up on my first morning in my new post to find that we were due to discuss redundancy packages for armed forces personnel.

I especially welcome the £10,000 bounty that the Minister has announced to encourage people to stay in the armed services. I am sure that that is the best option. I would welcome an explanation of the practical measures being taken to encourage a positive response, but I applaud that aspect of the package.

Finally, will the Minister remind the House of the military support that will remain in place for the police in Northern Ireland? As has been noted, there were eruptions of violence last summer and autumn. We hope that they will become things of the past, but it would be complacent to assume that they will.

**Mr. Ingram:** I welcome the hon. Gentleman to his new role as the Liberal Democrat defence spokesperson, and no doubt we will cross swords over some of the issues to which he referred tangentially in his remarks.

I appreciate that this is the first day in the job for the hon. Gentleman and I assure him that my statement was not deliberately timed to coincide with that. However, given what he said about the way that we use the Army elsewhere, I think that he may have misunderstood the role of the Home Service. It is able to perform its duties only in Northern Ireland. It was established for that purpose, which has of course come to an end as we make progress towards normalisation.

Many of the people in the Home Service have grown up in a military environment, and have a good understanding of what is required. They are well

*[Mr. Ingram]*

trained, and many of the skills that they have could be used. They would, of course, need to be retrained to become fully functioning members of the regular Army, but we are offering the £10,000 inducement because we want them to join.

We recognise that those in full-time service face a particular problem, and a sizeable number of them may want to take this career opportunity. However, we will define more closely the eventual long-term Army strength in Northern Ireland, and at present expect it to be in the region of 5,000 personnel. That would mean that those who transfer to the regular Army could still have their homes close to the regimental base, even though they would also serve on deployment like any other soldiers.

The package is based on the normalisation process. The hon. Gentleman may wish to make an early visit to Northern Ireland and avail himself of the briefings about what is going on over there. I am sure that he would benefit greatly from doing so, and we will facilitate that as best we can.

**Chris Bryant** (Rhondda) (Lab): I apologise to my right hon. Friend the Minister for not hearing the beginning of his statement, but I welcome what he has announced. I visited the Royal Irish with the armed forces parliamentary scheme only seven weeks ago, when we were all immensely impressed by the regiment's long history and tradition and by the perceptions of the future that some of the men revealed in conversation with us. They were aware that the decision that has been taken was necessary, and were proud of the fact that they had a role to play in the change that is taking place in Northern Ireland.

Will my right hon. Friend comment on the fact that, although the Army still flies police officers into Crossmaglen, some Army officers think that that may no longer be necessary? When does he hope that it might be possible for a further normalisation of police activities to mean that the intervention of the armed forces is no longer required?

**Mr. Ingram:** I thank my hon. Friend for his welcome for the announcement, and he makes some very valid points. He asked about the transportation of key personnel into what could be deemed to be some of the more sensitive areas of Northern Ireland. It rests with the Chief Constable to come to a conclusion about when that might be changed, but at all times we must make careful judgments. That is how we have handled matters, quite properly, over the years. We are unquestionably moving forward rapidly, but we have a duty of care to our personnel at all times. We will ensure that it is properly done, on the best advice available, and it will come, ultimately, from the Chief Constable.

**Sir Patrick Cormack** (South Staffordshire) (Con): Can the Minister assure the House that everyone who wishes to take the £10,000 will be able to do so?

**Mr. Ingram:** Well, we could have an embarrassment of riches if that happened. I would like to see that happen, but realistically it will not be the case. Given the shortages in the Army, there will be sufficient vacancies, but it is not only a case of people wishing to take the £10,000. We have to ask whether they are suitable or appropriate for transfer. Age and other factors will come into consideration.

**Lady Hermon** (North Down) (UUP): While I welcome the financial settlements that will enable the courageous men and women of the home battalions of the RIR to leave with dignity, I was bitterly disappointed that the statement made no mention of a fund equivalent to the police fund, which rightly supports the widows and families of police officers who were murdered or maimed by terrorist activity. The Minister knows perfectly well that members of the UDR and, latterly, the RIR have been murdered and maimed alongside RUC personnel in the same terrorist attacks. Will he give me a commitment today, without any hesitation, that the MOD will set up a fund equivalent to the police fund?

**Mr. Ingram:** I well understand the hon. Lady's concern. I mentioned the after-care package in the statement and I am considering the precise elements of the various funds that exist to support those who served in the RUC and the Police Service of Northern Ireland. As the hon. Lady knows better than I, there are several funds, and she mentioned one in particular. I wish to ensure that our after-care package matches that. It may take a different form, because of the different circumstances, but the principles will be the same. That is why I said that the after-care package will be carefully analysed: I do not want to find that we have a discord between two equivalent groups of people who stood together shoulder to shoulder. In many ways, it will best be achieved through the regimental process and letting the Army look after its own. It is the Army family, after all. I take on board the hon. Lady's point, and if the provision does not meet her requirements, I am sure that she will make her views very strongly known.

**Rev. Ian Paisley** (North Antrim) (DUP): I apologise for being a few minutes late due to circumstances over which I had no control.

This is a day of shadows for Northern Ireland, because any lessening of the link with the United Kingdom is always looked on with suspicion by Unionists, who are as determined as ever to remain part of the Union. Moreover, the majority of the people of Northern Ireland for whom I speak do not believe that this is a time at which any of our defences against the terrorists should be removed. However, a decision has been made to do away with the Home Service of the Royal Irish. Does the Minister agree that the sacrifices of the Home Service can never be adequately compensated, especially taking into consideration that the members who lived at home had those homes and their families targeted as a result? The price of their life's blood, which many of them sacrificed, cannot be valued. Therefore, does he agree that the enhancement payments are not an attempt to put a price on the sacrifices made by those gallant men and should not be regarded in that way?

I am sure that the Minister will agree with my colleagues and me that we put to him, the Secretary of State for Defence and the Prime Minister as strong a

case as we could, based on comparative equality with payments made to the RUC and to prison officers. I must put on the record our thanks to him, the Secretary of State and the Prime Minister for all their help on the matter, for the way that they listened to the tough talking from the Ulster Members and for doing their best to help us. I am personally glad that the social and economic difficulties that those men have to face in gaining employment in Northern Ireland are recognised by the Government, and we will of course have ongoing talks on those matters.

I thank the Minister especially for his tribute to the sacrifice and fortitude of those men. They deserve all our gratitude. We salute today the memory of the gallant dead of the regiment and the bravery of all who fought the good fight, and we wish their families God's richest blessing.

**Mr. Ingram:** I thank the right hon. Gentleman for his thanks for the way in which we have approached this issue. He is right to say that he and his colleagues made representations, as did the hon. Member for North Down (Lady Hermon). The views that were expressed helped us to reach a greater appreciation, if that were necessary, of the need to do the correct and proper thing to mark the contributions and sacrifices made by those who served in the regiment and its battalions, and their antecedents.

The right hon. Gentleman is correct to say that the proposals are not about putting a price on sacrifice. We have had to consider a resettlement, knowing that there will be significant difficulties for those who are trying to get back into normal civilian life. We have to set a level, and we now have a substantial package, which is why I gave some examples. I hope that people realise that we are treating the issue seriously. It is a measure of the recognition of the difficulties that some of those brave men and women may face in settling back into civilian life. I hope that the normalisation process will continue apace—we are seeing good progress—because that will help everyone in Northern Ireland get back to normal. That is what the Government want and I know that the right hon. Gentleman and his colleagues want it too.

**Mr. Jeffrey M. Donaldson** (Lagan Valley) (DUP): I echo the words of my right hon. Friend the Member for North Antrim (Rev. Ian Paisley). Having served in the UDR alongside some of my hon. Friends, it is with great pride that I reflect on the contribution that it has made to securing progress in Northern Ireland and protecting all of the community. We salute the sacrifices that have been made to help us to move towards what we hope will be a lasting peace.

Will the Minister look carefully at the nature and timing of the redundancies? In particular, will he make every effort to ensure that the members, both part-time and full-time, are accommodated when it comes to the timing of their redundancies? Where possible, that should be done on a voluntary basis, and I know that many of the soldiers will be willing to co-operate. I hope that no soldier will be put in the position of being forced to leave if he wishes to remain until the very end. Many of those soldiers, especially the part-time ones, have served in the regiment for more than 35 years. They were there at the beginning, and it is only fair to their honour and dignity that they should be there at the end if that is their wish. I hope that the Minister will find a way to accommodate those part-time and full-time soldiers who wish to remain to end, as well as those who wish to leave earlier on a voluntary basis.

**Mr. Ingram:** I thank the hon. Gentleman for the service he gave as a member of the UDR. He made strong and trenchant points about the role of the UDR and the Royal Irish (Home Service); there is no one better placed to do that. The hon. Gentleman raised issues about the phasing and tranching of the redundancies. Clearly, we have to have some structure. The bulk of the full-timers will go by the earlier date that I indicated in my statement. This has to be managed in a progressive way. We will try to be sensitive to the wishes of individuals at all times, but we have to meet the commitments to try to reduce the numbers as we go forward. In addition, there are operational needs because the 2006 marching season is still to be faced.

The part-timers have made representations to me on this, and the hon. Member for North Down (Lady Hermon) has highlighted the sensitivity of this issue. The difficulty is that if everyone wishes to remain in until the very end, that will not be until 2008 and it is not practicable. I do not think that any other date would make it easier. I will take this matter away and reflect on it, as we have done throughout the process, but I am setting out the difficulties. One of the ways in which we are seeking to address the desire of people to be there when, effectively, the flag comes down, is to have a ceremony, which we are planning for later this year so that the bulk of those affected will still be in service. The final arrangements have not been made and a number of processes remain to be gone through, but we are planning something later in the year. I mentioned this in my statement and will make an announcement in due course. We are trying to be as sensitive as possible and I will take on board the point that has been made.

**Mr. Mark Francois** (Rayleigh) (Con): I echo other Members in paying tribute to the Home Service battalions and to the Ulster Defence Regiment. They did a difficult job very bravely in tough circumstances. I shall ask the Defence Minister a defence-related question. Given the pressure on the regular and Territorial Army and the problems of overstretch, particularly in the infantry, did Ministers consider attempting to re-role these three battalions either as regular soldiers or as Territorial Army battalions, which have traditionally never been involved in the security situation in Northern Ireland? That would have allowed them to continue as formed units and make an active contribution to the defence of the realm. At a time when we have lost far too many infantry battalions, why are we now prepared to stand by and lose three more? It seems to make no sense.

**Mr. Ingram:** It does make sense, but before I retort in my usual way to some of the issues to which the hon. Gentleman pointedly referred, I thank him for his earlier comments. There was a request and issues were raised about the possibility of retaining incremental companies. The Army looked at that possibility and rejected it. It was not rejected as a result of some political overlay. The Army did not believe it to be the appropriate way forward. We have taken best military advice on this.

*[Mr. Ingram]*

I point to the £10,000 bounty, which is very considerable. For many of these soldiers, the transition from what they are currently doing to the regular Army would not be difficult. There would have to be retraining, there would be issues associated with full evac and the future Army lay-down in Northern Ireland—a garrison 5,000-strong is planned—would have to be borne in mind. Therefore, there could be many of the elements for which the hon. Gentleman is asking.

The hon. Member for South Staffordshire (Sir Patrick Cormack) asked whether everyone who applies will get their wish. That will depend on the factors at the time, but we could effectively have what the hon. Gentleman is asking for if those people make that choice. There is nothing to stop them doing so, and, if they wish, many hundreds could do what the hon. Gentleman wants to see happen.

**Mr. Ben Wallace** (Lancaster and Wyre) (Con): I wish to place on record my salute to members of the Royal Irish Regiment, formerly the Ulster Defence Regiment, whom I served alongside in Northern Ireland for a number of years. They were some of the bravest members of the security forces and, unlike many regulars, they went home at the end of their patrols and lived in the community, often in danger. What measures will be put in place to protect individuals who live in very republican communities, often in rural areas, for whom danger will go on after their regiment has been disbanded?

Will any of these people remain in the reserve? The ninth Independent Monitoring Commission report stated that although the situation is heading towards normalisation, it is volatile. If these people remain in the reserve, there would be an asset to take advantage of in the future.

There is also the element of cost. We know that the MOD is strapped for cash and is facing many commitments. What discussions has the Minister had with the Under-Secretary of State for Northern Ireland, his hon. Friend the Member for St. Helens, South (Mr. Woodward)? What assistance has he had from that Department, or other Government Departments, to pay the £25 million so that we do not see reductions in armed services elsewhere as a result of this generous offer?

**Mr. Ingram:** I thank the hon. Gentleman for his service in the armed forces and the role that he played as an individual soldier in getting us to this position of normalisation.

We are not strapped for cash. We have had a very significant settlement. The demands are unquestionably great and can grow exponentially at times, but we have to balance resources. We have laid down a considerable package. The Northern Ireland Office went through this process with the conversion of the RUC to the Police Service of Northern Ireland. I cannot remember the total sum involved in that, but it was another considerable package. However, this is a debt of honour to our people and cannot be seen as compensation. To squabble about money would be unseemly. We have done what we believe to be right. It has been well received across Northern Ireland and, if not, I will hear about it from those who currently serve. We have had a flavour of how well it has been received, although there are still some concerns to be addressed.

The protection of those who have gone back to civilian life is a matter for security assessment within Northern Ireland and rests with the Chief Constable. We have always shown our willingness to look after people in that part of the United Kingdom. I do not see that changing.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. We must now move on to the next business.

## BILL PRESENTED

### Criminal Justice Act 1988 (Amendment)

Keith Vaz presented a Bill to amend the Criminal Justice Act 1988 to establish a right of appeal in relation to the amount of compensation payable under section 133 of that Act and to make provision about the procedure for the assessment of such amounts: And the same was read the First time; and ordered to be read a Second time on Friday 17 March, and to be printed. [Bill 143].

# Orders of the Day

## Childcare Bill

*As amended in the Standing Committee, considered.*

### New Clause 1

POWER OF CONSTABLE TO ASSIST IN EXERCISE OF POWERS OF ENTRY

'(1) A person authorised for the purpose of subsection (1) or (2) of section 77 may apply to a court for a warrant under this section.

(2) If it appears to the court that the authorised person—

(a) has attempted to exercise a power conferred on him by section 77 but has been prevented from doing so, or

(b) is likely to be prevented from exercising any such power,

the court may issue a warrant authorising any constable to assist that person in the exercise of the power, using reasonable force if necessary.

(3) A warrant issued under this section must be addressed to, and executed by, a constable.

(4) Schedule 11 to the Children Act 1989 (c. 41) (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.

(5) In this section, "court" means the High Court, a county court or a magistrates' court but this is subject to any provision which may be made (by virtue of subsection (4)) by or under Schedule 11 to the Children Act 1989 (c. 41).'.—*[Maria Eagle.]*

*Brought up, and read the First time.*

12.47 pm

**The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle):** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker (Sir Michael Lord):** With this it will be convenient to discuss Government amendment No. 18.

**Maria Eagle:** It is a pleasure to resume our deliberations on the Bill. I hope that we shall be able to deal with the outstanding issues succinctly; I shall certainly attempt to do so.

New clause 1 allows persons authorised under clause 77 to apply to the court for a warrant for a constable to support them. It is purely a technical, tidying amendment—which means that we forgot to deal with it earlier—to ensure that the power under section 102 of the Children Act 1989 of a constable to assist is carried forward appropriately to the legislation. It would enable the court to issue a warrant in cases where it appeared that Ofsted had been prevented, or was likely to be prevented, from exercising powers under clause 77. Fortunately for all concerned, such applications have been extremely rare so we do not expect the provision to be needed frequently; none the less, it makes sense to include it.

Amendment No. 18 simply tidies up the impact of the new clause by adding a power for a constable to assist in respect of family proceedings. On that basis, I commend the provisions to the House.

**Tim Loughton** (East Worthing and Shoreham) (Con): I shall not detain the House on these technical amendments, which the Minister was gracious enough to admit might have been dealt with earlier.

On a general note, however, the Government recently tabled a number of amendments for discussion today, several of which are completely new provisions, yet no accompanying explanatory notes or letters from the Minister have been forthcoming. That is not helpful. Usually when the Government table amendments on new matters, one would expect an explanation, as a courtesy at least.

Furthermore, I notice from the Order Paper that the Secretary of State is making a written statement on "Safeguarding in early years and childcare", which I presume is germane to the Bill, yet neither I nor my hon. Friends—nor, I suspect, the hon. Member for Mid-Dorset and North Poole (Annette Brooke), who speaks for the Liberal Democrats—received notice of that statement. My office rang the Minister's office this morning and we were promised that a copy would be e-mailed straightaway, but that has not appeared. That is regrettable, especially in the light of what happened last week with the Children and Adoption Bill, when Opposition Members were not notified about the imminent publication of a report that was absolutely germane to the business, and was referred to during that business by the Minister of State. That is a shame, because it diminishes the detail of our debate at a late but crucial stage.

I am thus not in a position to take issue with the points that the Under-Secretary of State has just made, although based on a scant reading of the provisions, we do not want to raise any objections to them. However, it would have been nice to receive an explanation of them sooner.

**Maria Eagle:** I apologise to the hon. Gentleman for the fact that we do not appear to have managed to do what we said we would do, and get those details and the written statement over to Opposition spokesmen. It was certainly our intention to do so, and I undertake to find out why that did not happen. I am the first to admit that the situation is not satisfactory; I can but apologise.

It seems, however, that the Opposition do not take exception to the new clause and the amendment—*[Interruption.]* I have just received some late information. The detail that we hoped to pass to the Opposition was placed on the letter board—I assume, this morning—so we attempted to inform them. I shall try to find out what went wrong and when, and I will talk to the hon. Gentleman about it outside the Chamber.

*Question put and agreed to.*

*Clause read a Second time, and added to the Bill.*

## New Clause 2

PROVISION OF INFORMATION ABOUT YOUNG CHILDREN: ENGLAND

'(1) Regulations may make provision, in relation to England, requiring—

(a) a person registered as an early years provider under Chapter 2 of Part 3, and

(b) a person who provides early years provision in respect of which, but for section 34(2) (exemption for provision for children aged 3 or over at certain schools), he would be required to be registered under that Chapter,

to provide to the relevant person such individual child information as may be prescribed.

(2) In subsection (1), "the relevant person" means one or more of the following—

(a) the Secretary of State, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—

(a) to the Secretary of State, or

(b) to any prescribed person.

(4) The Secretary of State may provide any individual child information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual child information—

(i) to the Secretary of State, or

(ii) to any other information collator, and

(b) may at such times as the Secretary of State may determine or in prescribed circumstances provide such individual child information as may be prescribed—

(i) to any prescribed person, or

(ii) to any person falling within a prescribed category.

(6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—

(a) the Secretary of State,

(b) any information collator, or

(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.

(9) In this section—

"early years provision" has the meaning given by section 20;

"individual child information" means information relating to and identifying individual children for whom early years provision is being or has been provided by a person mentioned in subsection (1)(a) or (b), whether obtained under subsection (1) or otherwise;

"information collator" means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to early years provision, is responsible for collating or checking information relating to children for whom such provision is made;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State.'.—*[Beverley Hughes.]*

*Brought up, and read the First time.*

**The Minister for Children and Families (Beverley Hughes):** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following: Government new clause 3—*Provision of information about young children: transitory provision.*

Government new clause 4—*Provision of information about children: Wales.*

Government amendments Nos. 26 and 27.

**Beverley Hughes:** The purpose of the new clauses and amendments is to allow for a significant improvement in the quality and accuracy of the information we collect about early years provision—that is, integrated child care and early education for children under school age. It will enable more accurate funding to follow the delivery of nursery entitlement for three and four-year-olds and provide essential support to local authorities in the fulfilment of those duties under the Bill.

The provisions will enable the Secretary of State and other prescribed persons, such as local authorities, to collect individual child-level information from all registered providers of early years provision in England, in line with the reformed regulatory and inspection framework in the Bill. In Wales, the powers will apply under relevant legislation, consistent with the regulatory framework in Wales. The powers are not to demand information from parents but for local authorities to collect information that providers will hold already.

A key purpose of the power is to manage better the funding of free nursery education provision. At present, the information collected by the Government from local government about free entitlement is aggregated information on all the children enrolled with each private, voluntary or independent provider, rather than individual child-level information. Holding such child-level information will reduce the risk of double counting, which we think is happening to some extent at present, where parents use more than one provider for their free nursery entitlement.

We are building on the success of that entitlement, progressively increasing the number of hours and weeks, so an increasing amount of public funding is being used to support it. It is thus important that providers receive money for what they actually provide for each child.

There are some other reasons for the provisions. The duty for local authorities to improve outcomes for all children and reduce inequalities is one of the cornerstones of the Bill. Local authorities need a full range of information about children in early years provision, to ensure that they are fulfilling that duty.

It is also important for central Government to have that information to evaluate effectively the success of the policy. This enabling power to collect information from all early years providers will show how much provision each child receives, and where, and will supply outcome measurements, such as the foundation stage profile.

We shall hold full consultations on draft regulations carrying the detail of the proposals. We shall also take careful account of the views of stakeholders, providers and local authorities on how the power is implemented. The ability to collect accurate and robust individual child-level information is essential to ensure the proper allocation of funding and to support local authorities in delivering better outcomes for all children. Amendments Nos. 26 and 27 are consequential, to ensure that the provisions on data collection can be commenced by the appropriate authority at the appropriate time.

I commend the new clause to the House.

**Tim Loughton:** The new clauses are quite chunky, and again I make the point that we had no inkling about them in Committee. It is not clear whether these provisions are connected to the child safeguarding provisions in the next group and which in turn have connections to the forthcoming Safeguarding Vulnerable Groups Bill. From what the Minister said, it would appear that they are more to do with a numbers exercise, to ensure that the correct figures are analysed. If that is the case, the Opposition certainly have some concerns about the wide-reaching nature of new clause 2.

New clause 2, as I understand it, places obligations, through regulation, on various people involved in child care to provide information, not about children in general, but individual child information, the nature of which we do not know. According to subsection (3), the information can be provided to the Secretary of State or "any prescribed person". Who will those prescribed persons be? Will it be you, Mr. Deputy Speaker, or will it be me? Who will be involved?

Subsection (4) is even more wide-ranging. It states that the Secretary of State

"may provide any individual child information".

That is, it appears, without any exemptions. The subsection continues

"to any information collator".

Who will those information collators be? Who will be licensed or allowed to collect, analyse, view and disseminate this information "to any prescribed person", as mentioned in paragraph (b), or

"to any person falling within a prescribed category"?

Not many members of the population are left out.

1 pm

There is then the provision that "any information collator" may pass on information to any other information collator. All the way through, the new clause appears to give enormous powers to the Secretary of State to decide who he thinks should handle, interpret, collate and act on this information. We do not have an inkling about these people, not least because we have had no explanation of this quite powerful new clause. It appears that the only safeguard is in subsection (7), which reads:

"No information received under or by virtue of this section shall be published in any form which includes the name of the child."

That may be unavoidable in some circumstances—when child care is provided on a one-to-one basis, for example, or in small groups.

I fear that the new clause has been put together belatedly and perhaps rather hurriedly. I have serious concerns about whether it conflicts with the Children Act 2004. This matter was handled by the Minister's predecessor, but she may recall—the hon. Member for Mid-Dorset and North Poole (Annette Brooke) certainly will—that we had lengthy debates about the nature of the information databases. The Opposition continue to have serious concerns about them—and those databases are now beginning to be put into operation.

One of the safeguards that we were given—specifically written into the Act—appears in section 12(4)(h). It is that information of "such other description" may be put on to these databases. Specifically, medical records are not included, or such other personal records as the Secretary of State may by regulation specify. In that measure, the sharing of information was specifically curtailed for medical records. For very good reasons, we supported that. There were other categories involved as well. We do not appear to have such safeguards in the new clause.

Individual child information—not numbers—can be produced and must be produced as requested, and passed on to an indeterminate group or groups of people to do indeterminate things with it. Medical records, among other things, are not specifically exempted. Does the Minister agree that there is a potential conflict with that section of the 2004 Act? Can she give me some assurances that that was not intended, and say whether some further detail will be added to ensure that such a conflict cannot happen?

Will the Minister identify who the information collators are likely to be, and what they are expected to do with the information? I want a definition of what individual child information is likely to amount to. That is important. Much in the 2004 Act was essential to promote the sharing of information among professionals in dealing with vulnerable children who might be at risk of harm. We agreed with that, and that was the thrust of what became the 2004 Act. There were also some perfectly good provisions that protected the confidentiality of children and their parents. Those provisions seem to have been ignored in the framing of new clause 2. I would be grateful if the Minister gave us some more detail—which was, alas, not forthcoming before today's deliberations.

**Annette Brooke** (Mid-Dorset and North Poole) (LD): I concur 100 per cent. with the hon. Gentleman. At the top of my copy of the amendment paper I wrote "Child Protection". I assumed that the provision was an extension of what we were talking about with the Children Act 2004 in the context of databases. There were some words of reassurance that we were considering numbers relating to payments, but that was not how I understood it. That might be blamed on my interpretation. However, other people might have made the same error. If I had had a red pen in my hand, the amendment paper would have been covered in comments about ambiguity and non-understanding of terms.

*[Annette Brooke]*

Subsection (1) reads

"such individual child information as may be prescribed."

That means nothing to me. We then have the "prescribed person". I turn over, as it were, to the regulations and the notes and I read that "prescribed" means "prescribed by regulations". I do not think that I have ever seen such accompanying notes—if they can be called that—which actually say nothing.

Then we have the "information collator". I had no idea how wide that definition was. I did not know whether it went beyond local authority employees. We then have the phrase:

"to any other information collator".

I have made some notes along subsection (7) that there was a slight saving grace in that there will be no publication of

"the name of the child or children to whom it relates."

I have the greatest concern about accepting the new clause without either a clear statement from the Minister today or an undertaking that there will be a clear statement as the Bill progresses through its stages of consideration. I am concerned about the whole.

The Minister's predecessor was extremely helpful to one of my constituents who was refused funding as a provider. It appears that my local authority had been misinterpreting regulations about how funding could be used and where. That shows that we must be absolutely clear about the regulations on the allocation of funding. The problem arose in the context of someone who was being denied funding for a nursery place, and I am grateful to the Minister's Department for sorting that out for me.

**Justine Greening** (Putney) (Con): I concur with my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton). The new clause is far too broad. The Government need to be far clearer about what they are trying to achieve with a measure that they seek to introduce at such a late stage in the consideration of the Bill. There is a real danger that parents throughout the country will be concerned about the level of information being collected on their children. It would be ironic if parents were dissuaded from using child-minding services because of concern about the collecting of information that would then be permitted about their child.

We must examine closely what the clause seeks to achieve and whether the information powers that it contains are excessive to achieve the Government's objectives. I hope that the Minister can confirm what the Government are seeking to achieve and why they need particular information. Perhaps it will be possible to be more specific about what information will be collected, by whom, by what powers, when, how regularly, where it will be stored, who will have access to the database, and perhaps the central control of the information. If so, the House would be able to say much more confidently whether the proposal before us is good or bad.

I am worried that the reference to "any information collator" could include the Child Support Agency, and could apply to cases in which non-contact orders have been made. The new clauses do not make any reference to the Data Protection Act 1998, which may conflict with them. I find it difficult to believe that there is any information about the child care industry that it not made available to the Government. Can the Minister clarify the nature of the information that she lacks? The Opposition are struggling to understand why the new clauses are necessary.

**Beverley Hughes:** I sympathise with hon. Members who are anxious about new clauses that have been tabled late in the proceedings, and I shall try to deal with their concerns. Government new clause 2 reflects provisions in the Education and Inspections Bill on individual child data in schools. Those are based on provisions in section 537A of the Education Act 1996, which was passed under the previous Administration. The powers in the new clause are almost identical to those provisions because, as I have tried to outline, we have made a big push on early-years provision, so they need to apply to that sector too.

The power is an enabling one, based on the long-standing provisions in the 1996 Act. Hon. Members are understandably anxious to probe the nature of the information that will be provided. That will be dealt with in detailed regulations, which will define the nature of the data collected and identify those who can collect it. Information collators may be local authority officers, civil service statisticians or anyone who has the right to collate information on behalf of Government. There is therefore a circumscribed group of people who can collect that information.

**Tim Loughton:** Will all the people who are given powers as information collators be subject to scrutiny under the Bichard proposals in the Safeguarding Vulnerable Groups Bill? Can the Minister guarantee that anyone who is nominated as a collator who has access to that information will be vetted accordingly?

**Beverley Hughes:** The Safeguarding Vulnerable Groups Bill proposes that specific groups of people will be subject to the highest level checks in the barring and vetting scheme if they collect or collate information. Those groups include people who are responsible for the updating and upkeep of data and procedures on the information-sharing index to which the hon. Gentleman has referred. I will go away and ask if those people, and the data provision under the new clause, will be caught. My understanding is that they will not, because that data and information is not of the same order, but I shall certainly ask about that.

**Tim Loughton:** I am rather alarmed by that reply, as I thought that the Minister was going to say, "Yes, obviously." Those people will be in receipt of a great deal of information about where children are, what they do there, how many children there are, what their hours of attendance are, what sort of services they receive and which staff deal with them. It is essential to vet such people because if they had bad intentions they could use that information themselves or pass it on to others who might use it for purposes for which it was not intended. I therefore hope that the Minister will do a little more than go away and check. I hope that she will go away and make sure that the provision is watertight.

**Beverley Hughes:** As I told the hon. Gentleman, a compulsory check at the highest level will be made on

the people administering the information-sharing index, but we have yet to finalise which groups of people are affected and which level of check will be imposed on those working in local authorities. That is an issue to which we will return during proceedings on the Safeguarding Vulnerable Groups Bill.

Hon. Members may be reassured to learn that current arrangements involve the transfer of individual child information from providers to local authorities. In the new clause we are seeking to standardise that practice. A survey that we conducted in December among a large number of local authorities demonstrated that the majority already collect information about early years settings on an individual child basis. The Department for Education and Skills requires that information to be sent to it in an aggregated form.

1.15 pm

Many local authorities welcome the proposal to mirror the way in which school data is provided so that individual child information can be passed on to the Department, because—to answer the hon. Gentleman's question—that will reduce their workload and make their task much simpler. I accept that that does not take into account concerns about the kind of information collected, but we envisage that the amount of that information will be limited. It could include identifying information on children such as gender and ethnicity, whether they receive special educational needs provision, and, of course, the number of hours that they spend in the setting, including the number of funded hours. That is essential because, as I said at the beginning of our debate, some providers lose out if parents take up the free nursery education offer with a number of different providers. Because the information that the Department receives is aggregated, we cannot ensure that funding flows to the providers who are caring for the child for a certain number of hours a week. Providers are particularly concerned about that, as hon. Members will appreciate.

**Annette Brooke:** When the regulations are published, will the Minister include a requirement that the local authority must not keep information on certain things? I am sure that we all accept the examples that she has given, but much more detail could be requested, and the new clause would permit a considerable amount of information to be held.

**Beverley Hughes:** It will not be necessary to include things on which the local authority must not hold information, because local authorities and providers can only hold and pass on information if the regulations empower them to do so. Indeed, that information is already circumscribed. For example, it is legally not possible for information on medical records to be held and passed on. We are simply talking about identifying information and the number of hours and weeks that the child spends in the setting. Such information can help us to assess whether child outcomes are achieved by local authorities.

**Tim Loughton:** I hope that the Minister understands why we are trying to establish the detail of the proposal. She said that medical records were exempt, and would not be kept on the database—a point that I made in relation to section 12 of the Children Act 2004. Does one provision override the other? The new clause does not refer to the 2004 Act or to the exemptions in it, so is there a measure that makes it explicit that the new clause is subject to those exemptions? The exemptions apply to national and local databases, and will not necessarily apply to the database that will be collated. I am not sure that there is an interconnection.

**Beverley Hughes:** Existing legislation is not swept away, as the hon. Gentleman will know from his careful reading of the clauses. The provisions that prevent the holding and passing on of medical records at present will take precedence.

For both reasons—for the flow of funding, and in order to assess whether local authorities are meeting their duty on outcomes for children in the round—we need the information. It is routinely held and passed on by providers and local authorities. It is important that we standardise that. Our survey of local authorities showed that some were collecting some information and others were collecting other information. The regulations will standardise the collection of information.

**Justine Greening:** I understand how the information might be used by central Government, but it seems slightly contradictory that the Bill gives powers and duties to local authorities to make sure that child care provision is available locally. I have many young parents living in my constituency, Putney, and I question whether the level of detail is appropriate. Local authorities are being given powers and duties to provide child minding and child care facilities, but the Secretary of State is seeking such a level of detail that the Department could interfere in individual nurseries. Surely it is for local authorities to take decisions. Why does the Department need such detail? Why can it not accept the summary detail that it gets in other areas of education?

**Beverley Hughes:** The hon. Lady is wrong about that. The level of detail that relates to children of other ages is not aggregate. Local authorities must increasingly provide individual level data, because the funding flows from Government to local authorities. Local authorities may allocate it, but the level of provision is based on numbers of children, and in this instance, where those children are accessing the free nursery entitlement that the Government have provided. We want the money to flow more effectively to the providers. In order to give parents more flexibility, so that they have a range of options for that nursery offer, we need to make sure that we can disaggregate in the case of children for whom the offer is spread over a number of different providers. That is happening now and providers are losing out, because only one provider is getting the total amount of money, whereas there might be another one, two or three providers who have the child for part of the week but are not getting the money that flows from that.

The other important issue is the outcomes duty. Local authorities will want to test themselves as to how far, for the population as a whole, they are improving outcomes for children and reducing inequality. We as a

*[Beverley Hughes]*

Department want to assure ourselves that local authorities are fulfilling the terms of that duty. There will, of course, be further opportunity to discuss the matter in the other place, and I can assure hon. Members that further details of how we envisage the measure working, short of the regulations, will be available for that debate.

**Tim Loughton:** Before the Minister finishes, can she explain what subsection (1) of new clause 3 means? It states:

"Section *(Provision of information about young children: England)* has effect with the modifications specified in subsections (2) and (3) until section 7 comes into force."

Which section 7 and which Act does that refer to? I cannot work it out.

**Beverley Hughes:** The hon. Gentleman has a smile on his face, as if he thinks he has caught me out, but I think he will find that I have a sound and accurate explanation for him. New clause 3 makes transitional arrangements to enable data to be collected from funded nursery education before the provisions in new clause 2 come into force. New clause 2 will come into force as a whole in September 2008 for all providers, but for providers who are already getting funding for nursery education, we can legitimately get that information, which will of course be partial, earlier because it is already being collected. The new clause gives the legal power for a transitional arrangement to enable that to be done for a year, before the full force of new clause 2 takes effect. Section 7, therefore, is the present clause 7 of the Bill.

**Mr. Roger Williams** (Brecon and Radnorshire) (LD): As I understand the Minister's comments, new clause 3 covers the period before new clause 2 comes into force. What will happen in Wales? New clause 4 mirrors new clause 2, but there is no mirror of new clause 3.

**Beverley Hughes:** The hon. Gentleman might have got me there. As he says, new clause 4 enables the regulations to take effect, allowing the Welsh Assembly to collect individual child level data. It may well be for the Assembly to decide on any transitional arrangements. I shall make sure that the hon. Gentleman gets an accurate answer to that question.

There will be opportunity to discuss the new clauses in another place, and before those discussions take place, there will be further information about what we envisage.

*Question put and agreed to.*

*Clause read a Second time, and added to the Bill.*

### New Clause 3

PROVISION OF INFORMATION ABOUT YOUNG CHILDREN: TRANSITORY PROVISION

'(1) Section (Provision of information about young children: England) has effect with the modifications specified in subsections (2) and (3) until section 7 comes into force.

(2) In subsection (1)—

(a) after "requiring" insert "a person who provides funded nursery education", and

(b) omit paragraphs (a) and (b).

(3) In subsection (9)—

(a) for the definition of "early years provision" substitute—

""funded nursery education" means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998 (c. 31), which is provided by any person—

(a) under arrangements made with that person by a local education authority in England in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and

(b) in consideration of financial assistance provided by the authority under those arrangements,

other than such education provided by a school for its pupils;",

(b) for the definition of "individual child information" substitute—

"individual child information" means information relating to and identifying individual children for whom funded nursery education is being or has been provided, whether obtained under subsection (1) or otherwise;", and

(c) in the definition of "information collator" for "early years provision" substitute "funded nursery education".'. —*[Beverley Hughes.]*

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 4

PROVISION OF INFORMATION ABOUT CHILDREN: WALES

'(1) Regulations may make provision, in relation to Wales, requiring—

(a) a person who is registered under Part 10A of the Children Act 1989 (c. 41) to provide child minding or day care, and

(b) a person who provides funded nursery education,

to provide to the relevant person such individual child information as may be prescribed.

(2) In subsection (1), "the relevant person" means one or more of the following—

(a) the Assembly, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Assembly may require that person to provide any such information—

(a) to the Assembly, or

(b) to any prescribed person.

(4) The Assembly may provide any individual child information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual child information—

(i) to the Assembly, or

(ii) to any other information collator, and

(b) may at such times as the Assembly may determine or in prescribed circumstances provide such individual child information as may be prescribed—

(i) to any prescribed person, or

(ii) to any person falling within a prescribed category.

(6) Any person holding any individual child information (other than the Assembly or an information collator) may provide that information to—

(a) the Assembly,

(b) any information collator, or

(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Assembly is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Assembly.

(9) In this section—

"child minding" and "day care" have the same meaning as in Part 10A of the Children Act 1989 (c.41);

"funded nursery education" means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998 (c. 31), which is provided by any person—

(a) under arrangements made with that person by a local education authority in Wales in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and

(b) in consideration of financial assistance provided by the authority under those arrangements,

other than such education provided by a school for its pupils;

"individual child information" means information relating to and identifying individual children for whom child minding, day care or funded nursery education is being or has been provided, whether obtained under subsection (1) or otherwise;

"information collator" means any body which, for the purposes of or in connection with the functions of the Assembly relating to child minding, day care or funded nursery education (as the case may be), is responsible for collating or checking information relating to children for whom such provision is made;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Assembly.'.—*[Beverley Hughes.]*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 5

### Disqualification for Registration Under Children Act 1989

'(1) Paragraph 4 of Schedule 9A to the Children Act 1989 (c.41) (disqualification for registration) is amended as follows.

(2) In sub-paragraph (2)—

(a) in paragraph (b) after "children" insert "or on grounds relating to his health", and

(b) after paragraph (g) insert—

"(ga) he has been given a caution in respect of any offence of a prescribed kind;".

(3) For sub-paragraph (6) substitute—

"(6) In this paragraph—

"caution" includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998;

"enactment" means any enactment having effect, at any time, in any part of the United Kingdom.".'.—*[Maria Eagle.]*

*Brought up, and read the First time.*

**Maria Eagle:** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following: Amendment No. 49, in page 7, line 2, clause 12, at end insert

':

(d) child protection arrangements'.

Government amendments Nos. 19 to 25.

Government amendments Nos. 28 and 29.

Before we discuss this group of amendments, I must tell the House that an error was made in printing Government new clause 5. A corrected version has been placed in the Vote Office, which I understand has been available to Members. I am given an assurance that the corrections are not of any great import.

**Maria Eagle:** The amendments fall into two groups. I shall leave amendment No. 49 until the hon. Member for East Worthing and Shoreham (Tim Loughton) has spoken to it.

New clause 5 and Government amendments Nos. 22, 23, 24, 25, 28 and 29 enable the Secretary of State to make regulations disqualifying from registration persons who are barred from working in schools on the grounds of ill health and those who have been cautioned by the police for an offence. Amendments Nos. 19, 20 and 21 add to the Bill specific mention that regulations which govern the activities of providers registered under part 3 may deal with arrangements for safeguarding the children concerned. That arises from my consideration following our deliberations in Committee, so I hope that that small group of amendments, at least, will please Opposition Members and that we may get some kind words about them. We will wait and see.

Paragraph 4 of schedule 9A to the Children Act 1989 sets out certain grounds on which an individual can be disqualified from providing day care or child minding. Individuals can already be disqualified from providing child care on the grounds of convictions for sexual and violent offences, or orders that show that such a person is unsuitable to work with children, or because his name is included on the Protection of Children Act list, or because the person is subject to a direction under section 142 of the Education Act 2002—in other words, the person is on List 99, on the grounds that he is unsuitable to work with children.

In light of the statement from the Secretary of State on 19 January following an urgent review of barring procedures in schools, two small additions have been identified that are necessary to ensure that disqualification from providing child care works on a similar basis to disqualification in schools. The additions are those whose names are recorded on List 99 on the grounds of ill health. Such directions are made when, for example, a person has a medical condition such as alcohol or substance misuse which means that they are considered to pose a threat to the safety or

*[Maria Eagle]*

welfare of children. We also want to include those who have received a caution from the police for particular offences, and we intend to use that power in relation to cautions received for serious sexual or violent offences.

1.30 pm

As a caution involves an admission of guilt, we want to include disqualification on the grounds of cautions in respect of any of the offences currently listed in the disqualification regulations that might otherwise result in a conviction. That change to the current legislation will ensure that we can provide additional safeguards at the earliest possible opportunity. Hon. Members have already referred to the new Safeguarding Vulnerable Groups Bill, and when the new system comes into force, the Secretary of State will require the same powers, which is why we have introduced amendments Nos. 22 to 25.

On amendments Nos. 19 to 21, we have made it clear throughout that children should be safeguarded and protected from harm and neglect when they are in the care of a child care provider. Hon. Members will recall that during the last day in Committee I made a commitment to look further into whether the Bill should be amended explicitly to address the issue of safeguarding. That commitment was in response to amendments that sought to place a duty on early and later years providers to consider the need to safeguard and promote the welfare of children.

We have considered the matter further and have concluded that that point was well made and that such a provision should be included in the Bill. When children are in the care of a child care provider, it is crucial that they are safeguarded and protected from harm. We propose to strengthen and make explicit the position of safeguarding in the Bill. Rather than introducing an overarching duty with a power to make statutory guidance, we have decided to make it clear in the Bill that matters which may be dealt with by regulations include "arrangements for safeguarding" as well as

"the welfare of the children concerned".

Amendments Nos. 19 to 21 will send a clear signal to providers that they are responsible for safeguarding children in their care, which will hopefully contribute to the creation of a culture and ethos that reflects that responsibility. The requirements will be set out in secondary legislation, and they will be checked as part of the registration and inspection arrangements. They will be mandatory, and a breach by a provider may result in registration being removed. Such requirements may include the implementation of the appropriate child protection procedures based on current national standards. In addition, providers must meet certain registration requirements in order to be registered in the first place, including that they are not unsuitable to work with young children. They will not be granted registration if, for example, there is information on enhanced criminal records disclosures that suggests that they are unsuitable to work with children.

**Tim Loughton:** The amendments deal with child protection, which we have raised before. A lot of water has flowed under the bridge in the three months in which we have been waiting patiently for the final stages of this Bill. I am delighted that we have been joined by a Childcare Bill veteran, my hon. Friend the Member for Putney (Justine Greening)—it seems so long ago when the Bill was in Committee. I have also been joined by two new recruits who will beef up our whole approach to children and child care: my hon. Friend the Member for Wycombe (Mr. Goodman), who is shadow spokesman for child care, and my hon. Friend the Member for Basingstoke (Mrs. Miller), who is a member of our education team and who speaks on children's issues, young people and families. That shows that we take our cross-departmental responsibilities on children very seriously.

**Annette Brooke:** I applaud that breadth of experience, but we frequently refer to Wales in our work on children's issues.

**Tim Loughton:** We could create even more of an imbalance between the Front Bench and the Back Benches by drafting in some of our hon. Friends from the shadow Wales team, who take child protection seriously. We have discussed the matter with them and our colleagues in the Welsh Assembly, because the issue of child protection extends beyond Offa's dyke.

Government new clause 5 amends schedule 9A to the Children Act 1989. It is frustrating when Acts are amended by subsequent legislation and when we are provided only with the original legislation. My copy of the Children Act 1989 provided by the Table Office does not include schedule 9A, which was added later. As a general point, it would be useful if the Table Office were to keep supplies of updated legislation, because I have been unable to obtain the exact wording of schedule 9A. Perhaps the Minister will be kind enough to provide hon. Members with the original wording.

On amendments Nos. 19 and 20, we are waiting for the final details on the arrangements for safeguarding children, and it would be interesting to know when they will be published. In the past few days, the Government have published the Safeguarding Vulnerable Groups Bill, and a lot of detail is required on barring, vetting and appeal mechanisms, so we are being asked to accept the amendments on trust.

Government amendment No. 22 states that someone can be disqualified from registration

"on grounds relating to his health".

The Minister has provided a couple of examples—of people suffering from alcohol or substance misuse. If people have ongoing medical conditions that mean that they may not be up to the job, they will be disqualified, presumably on a temporary basis, until they are—hopefully—treated successfully. What about other conditions? What about people who have HIV? What about people who are suffering from minor mental health conditions? Can the legislation be used to exclude or disqualify people from working in child care if they are suffering from one of those two conditions, which may not be deemed by many people as sufficiently serious or germane to the subject to merit their being disqualified completely from working with children? That is particularly true of people who have minor mental health problems or who have their HIV

condition under control and who take all precautions on contamination. I fear that those conditions could be used to discriminate against people who are already stigmatised because they are suffering from a mental illness or have an HIV condition. I would be grateful if the Minister can confirm that the clause could not be used for the purposes for which I am sure she does not intend it to be used.

Government amendment No. 24 says that disqualification can happen if

"he has been given a caution in respect of an offence of a prescribed kind".

Government amendment No. 25 refers to section 65 of the Crime and Disorder Act 1998. That part of the Act, which gives the definitions of cautions and reprimands, can catch a lot of people. The definitions of when it is appropriate to give reprimands or warnings include when

"an offence is not so serious as to require a charge to be brought."

Will the Minister indicate the sorts of warnings or reprimands that she thinks were not sufficiently serious to merit a full charge under that Act, but are deemed sufficiently serious that those people should not then come into child care contact with children? In effect, it is possible that a teenager who in a moment of high spirits did something that was not serious enough for them to be charged and given a criminal record, but to which they admitted guilt by accepting a reprimand or a warning, could find when they tried to embark on a career in child care or some other form of contact with children, that they are exempted. It seems draconian to exempt a whole group of people who are not on the face of it a danger to children as most of us might term it.

There is another issue that I hope that the Minister will deal with when we come to discuss the Safeguarding Vulnerable Groups Bill, if she is handling it. We need to be able to distinguish between the severity of offences. If a 17-year-old boy or girl has sexual relations with a 15-year-old boy or girl minor, that is against the law. When set against a convicted paedophile who downloads child pornographic images on the internet and engages in molestation of children, I think that most of us would agree that those two offences are on an altogether different scale. There should be some balance in the Bill. Otherwise, people who end up accepting a reprimand or a warning under that wide-ranging section of the Crime and Disorder Act, on the basis that that was the most sensible thing for them to do at the time so that they could move on, may find that it has undermined their entire potential career in the child care work force.

I heard about an example of that recently. A mother had intervened to stop her son being beaten up by a school colleague who was something of a bully. Without going into the detail of the whole episode, it ended up with her being taken to the police station and being advised to accept a caution for her supposed aggression in separating those children. Given her telling of the story, with other witnesses corroborating it, I have no doubt that what she did was anything more than trying to drag a bully off her son. She thought nothing of it and took the caution. A few years later she applied for a job to work with children in the local youth service. The caution came up and, lo and behold, counted against her so that she could not get the job. That is a high price to pay for somebody who was protecting her son.

It is right to seek to disqualify people who are a serious threat to children from working with children, because that needs to be tightened up. Conservative Members have been critical of the loopholes and laxness in the system that have allowed serious sex offenders to carry on teaching, in particular, and working in the health service. That is why we will, at the appropriate time, welcome many of the measures in the Safeguarding Vulnerable Groups Bill. However, we are in danger of throwing the baby out with the bathwater. I ask the Minister to give us some assurances on the subject.

1.45 pm

Government amendment No. 28 is a technical amendment on which we have no comment. Government amendment No. 29 amends the long title of the Bill. It is usually my job to try to change the long titles of Bills that are to do with children. I applaud the Minister for following my example, as many of them are a disaster.

I turn to amendment No. 49, which stands in my name and those of my hon. Friends. Our amendment gives a slightly different angle on the whole subject of protecting children. It would add the words, "child protection arrangements", to clause 12, which deals with the duty to provide information, advice and assistance. It would be appropriate, particularly given the furore in recent months over sex offenders working in environments where they will be involved with children, to do everything that we can to reassure parents that local authorities and child care providers have gone that extra mile to ensure that their children can go to the nursery with every reasonable measure having been taken to ensure that the people with whom they will come into contact have been properly vetted.

It would enhance the thrust of clause 12 if an additional piece of information were provided to parents and prospective parents to give an indication of what child protection arrangements have been established by the local authority and are demanded of child care providers, and whether they are being put in place, adhered to, maintained and updated where appropriate by those child care providers. That would be a sensible enhancement of the Bill to give parents a degree of assurance that they are giving their children into the charge of people in whom they can have the greatest confidence, so that they can be sure that such people are there in the interests of the children, not because they harbour some other, less desirable intentions towards those children.

I hope that the amendment is constructive. If the Minister is unable to incorporate it into the Bill now, I hope that it might be considered later, or at least put into regulations for local authorities to follow so that this important issue is taken into account.

**Helen Goodman** (Bishop Auckland) (Lab): The Minister will recall that in Committee I was concerned that there appeared to be a loophole on the safeguarding provisions for child care operators in chapter 4—that is, those with voluntary registration. I therefore welcome her statement on safeguarding and the read-across to the Safeguarding Vulnerable Groups Bill. I want to emphasise on the record that that Bill now stipulates the following:

*[Helen Goodman]*

"Under the new scheme, where work, whether paid or unpaid, involves frequent teaching, caring for or otherwise working closely with children, the employer will be required to check that their employees are not barred from working with children, and they will be committing an offence and will face penalties if they employ a person so barred. This will include those working in childcare not registered by Ofsted."

I am most grateful for that tightening up of the situation.

**Annette Brooke:** I, too, was generally pleased with the amendments. Again, there were no accompanying notes. I picked up the word "health" and I was not sure what it covered, but I believe that the same expression is used in the Protection of Children Act 1999—POCA—list. There may be additional information that I have not had time to find. It would therefore have been helpful to have the information. I have asked a series of parliamentary questions about checks on child care and I imagine that the written statement, which I have not seen, will add to the information that I have gleaned.

I, too, am pleased that the Safeguarding Vulnerable Groups Bill will apply to child care and that the list or lists—however it ultimately works out—will have to be checked. However, it prompts the question why criminal record checks are not required in unregulated settings, such as in a crèche that provides under two hours of child care, which I keep mentioning. I had hoped that amendment No. 49 would pick up that point, but its approach is from a slightly different angle. I am still worried that parents do not know that criminal record checks are not carried out on those in unregulated settings. However, I agree that it is helpful to know that the lists will have to be checked before anybody can work with young people.

I am pleased with the safeguarding amendments—Nos. 19, 20 and 21. They tie in with other parts of the Bill. However, in Committee, we discussed at great length whether the measure should include the word "may" or "must". The amendments, which refer to

"the arrangements for safeguarding the children concerned"

apply to subsections of clauses that state:

"The regulations may provide"

for the following matters. On safeguarding, the word should be "must", as we argued in Committee. The safeguarding amendments make it even more important to revisit the "may" and "must" argument, which I will not discuss at great length because we spent much time on it in Committee. However, it is worth raising it again because we have changed the measure and our awareness is heightened about the necessity of safeguarding and protecting. I therefore ask the Under-Secretary to reconsider the matter.

**Maria Eagle:** I thank hon. Members for being positive about the changes that amendments Nos. 19, 20 and 21 would make to include safeguarding in the Bill. I am glad that the proposals have been generally welcomed.

Let me deal with the comments of the hon. Member for East Worthing and Shoreham (Tim Loughton) on amendment No. 49. Towards the end of his remarks, he suggested that, although we might not be able to incorporate it in the Bill, we might take a great deal of interest in its substance. I am happy to give him that assurance. It is important that parents have full information about child protection and safeguarding. Information services clearly play a key role in ensuring that parents can make informed decisions on the suitability of various child care providers for their children. We will publish regulations and guidance to try to ensure that that is clear to parents.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) stressed the importance of parents understanding the difference between regulated and unregulated settings. I agree. It is our intention that information services can and must tell parents about the registration status of providers and the implications of that, the difference between a registered and a non-registered setting and the checks that registered providers and their staff undergo as opposed to those that staff in unregulated settings may—or may not—undergo.

Information services will need to inform parents about the questions that they should ask when they choose provision. In regulations, we intend to require information services to provide information about keeping children safe in the community. The information might include what parents should do if they have concerns, for example, about child protection or children's welfare. It might also include initiatives or publications from the local safeguarding children boards. Their role in the community is to keep children safe in all sorts of settings in many different places.

We hope that hon. Members agree that the obligations are comprehensive. The guidance and regulations will include holding such information centrally. I therefore hope that the hon. Gentleman will feel able not to press amendment No. 49, with the understanding that we have fully taken on board the points that Opposition Members made about the importance of information for parents and its centrality to what parents require when they choose provision.

Let me deal with some of the points made by the hon. Member for Worthing—

**Tim Loughton:** East Worthing and Shoreham.

**Maria Eagle:** All the easts, norths and wests can be confusing. *[Interruption.]* Not to mention highs, souths and so on. I am having one of those days. I shall simply refer to the "hon. Gentleman"—that is easier.

The hon. Gentleman made some points about the ill health provisions, which relate to List 99, to try to tease out precisely what was intended. He gave a couple of examples, including HIV infection and minor mental health problems. The provisions will mirror List 99. There will not be a separate list so that a minor health problem could suddenly be taken into account to ban somebody from a child care setting. Ill health will be taken into account only when it is already sufficient to prompt questions about an individual's suitability for teaching children. The provisions will apply to individuals who could already go on List 99 if they are in an education setting. That does not therefore include HIV infection or minor mental health problems. We are considering examples, such as those that I gave earlier, of serious debility arising from ill health that could make somebody completely unsuitable for looking after children in a child care setting.

**Tim Loughton:** I am grateful for that elaboration but does the Under-Secretary accept that, because the

provisions refer simply to "health", an authority, or an individual in it who was so minded, could exclude people in the two categories that I mentioned? That would be neither fair nor appropriate. The provisions give a broad licence to authorities. Will the guidance notes to local authorities state that they were not intended to apply to the examples that I gave?

**Maria Eagle:** We can make that clear. The provisions apply only to those in an education setting who end up on List 99. They are not intended to be any wider.

The hon. Gentleman raised a constituency case to show the potential dangers of barring on the basis of cautions. He made legitimate points about the Safeguarding Vulnerable Groups Bill, the way in which we intend to make the new barring and vetting process work and the impact that it will have. He gave the example of a mother who intervened to save a child from being pushed around and ended up with soft information on a Criminal Records Bureau record that caused her problems in working in child care. Those issues are central to the Safeguarding Vulnerable Groups Bill and establishing the new barring and vetting scheme. We have given the matter considerable thought. We do not intend to provide that any caution would lead to being barred from the children's work force. We would not have such a work force, which could deal with all the jobs and roles in it, if we cast the net too wide. Obviously, it is important to cast it in the appropriate place, however, and that is certainly our intention. It would be our intention to bar on the basis of cautions only for serious sexual or violent offences. We would not want to see people being barred from the child care work force if they had, perhaps sensibly, received a caution for a very minor matter that would not make them a risk to children.

2 pm

The hon. Member for East Worthing and Shoreham is right to draw the comparison, which is sometimes age-related, between circumstances that might relate to a similar offence. He used the example of a 17-year-old and a 15-year-old having a relationship, and compared it to the case of a paedophile downloading child porn then wanting to work in the child care work force. Common sense would suggest to most hon. Members that there is a huge difference between those examples.

When the hon. Gentleman sees the Safeguarding Vulnerable Groups Bill in all its glory, he will understand that we are dealing with precisely where the lines should be drawn in what are sometimes grey areas. However, I do not think, from what he says, that he disagrees too strongly with where we have tried to draw the line. The provisions that we are putting into this Bill try to make consistent the place at which the bar will fall between the education work force and the child care work force. We are trying to tidy up and make consistent the places where the line is drawn in that regard.

I regret that we cannot give the hon. Gentleman the full details of all the relevant measures, but some of them are in another piece of legislation, which we shall consider in the not-too-distant future. I can assure him, however, that we have in mind the issues that he has raised in regard to proportionality. There will also be provision for appeals and for people to make representations in appropriate cases. It is perhaps regrettable that those measures are in a Bill that has yet to come before the House. I am asking hon. Members to take on trust some of those issues in relation to the Childcare Bill. I can assure them, however, that its provisions will be consistent with those of the Safeguarding Vulnerable Groups Bill in regard to the new barring and vetting scheme, which the House will have plenty of opportunity to consider in great detail in the not-too-distant future.

*Question put and agreed to.*

*Clause read a Second time, and added to the Bill.*

## New Clause 6

### Best Value: Code of Practice

'The Secretary of State shall publish by 1 January 2007 a code of practice ensuring that local authorities operating a best value regime, in accordance with Part 1 of the Local Government Act 1999 (c. 27), act in a fair and transparent way in delivering best value obligations with regard to childcare provision.'.—*[Mr. Paul Goodman.]*

*Brought up, and read the First time.*

**Mr. Paul Goodman** (Wycombe) (Con): I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following: New clause 8—*Best Value Provision Of Childcare*—

'Any local authority operating a best value regime, in accordance with Part 1 of the Local Government Act 1999 (c. 27), must act in a fair and transparent way in delivering best value obligations with regard to childcare provision, having due regard to any relevant statutory code of practice.'.

Amendment No. 60, in page 4, line 10, clause 6, after 'sufficient', insert

', and is likely to remain sufficient,'.

Amendment No. 5, in page 4, line 15, at end insert

', or

(c) to receive appropriate assistance with children with disabilities or other special needs.'.

Amendment No. 13, in page 4, line 15, at end insert

'or

(c) to sustain caring responsibilities.'.

Amendment No. 35, in page 4, line 15, at end insert—

'(1A) In assessing the requirements referred to in subsection (1) a local authority should have regard to any disabilities of the parents themselves, as defined by the Disability Discrimination Act 1995 (c. 50).'.

Amendment No. 10, in page 4, line 24, at end insert

', and

(c) must consider the quality of local childcare provision with reference to the Ofsted inspection process.'.

Amendment No. 7, in page 5, line 24, clause 8, at end insert—

'(3A) A local authority must establish a complaints procedure for existing or potential childcare providers who have been disadvantaged by local authorities who choose to provide childcare and related services themselves.'.

Amendment No. 31, in page 5, line 26, at end insert—

*[Mr. Deputy Speaker]*

'(4A) Where childcare is provided by the governing body of a maintained school it must be both fully co-ordinated with other local provision and with the local Children and Young People's Plan, published under section 17 of the Children Act 2004 (c. 31).'.

Amendment No. 32, in page 5, line 34, clause 9, leave out 'other than' and insert 'including'.

Amendment No. 38, in page 6, line 13, clause 11, at end insert—

'(1A) Assessments of sufficiency under subsection (1) must have regard to any Local Area Agreement relating to the local authority.'.

Amendment No. 59, in page 6, line 28, leave out paragraph (a) and insert—

'(a) consult—
(i) parents and prospective parents in their area,
(ii) early years providers in their area, including those in private and voluntary sectors,
(iii) other persons engaged in activities which may improve the well-being of young children in their area, and
(iv) young children in their area.'.

Amendment No. 39, in page 12, line 33, clause 26, at end insert

', having regard to the Local Area Agreement process'.

**Mr. Goodman:** As my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) has pointed out, three months have passed since Second Reading, which was the last opportunity that I had to speak on the Bill, as I did not serve on the Committee. However, today, along with my hon. Friends the Members for East Worthing and Shoreham and for Basingstoke (Mrs. Miller), I have been placed on the Front Bench to speak on child care issues. It is a pleasure to see the Under-Secretary of State for Education and Skills, the hon. Member for Liverpool, Garston (Maria Eagle), whom I last saw when we discussed the Disability Discrimination Bill, although at that time, I did not have the chance to have the kind of detailed exchanges with her in Committee and on Report that we might be about to have now.

The new clauses and amendments are about sufficiency, but they are also, no less importantly, about sustainability, contestability and fairness in child care provision. These matters were explored to some degree in the Committee proceedings that I have read, but there is yet more action to be taken on them. The Government are formally signed up to work in partnership with PVI—private, voluntary and independent—providers, and they are very proud of that. When the Minister for Children and Families replied to the Second Reading debate, she gave the House statistics on the child care provision that is made by the private and voluntary sector. She will be aware, however, as the issue was raised in Committee, that some PVI providers and others are concerned that the playing field is not as level as it might be, and that the mixed economy in child care is, to some extent, under threat.

In some ways, local authorities have an advantage over PVI providers. My hon. Friends gave some examples of that in Committee—including that in regard to capital spending—and I shall not repeat them here. However, when these matters were raised in Committee, the Minister for Children and Families responded to a point made by my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) about a National Day Nurseries Association survey by saying

"for his information, the closure rate of all child care businesses, as recorded by Ofsted, has fallen recently . . . Ofsted's statistics suggest that, since the publication of the 10-year strategy, closure rates for these small businesses have fallen dramatically."—[*Official Report, Standing Committee D*, 8 December 2005; c. 120–21]

Before I turn to the new clauses and amendments dealing with contestability and fairness, I must tell the Minister that the figures that she gave us do not square with information in written answers that my hon. Friend the Member for Basingstoke and I have recently received. According to calculations made by my hon. Friend, some 200,000 places closed in 2004–05, up from 59,500 the previous year. That seems to be an extraordinary increase. I tabled a written question on this matter recently and, according to the answer that I received this week, the latest figures reveal that, in the six months to last September, roughly 114,000 places opened, but some 73,000 closed. In other words, the closure rate appears to be increasing. We used to say that, for every two places that opened, one would close. According to the latest figures—which might not be sustained; we shall have to see—it now appears that, for every five places that open, roughly three are closing.

In short, there is a suspicion that the overall growth in the child care market—which we have certainly seen; there is no doubt about that—could be unsustainable, and that we might be entering a dangerous process of growth and contraction. First comes the growth in the number of places; second comes the closure among the PVI providers as local authority-favoured providers exploit the unevenness of the playing field to expand places; finally, there could be a contraction in local authority places as the flow of Government money into child care places continues to increase but slows down.

If that were to happen, such an outcome would obviously be immensely destabilising for parents, who want certainty, and for children, who need stability. The new clauses and amendments aim to provide more stability and certainty by increasing contestability. They would put into effect some of the recommendations from the excellent CBI report entitled "Children First", which I am sure the Ministers have read.

New clause 6 proposes that an obligation be placed on the Secretary of State, and written into the Bill, to publish a code of practice by the beginning of next year that would ensure that local authorities operating a best practice regime—in practice, that is nearly all of them—act in a fair and transparent way with regard to child care. New clause 8 underpins new clause 6 by directly placing a duty on local authorities to act in such a fair and transparent manner.

Amendment No. 60 would help to write sustainability into the Bill. As drafted, the Bill places a duty on English local authorities—the Liberal Democrats need not worry; I am going to deal with Wales in a minute—to

"secure, so far as is reasonably practicable, that the provision of childcare, (whether or not by them) is sufficient to meet the requirements of parents in their area".

I understand that there was some dispute in Committee about the words

"so far as is reasonably practicable".

Inserting the words

"and is likely to remain sufficient"

would place a duty on local authorities to ensure that that sufficiency is sustainable. It is evident from the calculations of my hon. Friend the Member for Basingstoke, and from the written answers that we have both received, that there is at the very least a question mark over that sustainability.

Clause 6(1) already obliges local authorities to ensure that

"the provision of childcare ... is sufficient to meet the requirements of parents ... who require childcare"

so that they can take up work, education or training, which is admirable. Amendment No. 5 adds a new category of parents who require child care to help them

"to receive appropriate assistance with children with disabilities or other special needs".

I am sure that we have all encountered that group of parents and children in our constituencies. I recently visited a club in my constituency that provides care for children with disabilities and special needs on Saturdays, in order to give parents respite that is desperately needed. The Minister nods: she knows a great deal about these matters from her previous experience as Minister for disabled people.

Amendment No. 35 obliges local authorities to

"have regard to any disabilities of the parents themselves".

Access to child care may be crucially affected if parents have difficulty gaining access to transport. Amendment No. 7 protects the position of

"existing or potential childcare providers who have been disadvantaged by local authorities who ... provide childcare and related services themselves"

by placing on them an obligation to establish a complaints procedure. Amendment No. 38 proposes use of the local area agreement process, whereby central Government pay bonuses to local authorities that enter into agreed action, to include the creation of a diverse range of providers of children's services or a sustainable local market for child care in England. Amendment No. 39 makes the same provision for Wales.

I have a feeling, based on my experience of previous Bills, that for one reason or another the Government may not accept all the amendments. The Minister may tell us the reason. *[Interruption.]* My hon. Friend the Member for East Worthing and Shoreham accuses me of pessimism, but it is simply the triumph of experience over hope.

If the Minister has difficulties with our amendments, we shall be keen to hear how the Government will deal with the issues of contestability and transparency. It is clear from the latest child care statistics, which show an increase in the rate of closures, that something very curious is happening in the child care market. Either it is simply a problem of oversupply, or—as the CBI has complained, along with others who aired their complaints in Committee—Government provision is driving some PVI providers out of the market. The question is, as the flow of money slows, what will happen to places that have disappeared and may not be able to return to the market? I look forward to the Minister's reply.

**Annette Brooke:** I have no great disagreement with the hon. Member for Wycombe (Mr. Goodman). I certainly share his concerns about sustainability. We should, however, also be mindful of the problem of affordability. I am sure that there is a desire for child care, but it may not translate itself into demand for reasons connected with funding. That is an enormous problem for the Government. Large sums are needed to make child care affordable, and I cannot offer an easy solution.

2.15 pm

I want to concentrate on amendments Nos. 5, 13 and 35, all of which deal with the same issue. The Bill does not cover the provision of child care when parents are workless. In Committee, we pointed out that parents might be workless because they were caring, or because they had disabilities themselves. In such circumstances, access to child care might be even more important. I tabled an amendment suggesting that a local authority "may" rather than "must" have regard to providing child care for workless parents. We could be storing up greater costs in the long run by not providing child care, because of the prioritisation of a hard-pressed local authority, when it is deeply needed by both parents and children.

I remember saying that two deaf parents might have hearing children. The children would really need child care, and the ability to socialise more generally. I am still concerned that the Bill does not even use the word "may" to indicate that in some circumstances local authorities throughout the country—not just the best-funded authorities—may need to provide child care.

It could be said that amendment No. 10 is slightly in disguise. Let me explain. I spent a good deal of time in Committee, and indeed on Second Reading, speaking about quality, because I think that it is crucial. However, humbled and crushed into the ground by all the Ministers' answers, I tabled this minimalist amendment. I listened carefully to Ministers who kept telling me that I need not worry about local authorities' monitoring quality, because there were Ofsted inspections. I therefore suggested the additional instruction that local authorities

"must consider the quality of local child care provision with reference to the Ofsted inspection process".

I merely suggest that local authorities should look at Ofsted reports across the board. I hope the Minister will accept that modest, basic requirement in the spirit in which it is proposed by me and by my hon. Friend the Member for Brecon and Radnorshire (Mr. Williams). We recognised that we must define what we meant by "quality"; defining a baseline in Ofsted terms could do the job.

In February the Government issued "A Code of Practice on the Provision of Free Nursery Education Places for Three-and Four-Year-Olds". Its emphasis on quality is welcome. It states:

"Local authorities may also require other providers of nursery education to participate in a quality assurance scheme".

*[Annette Brooke]*

In Committee, I pressed the Minister for answers on the Investors in Children kitemark scheme. Although the answers that I received were reassuring, at a meeting of the all-party parliamentary group for children it was clear that early-years providers were again concerned about the future of Investors in Children. It would be helpful if the Minister could update us on the progress of consultation, and tell us whether there is a commitment to maintaining a generally recognised kitemark, or something similar, for quality assurance.

I stress that such monitoring by Ofsted would be minimalist. The problem would be that monitoring might happen only once every three years. However, Ofsted reports can bring strands together. For example, one report observed that there was a high proportion of child care settings in which not all staff were in place at the time of their opening. There is a need for local authorities to keep an eye on such nurseries.

Amendment No. 31, which we tabled, picks up on the idea that we must have a level playing field. The hon. Member for Wycombe (Mr. Goodman) said that there is a worry that it does not exist. The amendment is fairly modest. I favour neither state nor private provision. I have no agenda on that because I come from an authority that relies on the private and voluntary sector for the bulk of its provision, which is good. However, there are reports from all over the country that some of our important private providers are not satisfied that there is a level playing field, so it is critical that that problem is taken on board.

I tabled amendment No. 59 so that we could return to a matter on which we touched in Committee: consultation with all partners and participants, including young children. I have tabled the amendment to a different clause than I did in Committee because the Minister explained to me that it would not be appropriate for young children to participate in making overall strategy. Amendment No. 59 is a probing amendment that tries to encapsulate the importance of listening to all children. Would it not be groundbreaking to include in the Bill a reference to listening to young children? The Government have funded exciting work on listening to young children, so why not have some recognition of that in the Bill? I think that the amendment could be incorporated in clause 11, but I wait to hear otherwise.

**Justine Greening:** I support the amendments tabled by my hon. Friend the Member for Wycombe (Mr. Goodman). As hon. Members have already said, the market is mixed. That is one of the values of the market because it ensures that the provision of child care is diverse. An especially diverse group of people lives in my constituency, so the more diverse our provision, the better the choice for my local parents. It is incumbent on the Government to ensure that the Bill facilitates and helps to develop that mixed market, rather than stifles it. It is thus especially important that we have a level playing field for both private child care providers—there are many excellent ones in my constituency—and provision provided by a local authority.

We have heard that for every five child care places that come into being, three are lost, which suggests that there is a huge amount of churn in the market. The Bill places a duty on authorities to assess the local provision of child care, but the churn will make that difficult. It is in everyone's interests to ensure that decisions taken by not only local authorities, but private child care providers, are informed, fair and sustainable so that local authorities do not constantly have to try to assess a situation that is evolving so rapidly that they cannot tell whether the local need for child care provision is being acceptably met.

When we discuss the mixed market, we often forget about the individuals whom we need the market to serve: children. Nurseries may shut down in response to a changing market. However, if the closure is unsustainable, children often find changing their nursery difficult to take. Parents can find it stressful if they suddenly have to find a new child care provider because their existing one was forced out of the market. The more that we can avoid that situation happening unnecessarily, the better.

I especially support amendments Nos. 5 and 35, which would ensure that local authorities would assess parents with disabilities themselves. As my constituency is a London seat, we have perhaps more than our fair share of Victorian buildings, which are not the most accessible in the world. We also have problems with public transport because although the buses are accessible, our local underground is not. It is important that the Bill urges local authorities to consider the accessibility needs and disabilities of parents when determining child care provision so that some people are not disfranchised from a measure that is meant to help absolutely everyone.

**Beverley Hughes:** I welcome the hon. Member for Wycombe (Mr. Goodman) on his debut to the Front Bench. As he implied, I am well aware of his responsibilities because of the dozens of parliamentary questions that he has assiduously put my way, the answers to which he used to good effect today. It is good to see him on the Front Bench. We are considering a large group of new clauses and amendments, which cover a range of slightly different issues relating to the general matter of sufficiency, so I will try to deal with them in a way that makes coherent sense.

The hon. Gentleman talked about the role of local authorities at the start of his speech. We have stressed the importance of that role throughout the Bill's passage. A local authority is the strategic holder of the ring when making sure that there is a sufficiency of child care places for parents in their area. I appreciate that he wants to utilise all the levers that are already in the system to ensure that there is good local authority practice, sustainability and the level playing field about which he spoke. Several of the amendments represent proposals on best value and local area agreements. Although I appreciate the intention behind them, there is perhaps a misunderstanding about the way in which best value and local area agreements work at present.

There is no need for a separate statutory code such as that in new clause 6 because all the functions carried out by a local authority are automatically covered by the best value regime and the guidance that has already been produced. The new clause would lead to a piecemeal change whereby a different duty of best value operated solely in relation to child care provision. Such a change would be not only confusing for local authorities, but unnecessary.

I can make a similar point about new clause 8 because fairness is an intrinsic part of the best value regime that has already been legislated for. Local authorities must have regard to the combination of economy, effectiveness and efficiency. In doing so, they must also have regard to a range of considerations that include fairness and transparency. New clauses 8 and 6 together imply that special arrangements would be needed for the child care duty, and that is not the case.

Amendment No. 60 relates to future sustainability. Again, I understand what hon. Members desire, and I support that, but the Bill already imposes a duty on local authorities to secure a sufficiency of child care. The word "secure" implies a duty for continuing effect. As long as the duty remains in place and is phrased in that way, the requirement is for the local authority to ensure sustainability in the future. Local authorities have to consider and plan for future changes that may have an implication on the requirements.

**Mrs. Maria Miller** (Basingstoke) (Con): Will the Minister pick up on the issue that most concerns us? We have teased out in parliamentary questions the sheer volume of places lost in the nursery sector. The figures that she kindly supplied to me only this week show that more than 200,000 places are being lost. We are most concerned about that trend and I would value her specific comments on it.

2.30 pm

**Beverley Hughes:** I do not think that there is a conflict in the way in which Conservative Members have selected part of the data that is available to us and to Ofsted on the total picture in relation to closure and opening rates of child care places. When referring to lower closure rates, until recently I have referred to total closures as a share of the total stock in places, including full day care, child minders and out-of-school clubs. The Ofsted data show that that rate has fallen quarter by quarter right across the board since the launch of the child care strategy.

I take it that Opposition Members are referring only to private sector places—

**Mrs. Maria Miller:** They cover the majority of such provision.

**Beverley Hughes:** Certainly, but there was an implication that the Ofsted data that I quoted were incorrect. The data go right across the board and show that there is much more stability in the sector as whole, although there are changes in the private sector market, as there are in any private sector market.

**Mr. Paul Goodman:** For the sake of clarity, the Minister is saying that her contention in Committee—that

"closure rates for these small businesses ... have fallen dramatically."—[*Official Report, Standing Committee D*, 8 December 2005; c. 121.]—

is consistent with the figures that she has given, whereby approximately 128,000 places closed between 2003 and 2004 and approximately 187,000 places closed from April 2004 to March 2005. That is an increase. I do not understand how it is consistent with a 10 per cent. fall.

**Beverley Hughes:** I do not have those figures, but I agree that there is churn in the private sector part of the child care market. It is not significantly greater than the general figures that I have seen on churn in other parts of the private sector market not related to child care. Private businesses stop trading and operating. The level of that in the child care market is not significantly greater than it is in other private businesses. If we look across the sector as a whole, in terms of the number of places that are being opened and the number that are closing, across the piece Ofsted data show that the rate of closure has fallen quarter by quarter since the child care strategy started and that, on balance, the net rate of places is increasing, because the rate of increase is greater than the rate of closure.

**Mrs. Maria Miller:** It is worth teasing out the information a little further. The figures are clear. We have seen a seismic difference in closure of nursery places over the past two years. The year before last, 59,000 places closed; last year, 200,000 places closed. The feeling we get is that that is reducing the take-up of nursery places. At the moment, the figures show that nurseries are running at 79 per cent. capacity, which is well below the level that is financially viable. That came out in the Public Accounts Committee debate on the subject two years ago.

I want the Minister to focus on that. The difference between 59,000 and 200,000 closures is enormous. As my hon. Friend the Member for Putney (Justine Greening) said, it results in uncertainty for children and working parents, which we are not happy about.

**Beverley Hughes:** I think the hon. Lady will agree that she is using figures up to the end of December 2004. It is the case that, as the strategy was developing, there was turbulence in the system as private providers came into being. Perhaps they did not have the sustainability and went out of business, and some child care places were lost in that sector. I have not got the relevant figures with me, but I shall ensure that the hon. Lady gets them if she does not have them; however, I suspect that the hon. Member for Wycombe (Mr. Goodman) has them. On reading those figures, she will see that since December 2004 there has been much greater stability, even in that part of the child care market catered for by private-sector providers. So there has been much greater stability not only across the board, but in that particular part of the market, in the past 15 to 18 months. The market is settling down and we are not seeing the degree of churn that existed 18 months to two years ago, to which the hon. Lady referred. That said, I am concerned about this issue. Like the hon. Lady and the hon. Member for Wycombe, we want a diverse and varied market that includes the private sector. As with the voluntary sector, where the private sector achieves good quality provision, we want local authorities to work with it to develop and grow such provision.

I turn to amendments Nos. 38 and 39 and local area agreements. I appreciate the attempt to use existing levers to ensure that local authorities are working in real partnership, but there are several difficulties with citing local area agreements. First, they apply to England only; secondly, they are voluntary agreements and have no statutory basis, so we could not include them Bill. As I have hinted, because the local area agreement process does not exist in Wales, amendment No. 39 is not appropriate.

*[Beverley Hughes]*

A number of amendments—Nos. 5, 35, 13 and 59—deal with the ways in which local authorities relate to various groups of people who might want to use child care in their areas. On amendments Nos. 5 and 13, the child care needs of many of the carers cited is already covered by the duty on local authorities. They will be in—or be seeking to be in—employment, education or training, so they will be part of the population to whom the duty on local authorities will apply. There are also other initiatives to support carers of children or adults—regardless of whether they are in employment, education or training—through the social care and social security system: the carer's allowance, the carer's grant and council tax discounts.

I do acknowledge that parents and carers of disabled children need breaks, and such children also benefit from new experiences and opportunities to interact with other children, away from their families. However, the point is that we do not need new legislation to achieve that. Section 17 of the Children Act 1989, and standard 8, on disabled children, of the national service framework for children, young people and maternity services, already make such provision. We must look to such measures, rather than expanding the duty on local authorities to ensure such provision for disabled families.

**Annette Brooke:** I want to repeat my concern that in the light of scarce funds, local authorities will prioritise. Although I appreciate that in some local authorities there may be considerable funding from social services for places, in others there is not, and no increased funding will be coming on board. Unless the Bill deals with this issue to some extent, the focus will be on working parents and some workless parents could be completely left out, simply because all local authorities have to prioritise. The child poverty target has not been met because just one method is being used to get people back into work; other methods need also to be used. If we focus on a single group, others might be totally overlooked. I am genuinely concerned about this issue.

**Beverley Hughes:** I appreciate the hon. Lady's concern and I know that it is genuine; she raises these issues because of her regard for such people. We are trying to frame a duty on local authorities to provide sufficient child care, and it is important that in doing so, we strike a balance. It is not that the groups whom the hon. Lady mentions are not important; they are, but we are talking about requiring, in law, local authorities to ensure that sufficient child care is available for certain groups. They will be judged accountable according to where we draw the line for that duty, and the Bill proposes that it should be drawn for working parents and the parents of disabled children.

In fulfilling that duty, local authorities will generally make good-quality child care more available across the board, and I have no doubt that it will be available for people outside the groups to which I have referred. We have to decide what we should require local authorities to guarantee, as far as they reasonably can, and the criteria against which we should judge them. The Bill strikes a reasonable balance in that respect, ensuring that there is more child care for other groups, but not imposing a very high threshold of duty on local authorities.

Amendment No. 35 would place an explicit duty on local authorities to have regard also for the requirements of disabled parents when securing sufficient child care. I agree that the needs of disabled parents must be taken into account and accommodated, although not necessarily by this Bill. A new disability equality duty will come into effect in December this year, requiring all public bodies to ensure that disabled people are treated equally. Obviously, that duty will play a part in what local authorities must provide in connection with this Bill, and that is why the amendment is not necessary.

Amendment No. 59 would include on the face of the Bill the groups that local authorities should consult when carrying out their assessment duty. During the Committee stage, we published a paper outlining our intentions in that regard, and that is still available in the Library of the House. It states clearly that local authorities should consult with parents, carers, providers, employers and local organisations to ensure that the provision meets their needs. As I said in Committee, we will require local authorities by means of regulation to take account of the views of children. I hope that the hon. Lady will be happy with that, as it will give us a quality system for assessing sufficiency.

Other amendments deal with the relationship between the private voluntary sector and schools, the two parts of the sector that will provide child care. As part of the level playing field argument, amendment No. 7 would require local authorities to set up an appeals process to handle the concerns of child care providers. We discussed the matter very thoroughly in Committee, and the arrangements in the Bill will safeguard the very valuable role that the private and voluntary sectors play in maintaining the diverse market that we want to exist. However, as I said in Committee, if local providers still feel that they have been treated unfairly, processes are in place to ensure that they can complain to the local authority.

Secondly, we have said that any complaints received by the local authority must be referred to Ofsted for consideration as part of the joint area review. Thirdly, guidance will make it clear that the authority must inform Ofsted about issues raised in complaints in respect of its analysis of sufficiency and other matters.

Amendments Nos. 31 and 32 deal with the role of maintained schools, and once again are similar to amendments tabled in Committee. I still believe that amendment No. 31 is not necessary, as clause 35 of the Education and Inspections Bill will introduce a new duty for maintained schools to have regard to the children and young persons plan. That will take care of the objective contained in amendment No. 31.

Amendment No. 32 is similarly unnecessary. Maintained providers are already subject to quite stringent requirements in respect of the quality of the services that they provide and of the management of their delegated budgets. Local authorities already have to have in place detailed and well established monitoring and accountability arrangements for budgets in schools and other maintained settings. It follows that financial

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assistance for child care in schools will be closely monitored in that way. Therefore, the amendments are not necessary.

2.45 pm

The hon. Lady rightly pursues the issue of the quality of child care. I hope that she did not feel crushed in Committee, because that was not my intention. I would never seek to do that, especially to the hon. Lady because I know that her sentiments are generally benign, if sometimes a little misguided in terms of how we get where we want to be. I tried to stress in Committee that a substantial part of the Bill—part 3—is about quality, because we are instituting a new regulation and inspection regime, and a new framework for the early years foundation stage as a basis for that regime. That Ofsted framework is the appropriate way to achieve a national consistent standard of achievement. In addition, clause 6 requires local authorities to have particular regard to the need to secure sufficient child care that is eligible for the child care element of the working tax credit. Child care will be eligible for tax credits only if it satisfies the standards set by Ofsted. It does not make sense to require local authorities to duplicate 150 times what we have already established, which is a national organisation that parents trust and that works to consistent standards across the country. That is the way to proceed.

Clause 11 requires local authorities to carry out an assessment of parents' needs for child care. That will not be just an assessment of parents' needs regarding the quantity of child care but of the quality and flexibility of that child care. Our regulations and guidance underpinning that duty will make it clear that local authorities must consider the types and features of child care that parents require.

We have to allow local authorities to exercise leadership in the way that they think best for their area. They are doing so in significant numbers, but that is different from placing them under a requirement that would potentially conflict with or duplicate Ofsted's role. I am the first to agree with the hon. Lady that the quality of child care is crucial, but I do not agree that the amendment is the way to achieve it.

I am afraid that I cannot give hon. Members much comfort in terms of accepting their amendments, but I hope that the reassurances that I have tried to give show that what they seek to achieve is either encompassed in the Bill or in other legislation or regulations. I ask the Opposition to withdraw the new clause and not to press the amendments.

**Mr. Paul Goodman:** The Minister said a moment ago that she had not given us much comfort. I agree, and I shall explain why by returning to the figures. The key word that she used was "churn" and she said that there is a churning of places. She also said that matters had improved since December 2004. From 2003–04 to 2004–05, according to the parliamentary answer that the Minister kindly provided, 16,000 new places were provided, but some 60,000 were closed. We find it hard to see how that can be a churn. Either there is over-supply or there is not a level playing field in the way that the CBI and the National Daycare Nurseries Association have suggested. It must be one or the other.

In her reply, the Minister essentially said that these amendments are a duplication. That was a lawyer's answer. Saying something is a lawyer's answer is not necessarily an uncomplimentary remark; after all, my party was led by a lawyer until recently, and the right hon. Lady's party still is. I was not for a moment claiming that the right hon. Lady is a lawyer, simply that her answer was a good lawyer's answer, and I am sure that she was assisted by her Department in that. However, it seems to us that although the Bill may contain the measures necessary to ensure that a level playing field is established, it is hard to see them. We do not intend to press these amendments to the vote, but our colleagues in another place will require more reassurance about how the Minister's Department is going to provide a level playing field once the Bill comes into effect. At the moment, there is a very strong suggestion that the playing field is not level.

I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**Clause 1**

GENERAL DUTIES OF LOCAL AUTHORITY IN RELATION TO WELL-BEING OF YOUNG CHILDREN

**Mrs. Maria Miller:** I beg to move amendment No. 1, in page 1, line 7, leave out 'reduce inequalities between' and insert

'show how it is raising the quality of outcomes of the most disadvantaged'.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss the following amendments: No. 34, in page 1, line 8, at end insert—

'(c) show how it is raising the quality of outcomes of the most disadvantaged young children.'.

No. 40, in page 1, line 11, after 'health', insert 'development'.

No. 52, in page 2, line 1, at end insert—

'(f) their relationship with their parents or carers.'.

No. 41, in page 2, line 2, leave out 'set targets for' and insert 'establish procedures for assessing'.

No. 2, in page 2, line 5, leave out 'reduction of inequalities between' and insert

'improvement in the quality of outcomes of the most disadvantaged'.

No. 36, in page 2, line 7, at end insert—

'(3A) Procedures for assessing the improvements set out in subsection (3) should be based on quality of outcomes, in accordance with the regulations referred to in that subsection.'.

No. 42, in page 2, line 9, leave out 'targets' and insert 'procedures'.

No. 61, in page 2, line 10, leave out 'met' and insert 'adhered to'.

No. 43, in page 2, line 41, clause 3, after 'facilitate', insert 'and maximise'.

No. 56, in page 3, line 1, leave out 'identify' and insert 'target'.

No. 55, in page 3, line 32, clause 4, leave out 'may' and insert 'shall'.

No. 47, in page 4, line 1, leave out clause 5.

*[Madam Deputy Speaker]*

No. 11, in page 6, line 37, clause 12, after 'assistance', insert 'for families'.

No. 48, in page 6, line 40, after 'provision', insert ', funding and sustainability'.

**Mrs. Miller:** I was due to serve on the Committee on this Bill, but because of a double booking with Standing Committee on the Equality Bill, I was unable to do so. Equality won out, which is as it should be. I eventually got here, and the hand of fate means that I am involved at the end of the day. I reiterate the comments of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) earlier about the cross-departmental child care team on the Opposition Benches. My hon. Friends the Members for East Worthing and Shoreham and for Wycombe (Mr. Goodman) are part of the official Opposition's strong child care team, and I am pleased to be part of it too.

In Committee there was vigorous debate, particularly on issues that I shall cover in this group of amendments. It is a diverse group—something of a shopping list—but these are important amendments and are worthy of further consideration. This group focuses on the duties of local authorities to ensure the well-being of children and I shall subdivide it further so that the debate makes sense.

I shall first look at amendments Nos. 1 and 2, which relate to clause 1, about improving the well-being of children. On Second Reading, the Secretary of State stressed the idea of children having the best start in life, and the Opposition wholeheartedly endorse that. We believe that amendments Nos. 1 and 2 would instil that ideal more into the Bill. Our concern is that "the reduction of inequalities"—the wording currently in the Bill—could be interpreted in a number of ways and lacks the clarity that legislation should provide. Clarity of direction is vital. We believe that the Bill needs to focus on raising standards—an objective that we all share. We have heard today that the Government have failed to meet their target for reducing child poverty, and we share their obvious concern about that. Many hundreds of thousands of children who should have been out of poverty remain in it.

We have to focus on what we can do to close the gap between rich and poor, because it must be addressed in terms not merely of targets, which can sometimes create perverse outcomes, but of raising standards for all, especially the quality of experience for the most disadvantaged groups. We believe that the Bill should, and will, set the tone and ethos for what we want from child care. The Bill is important because every child deserves the opportunity to maximise his or her potential.

In Committee, some philosophical differences were expressed about the reduction of inequalities versus improvement in the quality of outcomes. I hope that we can agree that we should continue to work on those points, but we may be closer together than the Committee debate suggested. I refer to an interview given by the Prime Minister on "Newsnight" in 2001, when he clearly stated that the Government's objective was to level things up. He said:

"Surely the important thing is to level up those people that don't have opportunity in our society."

We wholeheartedly endorse that view, which our amendments would make much clearer in the Bill. Our philosophy is simple: to maximise the potential of children so that no child is held back or left behind. The amendments would help to make that clearer to the people who implement the legislation.

It will be useful to deal with amendments Nos. 34, 43 and 56 together. They all refer to improving children's well-being, which relates to the Government's objective of ensuring that we help the people who need it most, which the Secretary of State stressed on Second Reading. The objective of the amendments is to focus the Bill on doing exactly that. As child poverty remains of great concern, I hope that the Government find the amendments useful in ensuring that our objectives in the legislation are clear.

I am sure that the House agrees that we have much to learn from other experience of child care provision. The US head start programme is interesting. It puts tremendous focus on the most disadvantaged families and has resulted in significant, measurable improvements in language, social development and parental interaction with their children, in terms of reading and discipline. In the UK, Sure Start is a welcome help for the most disadvantaged, although it covers only 40 per cent. of disadvantaged children. Indeed, my constituency, which has areas of significant disadvantage, receives no such help, although I am pleased that the situation will change in the future with the establishment of children's centres.

As the Minister of State has stressed, when I have put questions about the results of Sure Start, these are early days, but is the programme targeted enough on the most disadvantaged? In the light of the national evaluation of Sure Start, will the Minister consider whether more can be done directly to underpin and support the most disadvantaged groups, especially those important groups that the research showed were as yet unsupported by the programme—lone parents, teenage mothers and workless households. We all feel that they deserve more support.

We all want to improve the well-being of children in the broadest sense, but it is vital that support for the most disadvantaged is at the heart of our discussions. All three amendments would focus resources more actively on those most in need, which we hope will do most to help children in poverty. The proposals would not merely facilitate but maximise access to the services on offer and not merely identify but target the parents most in need, making the Bill much more active and its support more directed.

We are concerned about the structure of the Sure Start programme, which needs some attention. It is rather loose and variable in execution, so it can be difficult to measure outcomes. Our key concern is that we are ensuring help for those who need it, and perhaps that is not ingrained in the implementation of Sure Start to date, as evidenced by the Birkbeck study, which was published in November 2005. I am, of course, aware of the supplementary pamphlets and notes that have been issued as a result of that research. I ask the Minister to comment on whether she feels that that background is sufficient to cause the change that we probably need to see in Sure Start to underpin those important groups.

3 pm

The Government clearly have continuing problems with poverty levels. We have been targeting to reduce poverty, but hundreds of thousands of children whom the Government were hoping to lift out of poverty have not been removed from it. The Institute for Fiscal Studies has estimated that an additional £1.4 billion will be needed to hit the Government's targets by 2010. Obviously that is down to the Chancellor, who must ponder and think about it. We accept on both sides of the House that work is an important way out of poverty. Indeed, that was reiterated this morning by a Minister speaking on behalf of the Department for Work and Pensions during an interview. The Bill is an important way to support parents with the aim of getting back to work in mind. If we are to ensure that the proposed legislation reaches its maximum potential, there may be room to consider the amendments to ensure that we are focusing our activities in the right direction.

Amendments Nos. 40 and 52 were tabled to offer some support and help in improving the well-being checklist. What is on the checklist will dictate the approach that the local authority takes. As we all know, what happens to us as children influences us for the rest of our lives. The way in which we assess the progress of children is of paramount importance.

Amendment No. 40 is about the physical and emotional health of children. I am sure that we all realise that mental health is a long-term issue that develops over time. It is not static, and cannot be considered at only one point in time. We need to consider the mental health development of children, and that is a continuing process.

As for amendment No. 52, there is the recognition that children's relationships with their parents are important in their long-term well-being. I was somewhat surprised to see that that was not recognised in the Bill, particularly after some of the debates that we have had recently on the Children and Adoption Bill, during which we all agreed on the importance of the relationship with parents. This should be a pivotal element of the well-being checklist, and I ask the Minister to consider that carefully. The amendment would lead to a constructive improvement.

With amendment No. 36, we try to draw attention to the importance of the quality of outcomes. As part of improving the well-being of children, we are improving access. We are also improving the quality of child care on offer. We have already discussed our disappointment that so many private and voluntary nursery places have come to an end, although there has been a net gain. We see that as a positive move, but we are concerned that 200,000 places have been closed.

We need to ensure that when, or rather if, the Bill is enacted, local authorities focus on quality, not quantity alone. We feel strongly about that, and the issue was debated thoroughly in Committee. It is worthy of being set out in the Bill, and the amendment would do that. It would put into the Bill the importance of quality and the importance of raising the quality of outcomes, which should be at the heart of the legislation.

Amendments Nos. 41, 42 and 46 have been tabled to encourage better acknowledgement of the importance of giving local authorities some room to manoeuvre in their local approach to putting child care in place in their areas. We all know that our constituencies are diverse—Basingstoke is a mixture of suburban and rural communities—and even within a single constituency and local authority area the Bill will have to deal with a great deal of diversity. The amendments would give the local authorities the ability to adapt to local needs, and more autonomy, making sure that they were not just driven by centrally dictated targets but could take into account what was happening in their own communities.

Amendment No. 55 has a specific aim, and echoes the debate about "may" and "must" in Committee. Clause 4 deals with the duty of local authorities to work with relevant partners such as the national health service in the delivery of integrated child care. Members on both sides of the House will agree that collaborative working is vital if the Bill is to succeed. The Bill makes it clear that local authorities must work with their relevant partner agencies, and clause 4(4) says that they

"may . . . provide staff, goods, services, accommodation . . . and maintain a pooled fund."

That wording suggests that there is a choice. The Government may have overlooked that usage, but we need to be certain that that is the case.

We know from debates on the health service that there is enormous pressure on finances in this area, and that one in four primary care trusts are in financial deficit. When we talk to Ministers about the provision of services in other areas we are told that that is the responsibility of local management. I have asked Health Ministers on a number of occasions about the provision of local health services in north Hampshire, but they tell me that that is dictated by local management. We need to take that into consideration when we assess this part of the Bill. Can the Minister explain where the well-being of children will fall in local NHS priorities? The amendments recognise the need for a statutory directive in the Bill to ensure that it can achieve what it sets out to achieve.

Finally, after that rather long shopping list of amendments, amendment No. 47 would remove clause 5. Under that clause, the Minister could redefine the nature of early childhood services, thus giving her unlimited powers to change the group of people whom the Bill is intended to help. How would those services be redefined? Will she explain why that provision was included by telling us when and why it would be used? I commend the amendments to the House, and I look forward to the Minister's response.

**Mr. Michael Wills** (North Swindon) (Lab): Briefly, in the light of the comments by the hon. Member for Basingstoke (Mrs. Miller) about local autonomy, I would welcome reassurance from my right hon. Friend the Minister that levers will be in place in future so that her Department can ensure that the money given to local authorities will not be diverted from the poorest children in the poorest areas of each local authority. I would also welcome an assurance that the Department will continue to monitor local authority spending so that it remains focused on the children who need it most.

**Annette Brooke:** I listened with great interest to the hon. Member for Basingstoke (Mrs. Miller) because, as many of us recall, the subject matter of amendment No. 1 generated a great deal of debate in Committee. I

*[Annette Brooke]*

explained at the time that I had intended to support it—until I heard the arguments for it. Despite the fine words that we have just heard, amendment No. 1 would rip the heart out of the Bill. It is essential that "reduce inequalities" be left in.

I was interested in the Conservative amendment because it had been pointed out to me that inequalities could be reduced by pulling the more advantaged down. Despite clause 1(1)(a), I still have a concern that that could happen, so I tabled amendment No. 34, with which I tried to achieve the best of all worlds. I stole the Conservatives' words, left in "inequalities" and added paragraph (c) to make the same point.

As a belt and braces measure I tabled another amendment, which was not selected but might be even better. If paragraph (a) read

"improve the well-being of every young child in their area"

that sounds like quite an undertaking, but the phrase "every young child" is used elsewhere, so there is a precedent. I could not support amendment No. 1 which, by removing "reduce inequalities", would undermine everything in the Bill.

Several amendments refer to targets. We discussed that in Committee and we are all concerned about targets being centrally set and possibly having unintended consequences. There is an argument for requiring the monitoring of performance, rather than the setting of targets.

Our amendment No. 11 relates to the duty to provide information, advice and assistance. My hon. Friend the Member for Brecon and Radnorshire (Mr. Williams) proposes that clause 12(1) should state:

"An English local authority must establish and maintain a service providing information, advice and assistance for families in accordance with this section."

I have previously expressed great concern about the fact that in the entire Bill there is no mention of families. This, if anywhere, is where such a reference should be. We want advice for parents and support for children, but the relationships and dynamics within the family are greater than the sum of its parts, whatever form the family unit takes. If clause 12(1) included a reference to families, we would ensure that information about a raft of family support measures was available. That small amendment would greatly enhance the Bill.

We have had a useful debate on this large group of amendments and tackled the underlying philosophy of the Bill. The wording of clause 1(1) and (3) could be improved to make doubly sure that we do not reduce inequalities by pulling the more advantaged down.

**Ann Coffey** (Stockport) (Lab): I shall speak briefly on amendment No. 1, which seeks to remove the general duty on a local authority to

"reduce inequalities between young children in their area"

and replace that with

"show how it is raising the quality of outcomes of the most disadvantaged".

After we debated the matter in Committee, it was still unclear why the Conservative Opposition want to remove the provision, and their position remains unclear.

In Committee, Conservative Members argued that each child should be treated individually and not in relation to another child. The Bill includes a general duty to improve the well-being of young children in an area, and the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) suggested in Committee that there could be a perceived duty in some areas to make it more difficult for the best nurseries, because by allowing them to flourish inequalities are somehow increased, although I am not sure how that would happen.

3.15 pm

**Mr. Paul Goodman:** My hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) was making this point: when one attempts to reduce inequalities, one first attempts to bring up the standard of those who have fallen behind, but if one cannot do that, there is only one other option—bringing down the standard of those who are ahead.

**Ann Coffey:** I am not sure how that could possibly happen. The hon. Gentleman's comment reflects the Conservative party's general paranoia about levelling down. Conservative Members seem to think that there will be a huge move up and down the country to lower outcomes for the better-off in order to achieve a reduction in inequalities. I do not know how they think that will happen or the mechanism that they think we will use.

**Mr. Goodman:** It is simple: the law depends on the words in the Bill, which are "reduce inequalities". If it proves impossible to bring up the standard of those who are being left behind to those who have gone ahead, there is only one option, which is to bring down the standard of those who have gone ahead to those who have been left behind.

**Ann Coffey:** The hon. Gentleman has demonstrated the paranoia to which I have referred. I do not understand what mechanism will be used to achieve that levelling down.

**Edward Miliband** (Doncaster, North) (Lab): Since the Bill was in Committee, the right hon. Member for West Dorset (Oliver Letwin), who is policy chief of the Conservative party, has given an interview to *The Daily Telegraph*, in which he said that it is a priority to reduce the gap between rich and poor—in other words, to reduce inequalities. Conservative Front Benchers may be out of step with their party on this issue.

**Ann Coffey:** I thank my hon. Friend for sharing that policy development with Conservative Front Benchers, who are clearly unaware of it. A concentrated effort would be required from all public agencies on levelling down, because all the evidence suggests that better educated and better informed people are, for example, changing their diets, taking more exercise and attending preventive health checks, with the result that their life chances and those of their children are improving at a better rate than those of less well informed people. I imagine that the only way to lower outcomes for the more advantaged would be to stop them getting information in the hope that they will stop doing the things that are improving their health.

All the evidence suggests that more effort is required to find ways to improve outcomes for the most disadvantaged. The hon. Member for Basingstoke (Mrs. Miller) has argued that outcomes will improve for the most disadvantaged if effort is concentrated on them, so it does not matter that outcomes for the advantaged are rising. However, if the gap widens and less advantaged people perceive that their life opportunities are much less than those of more privileged people, then they will think that the situation is unjust, and it will become more difficult to sustain a multicultural, diverse community.

**Mrs. Maria Miller:** My argument is focused on raising standards for the most disadvantaged, and I have tabled amendments to focus more of our resources on that group. I feel that we are running the risk of not focusing enough of our energy on those who need help most, and perhaps by inference we are focusing some of our energy on those who do not need help as much.

**Ann Coffey:** But focusing on inequalities means that resources are focused on those who have least. That is what a target to reduce inequality does. I do not understand the problem that Conservative Front Benchers have with this.

Returning to relativities and the importance of ensuring that the gap between rich and poor does not increase, I do not want to hark back to the past, but there is a generation of young people in my community who are difficult to help, to train and to employ. They grew up under a Government who believed that relativities did not matter and therefore ignored widening inequalities. I am glad that Conservative Front Benchers are addressing that offending behaviour, but I feel that they still have not quite got it.

**Justine Greening:** Action is more important than rhetoric. Under this Government, social mobility has dropped rather than increased. I am pleased that I am in my mid-30s, not my mid-teens, because the prospects for me now would be far bleaker than they were when I was 16.

**Ann Coffey:** That is the most unutterable rubbish that I have ever heard in this Chamber. The investment in children's centres is a recognition that we have to do something about disadvantage from an early age. Providing a general duty to address inequalities will lead to the development at a local level of policies that take particular account of helping the most disadvantaged because of the way in which that service provision will then be developed.

For example, extra cash for improving school meals may make a local authority consider giving a subsidy to parents who are just above the level for qualification for free school meals. That would encourage parents to let their children have school meals instead of lunchboxes. As part of that initiative, parents might be encouraged to come in and talk about diet. That might help to reduce inequalities in outcomes in the long term. Without a duty to address inequalities, there will not be the same kind of pressure for innovative thinking at a local level to ensure that in every policy area thought is given to ensuring that outcomes for the most disadvantaged are improved.

**Tim Loughton:** That is what the amendment says.

**Ann Coffey:** Of course that is what it says—that is why I do not understand the hon. Gentleman's problem with the clause on inequality.

I have come to the conclusion that addressing inequalities, beyond warm words, is a step too far for the Conservatives. I believe that this duty, with a huge investment in early years, will mean that from an early age, when it matters most, parents will be supported and extra help will be given to those children, who without it will grow into another disaffected generation excluded from any real opportunity to change their lives.

**Dr. Roberta Blackman-Woods** (City of Durham) (Lab): Before I begin my remarks on amendment No. 1, I want to say what a great privilege it was to serve on the Standing Committee that scrutinised the Bill. Of course, all Standing Committees are riveting, but this one was in a league of its own, as Members from all parties vociferously debated their case. Several divisions arose, particularly on clause 1.

On Second Reading, some of my hon. Friends may not have given enough attention to the importance of clause 1, which does two remarkable things. First, it places a duty on local authorities to improve the well-being of all young children in their area. Secondly, local authorities must reduce inequalities between young children in their area—but not, as the hon. Member for Basingstoke (Mrs. Miller) suggested, by dumbing down. As subsection 1(a) and (b) make clear, inequalities can be reduced only by improving outcomes for the least well-off more quickly and to a greater extent than for others, so that they catch up and the gap is reduced. We debated that at length in Committee. I am sorry that the hon. Lady was not there to hear that debate.

We had many vibrant exchanges in Committee. In the end, the Conservatives did not like the idea of reducing inequalities; instead, they wanted to raise the quality of outcomes of the most disadvantaged, and tabled a similar amendment to that end. The problem is that, if the outcomes for all children continue to improve, those at the bottom could be left even further behind. We know that inequality matters, especially in societies such as ours, where we deal largely with relativities—relative poverty and relative disadvantage—and where parents want to provide more than the basics for their children. At least the Tories made their stance on the issue clear in Committee; the hon. Member for Mid-Dorset and North Poole (Annette Brooke) was less clear.

**Annette Brooke:** If the hon. Lady would like to look back at the speech that I made on Second Reading, she would see that I welcomed the mention of the reduction of inequalities. As I have explained, my reason for being concerned about the expression used is the fact that inequality could be reduced simply by bringing the top down, and if subsection (1)(a) relates simply to an average, that is still quite compatible. Even now, an amendment to that subsection is needed—it is not foolproof. However, hon. Members will recall that I was horrified by the comments of the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb). No one could dispute the fact that I certainly believe in the reduction of inequalities, and we must talk about less-advantaged children gaining ground more rapidly than others.

**Madam Deputy Speaker:** Order. I think that the hon. Member for City of Durham (Dr. Blackman-Woods) wanted to continue.

**Dr. Blackman-Woods:** I was referring, of course, to the fact that the hon. Member for Mid-Dorset and North Poole abstained in the vote on a similar amendment in Committee, and we all concluded that the Liberal Democrats were ambivalent about whether to reduce inequality.

To return to the importance of clause 1, the Child Poverty Action Group reminds us:

"Inequality is damaging because access to goods and services of those on the lowest incomes is intimately connected and affected by the spending power of the richest. Unless the gap between incomes of the richest and poorest is reduced we will continue to be divided by differential, income-related access to the opportunities in society".

So it is terribly important—if we want to reduce inequalities, which Labour Members certainly do—that clause 1 stays exactly how it is, and we celebrate it.

I was not going to make this point, but I am so incensed by the remarks of the hon. Member for Putney (Justine Greening) that I have decided that I need to say something about child poverty. Under the last Conservative Administration, childhood poverty in this country increased massively. At least this Government have started to take enormous numbers of children out of poverty. If you want, I will send you the figures, so that you know exactly how many children were put into poverty by the previous Government.

**Madam Deputy Speaker:** Order. I remind hon. Members that when they use the word "you" they are referring to the occupant of the Chair, not to the hon. Member whom they have in mind.

**Justine Greening:** I hesitate to engage in such a debate again—the one in Committee was particularly heated—but I want to take this opportunity to reassure Labour Members of my own genuinely good intentions in supporting the amendment. All I want is the outcomes of the most disadvantaged children to improve, and stating that explicitly in the Bill would make it absolutely clear to local authorities. I fully understand the concerns, but there is a need to include that explicitly in the Bill, which is why I support the amendment.

3.30 pm

**Edward Miliband:** I shall make a brief contribution because Conservative Front Benchers have unwittingly revealed the problem with today's Conservative party. On the one hand, Conservative Members use rhetoric that makes it sound as though they are caring, sharing, modern and interested in a fairer society, but when it comes to reality, they oppose the concept. Since my earlier intervention, I have done further research and I have a copy of the interview with the new policy chief of the Conservative party, the right hon. Member for West Dorset (Mr. Letwin), in *The Daily Telegraph* on 23 December 2005. He said:

"Of course, inequality matters. Of course, it should be the aim to narrow the gap between rich and poor."

I do not know whether the Conservative party's policy chief scrutinises Front-Bench amendments but, on the basis of the interview, I cannot believe that he would approve of an amendment that would remove the aim of reducing the gap between the rich and the poor.

**Mrs. Maria Miller:** Of course we are talking about the gap between rich and poor and we take that seriously. Surely the hon. Gentleman should take seriously the Prime Minister's statement on the matter. In a "Newsnight" interview in 2001, he said:

"Surely the important thing is to level up those people that don't have opportunity in our society."

Perhaps the problem that we are revealing today is the gap between the hon. Gentleman and the Prime Minister.

**Edward Miliband:** I think not. It is clear from the Bill that we both want to improve the well-being of young children and reduce inequalities between them. However, amendment No. 1 would remove the notion that the gap should be reduced. There is a simple explanation for that: in its heart, the Conservative party and its Front Benchers do not want to reduce the gap between rich and poor—they do not believe in that. That is a valid position, but it would be better to admit it. They are at odds with the remarks of the Conservative party's policy chief. Conservative Front Benchers may shake their heads but there is a blatant contradiction between the amendment and the words of the Conservative policy chief.

**Tim Loughton:** I have sat silently listening to that complete twaddle, although it is reassuring to find that a few subjects remain on which the old class war mentality of the Labour party leaps to the fore. If we suggested that we should favour the best off, the hon. Gentleman would have a good case. If we suggested that the gap should remain, he would have a good case. However, the wording of the amendment would replace "reduce inequalities" with

"show how it is raising the quality of outcomes".

That does not mean doing nothing; it means actively raising the quality of outcomes of the least advantaged. That is our intention.

**Edward Miliband:** If class war is being waged, it is being waged, rather uncharacteristically, by the right hon. Member for West Dorset, who appears to have converted to what the hon. Member for East Worthing

and Shoreham (Tim Loughton) describes as "class war"—reducing the gap between rich and poor. However much the hon. Gentleman wriggles or squirms, the policy chief of the Conservative party said that he wants to reduce the gap between rich and poor but the amendment would remove that wording from the Bill. Increasing the outcomes of the most disadvantaged is perfectly consistent with widening the gap between rich and poor. That is at odds with what the Conservative party claims to be its policy.

**Annette Brooke:** It is almost as if crumbs were enough for one group and a feast for another.

**Edward Miliband:** I agree with the hon. Lady. The Bill should be passed as it stands. Conservative Members need to do some more homework, and especially to read what their policy chief said.

**Beverley Hughes:** Many of my hon. Friends have stolen my thunder in terms of replying to the debate, but I am grateful to them for doing so. Perhaps I can be briefer as a result.

We have had a short rehearsal today of the debate that we had on this matter in Committee. It is clear that the Conservatives still have not fundamentally understood what we are trying to do. Either they do not understand our intentions or they still feel uncomfortable with them, as they are again trying to take the words "reduce inequalities" out of the Bill. As hon. Members have pointed out, the two paragraphs of clause 1(1) have to be read together. The first provides that an English local authority must

"improve the well-being of young children in their area",

and I am advised by parliamentary counsel that that means all young children in their area. The second paragraph provides that the local authorities must "reduce inequalities". It is clear, if the two provisions are read together, that it is possible to achieve those outcomes only by taking all children upwards in terms of achievements, and by doing so at a faster rate for disadvantaged children. That is how we will close the gap.

The Conservatives are talking the talk, but they cannot yet walk the walk. They have not yet internalised a genuine commitment to the protestations of the right hon. Member for West Dorset (Mr. Letwin) and of their own leader, who has said that the test of Conservative policies will be to show

"how they help the most disadvantaged . . . not the rich".

The Conservatives' amendment is inconsistent with the policies that their own leaders are putting forward. To echo the points made by my hon. Friends the Members for Doncaster, North (Edward Miliband), for City of Durham (Dr. Blackman-Woods) and for Stockport (Ann Coffey), I just wonder whether the Conservative leadership is aware of the amendments that have been tabled. We hear their protestations in the media, but their default position, which we have seen in Committee and again today, is to be against reducing inequalities and not to be prepared to see our provision written into the Bill.

I am glad that the hon. Member for Basingstoke (Mrs. Miller) and her party now think that child poverty is something that we should be reducing, rather than increasing, as happened under the previous Conservative Government to a massive extent. If we had continued in the direction in which they were going, the number of children in poverty would have increased by more than 800,000. This Government are going in the right direction.

Amendments Nos. 40, 36 and 52 deal with the definition of well-being. There is considerable misunderstanding about the intention of these amendments, because they attempt to rewrite the Children Act 2004, the "Every Child Matters" policies, and the five outcomes enshrined in those provisions. The Childcare Bill is using those five outcomes as the basis for the outcomes duty and other provisions, which is why we have incorporated them as they are. They are the outcomes that children and families identified, and they were endorsed in the 2004 Act. We are really not in the business of rewriting them now. I agree that relationships with parents are important, certainly in helping to achieve those outcomes, but local authorities should not be responsible for the quality of relationships between children and their parents. However, we want to help parents to support their children. We are sticking with the five outcomes, and that is why I am unable to accept those three amendments.

I am quite puzzled by amendments Nos. 41, 42 and 61, which deal with target setting. We have just had a big debate about the importance of improving outcomes for children and the duty on local authorities to achieve that. The amendments would replace the targets for local authorities to achieve those outcomes with "procedures for assessing". I am at a loss to understand how the Conservatives feel that criteria for judging whether a local authority has achieved those outcomes for children can instead be defined as "procedures for assessing". They seem to want to replace an outcome criterion with a process criterion. That is not what we are about. We are interested in outcomes. That is the bottom line, and that is the basis on which the targets for local authorities will have to be decided. They will be decided in conjunction with local authorities, but they will relate to outcomes, not to how well authorities are dealing with the process.

**Peter Bottomley** (Worthing, West) (Con): Will the Minister give way?

**Beverley Hughes:** I beg the hon. Gentleman's pardon, but I will not. He has only recently come into the Chamber, which I think is discourteous.

**Tim Loughton:** He's very good.

**Beverley Hughes:** He may be very good, but he has not listened to the debate, and on that basis I will not give way to him. Had he listened more, I should have been happy to do so.

Amendment No. 47 proposes to remove the ability to amend the definition of early childhood services. Had the hon. Member for Basingstoke either been in the Committee or read the report of this part of its proceedings, she would know that I granted what she is asking at that stage. I said that I envisaged the power being used only in the event of, say, structural changes in individual Departments such as the Department of

*[Beverley Hughes]*

Health or the Department for Work and Pensions that necessitated technical amendments, or if the experience of practitioners and local authorities made clear that young children would benefit from the inclusion of other services or other relevant partners. I have now put on record twice the circumstances in which we envisage the possibility of that power being used.

Amendments Nos. 43 and 56 concern access to services. I believe that amendment No. 43 risks creating a perverse incentive. If authorities need to "maximise access" to early childhood services, there may be a danger of their encouraging groups of parents to take up services that they do not need. That would prevent resources from being devoted to the most disadvantaged, which is what the hon. Member for Basingstoke said she wanted. Changing "identify" to "target", which is proposed in amendment No. 56, is unnecessary, because clause 3(3)(b) requires local authorities to encourage parents who have been identified to take up services. I hope that the hon. Lady will accept my assurance that the amendment is not necessary.

Amendment No. 55 would remove any local authority flexibility in the sharing of resources with relevant partners. I think that we should leave the position as it is. Local flexibility is important. Resources are already being pooled, and I think that the judgment on when that is beneficial should also be made at local level.

Amendment No. 11 deals with information for families. I have some sympathy with it. Our intention is to focus resources on information for parents and carers, because they will be the most responsible and will have the most influence. I appreciate that in many cases other family members will act on behalf of parents. I shall make clear in guidance that, in the right circumstances—obviously not when it is against parents' wishes—they too will be able to have relevant information.

As for amendment No. 48, we know that funding and sustainability are key issues for local authorities planning child care. In Committee, the hon. Member for East Worthing and Shoreham (Tim Loughton) confirmed that he did not expect authorities to look into the future to determine whether a provider was likely to last. Regulations under clause 12 will require local authorities to provide detailed information about providers, including their registration status, how many places they have, and how many funded places they offer. Authorities will also be required to tell parents how to gain access to Ofsted inspection reports that may include information. It is not clear to me what further information authorities would be expected to give other than their own assessments of sustainability, which could be misleading. I hope that the hon. Gentleman will not press the amendment.

There are issues that I have not mentioned, including the point raised by the hon. Member for Mid-Dorset and North Poole (Annette Brooke) about Investors in Children. I can tell the hon. Lady that I am not convinced of the need for continuation of a kitemark scheme. However, I said to her in Committee that we are working closely with the National Children's Bureau to see what other arrangements we can put in place, supported by the sector—that is appropriate—to enable the funding that goes to local authorities to be used to ensure that there are local schemes. That will ensure that there is continuing development and improvement through those quality assurance schemes, which is the right way to go.

I hope that the hon. Member for Basingstoke will think that I have replied sufficiently for her to withdraw her amendment. Certainly, there is still a considerable political divide on amendment No. 1 and I make no apologies for not accepting it.

3.45 pm

**Mrs. Maria Miller:** I am sure that many people listening to the debate will share my disappointment that the Government still hark back to eight years ago and the records of bygone days, rather than starting to talk about their own record. They should do less of that and instead take account of their record and be responsible for it.

The amendments in the group are important and I am sure that they will be debated further in the other place when it considers the Bill. The debate on the role of parents has been useful. I was glad to gain agreement from the hon. Member for Mid-Dorset and North Poole (Annette Brooke) on the fact that it is quite extraordinary that the Bill makes no reference whatsoever to the role of parents. I hope that that can be thought about a little further.

It is clear from the Minister's comments that, perhaps unsurprisingly, we are not going to agree on targets. We feel that a target culture is not helpful in always driving the right outcomes, but we will have to agree to differ on that point.

I want to pick up on the Minister's response on the pooling of resources. I am pleased that she is satisfied that we can leave a slight open-endedness when ensuring that partner agencies are compelled to take part in discussions and provide staff and resources locally for child care. I hope that she is right that that will be sufficient to secure the support that is needed. Knowing the financial position of my primary care trust in north Hampshire, which is £14 million in deficit, I find it difficult to see how great priority is going to be given to the matter in the future. I am sure that all those issues will receive further discussion in the Lords.

Returning to our discussion on "mind the gap", which has taken up most of the debate on this group of amendments, I am pleased that the Prime Minister agrees with us that it is levelling up that is important. We are entirely happy with the idea of reducing the gap between people who are disadvantaged and those who are not, but we believe that that is best done by raising aspirations. People listening to the debate will find it difficult to understand why Government Members take such exception to our argument. As a parent, I understand why many parents throughout the country believe that we should have better aspirations for our children—whether we come from the most wealthy or the most deprived areas of the country. We believe that if we put raising aspirations at the core of the Bill, we will make it better.

**Peter Bottomley:** As the Minister rightly said, I was not here at the beginning of the debate—I was chairing

a churches meeting elsewhere—but I want to pick up a specific point on assessment. To talk about well-being by itself is useless to parents. I do not know how one would count it or measure it. If we go back to the Court child health report or the Plowden primary school report, we see that everything in them is measurable and there are procedures for assessing them. I hope that the Minister will reflect on what she has said and, if she will not accept the amendment now, talk to her officials and get better advice than she has offered to the House.

**Mrs. Miller:** My hon. Friend makes an excellent point; I wish that he had been able to make it a little earlier.

**Edward Miliband:** I want to give the hon. Lady one last chance to redeem herself in the eyes of the right hon. Member for West Dorset (Mr. Letwin). Given the words from him that I read out in the House, does she not agree that an amendment that would remove the words "reduce inequalities between" is a problem for her and, if she persists, she may well have to explain herself to the right hon. Gentleman on Monday.

**Mrs. Miller:** I thank the hon. Gentleman for his intervention. I was trying to give him one last chance to say something new, but he failed to do so.

I am entirely in accordance with my fellow Wessex MP, my right hon. Friend the Member for West Dorset. We are entirely at one in our need and our desire to reduce the gap, but we are saying that it is about raising aspirations, not some vague notion of reducing inequalities.

These issues are not mutually exclusive. We can reduce the gap between those who are less well off and more in need, and those who are not. We can do that most effectively by raising aspirations and raising standards, and that is what we would like the Bill to focus on. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Clause 18**

MEANING OF CHILDCARE

**Beverley Hughes:** I beg to move amendment No. 15, in page 10, line 17, at end insert—

'(6A) "Childcare" does not include care provided for a child who is detained in—

(a) a young offender institution, or

(b) a secure training centre.'.

This is a technical amendment that corrects an error—an omission from the definition of child care in clause 18. It will ensure that young people in young offender institutions and secure training centres will not be considered as being in child care. That means that local authorities will not be under a duty to secure sufficiency of provision or to assess provision under clauses 6 and 11 respectively. It is clearly not appropriate to describe young people in those institutions as being in child care. The amendment will ensure clarity in the Bill and I commend it to the House.

**Peter Bottomley:** I do not think that the Minister has justified her amendment. We know that the children who are most likely to be casualties are those in care. We know that the children in care who are most likely to be casualties are those in secure institutions. The Minister is shaking her head. Does she want to tell me that I am wrong? If not, I shall work on the basis that she agrees with me. It is the children of the state who have the most awkward lives and are likely to face the worst constellation of difficulties as they grow up.

If the local authority has no responsibility for the welfare of the child in the circumstances that the Minister described, who will carry out that duty effectively? My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and I have experience of children who are parked in our town, in small children's homes. Many of them get dedicated care, and many of their experiences are not good. *[Interruption.]* I will give way, if the Minister wants to intervene.

We are debating an amendment tabled by the Government, who believe that they have wrongly drafted legislation. At present, local authority social services can have some interest in a child in secure accommodation.

**Beverley Hughes:** It may help the hon. Gentleman to get to his point if he understands that the Bill is about children aged nought to five and the duty of local authorities in terms of the outcomes for children aged nought to five—not their general well-being—and the provision of child care for children aged nought to 14. Patently, young people in institutions do not fall into that category.

**Peter Bottomley:** The point that I am trying to make, to which I hope the Minister was listening, is that we can use the amendment to focus attention on those whom she is trying to exclude from the Bill's provisions. She may need to do that for technical reasons, but if she is saying that we are wrong to be concerned about the interests of children who would otherwise be covered in theory, she is wrong. One thing that the Government should do is to direct their attention to improving the situation of children in the circumstances that I described.

The Minister may say that the peg for that is purely a technicality. She may say that the amendment is purely a technicality. However, the lives of the young people who concern me are not a technicality. They are at a stage when some of them have a chance of redemption and of getting a positive experience of life. The sooner she acknowledges that the better. She gave bland responses to the points made by Conservative Front-Bench spokesmen on the previous group of amendments. She can rightly say that nought to five does not cover those people, so the amendment does not relate to them, but the welfare of older children, whose circumstances would otherwise be covered by the Bill, does matter. I hope that the Government take that forward in a more positive way and that there is a process of assessing the outcomes, rather than just having targets.

**Beverley Hughes:** The situation of young people in young offender institutions is important. The Government take it seriously. However, it is outside the scope of the Bill.

*Amendment agreed to.*

**Clause 41**

THE LEARNING AND DEVELOPMENT REQUIREMENTS

**Annette Brooke:** I beg to move amendment No. 9, in page 20, line 16, leave out from 'which' to 'and' in line 17 and insert

'young children should experience and learn, appropriate to their age, ability'.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following amendments: No. 8, in page 20, line 16, leave out 'taught to' and insert 'experienced by'.

No. 51, in clause 46, page 23, line 4, at end insert—

'(1A) The reasons for any such disapplication or modification must be set out clearly and published.'.

No. 53, in page 23, line 10, at end insert—

'(3) The reasons for any such disapplication or modification must be set out clearly and published.'.

**Annette Brooke:** This is the most important part of our discussion. We might have had a lengthy and sparky debate on the previous string of amendments, but to my mind learning and development is the most important issue to address.

I welcome the principles of the early years foundation stage, which lays out the basis of a curriculum so that we can make clear judgments about quality, which is set against milestones. Indeed, the early years foundation stage provides opportunities. However, including the word "taught" means that there is a great possibility of unintended consequences.

As we know, young children learn by being supported to play and by exploring the world around them. That must be reflected in the learning and development requirements. It is difficult to incorporate in the Bill the reality that children learn through play, which is why in Committee we tried to replace the word "taught" with "experience". As that was rejected, and bearing in mind the clause heading, we have redrafted the amendment to include experiencing and learning.

There is a concern that we might give out wrong messages to child care practitioners. We all know that we have much work to do in upskilling the work force. With the inclusion of the word "taught", it will be all too easy to incorporate practices that do not generate the type of learning that we would like young children to gain at such a key phase of their development.

**Mr. Paul Goodman:** Does the hon. Lady agree with the Daycare Trust, which in its comments on the Bill is worried that the Government's approach could lead to a "schoolification"—a new word—of early years provision for very young children?

**Annette Brooke:** That comment probably does reflect my concerns. As I said in Committee, the word "taught", whatever the dictionary definition, has connotations: it implies a group of young people, children or adults receiving instruction, rather than learning by experience at the right level.

4 pm

The anecdote that I want to mention came from a former inspector of early years, who, on looking through some Ofsted inspection reports, noted that the early years report said that worksheets were not being used. The provider in question responded by providing worksheets, but generally speaking, they are not appropriate at that level. The danger is that we will make this incredibly important stage of learning far too formalised. We will not achieve what we could achieve through this Government's vast investment in early years provision unless we ensure that there is the right environment and culture.

What we really need to do is to add depth and richness to children's lives. They need to have plenty of opportunities to explore the world, and plenty of experiences that they can choose from for themselves. Such learning must not be so prescriptive that we stunt—

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Does the hon. Lady not agree that the clause's existing phrase embraces experience and learning and does not necessarily have to be interpreted in an over-formal, over-prescriptive way? Why does it need amending?

**Annette Brooke:** I thank the hon. Gentleman for his intervention, which has actually underlined the point that the word "taught" is incongruous. In fact, it is incompatible with the guidance notes that the Minister distributed in Committee, which were almost encouraging in terms of how providers should approach the early years foundation stage. We are simply objecting to the word "taught", which I sincerely believe should be changed, as all early years providers agree. Whatever the civil servants may be saying, we should look to the professionals in this field.

Early years is the most important period: it impacts on future life experiences and attainments. During early years, children should be in a setting that provides a relevant and positive learning experience, so that they can develop a sense of their own identity—not that of the child care worker—and become self-confident learners. This is about setting the scene for a hopeful and positive education experience, which inevitably becomes more formalised once children go to school. At that early stage, it is absolutely vital that we enable children to develop at their own pace and give them every opportunity to learn and to assimilate as much as they possibly can. Children learn at different rates, and they must want to learn and be ready to learn. When we use the word "taught", which has specific connotations, we should remember that the ratio of pupils to teachers is usually higher than one to one. At this critical stage, we have to allow children to progress at their own rate.

I hope that we will get a positive response from the Government. This issue was debated in detail in Committee, and I felt that between us, we were winning the argument; however, it was not to be. As I have said,

this is the single most important change that needs to be made to the Bill, and I hope that the Government are now listening.

I turn briefly to the amendments tabled by the Conservatives. They will be useful in securing further clarifications, as the answers in Committee to the questions that they raise aroused great unease. Clause 46 allows exemptions to the early years foundation stage to be granted to certain providers. The worry is that they could be granted here, there and everywhere, with the result that we lose the basis for quality assessment.

I understand that there might be a very good reason for granting an exemption in the occasional, one-off case, but clause 46 implies that exemptions could be widespread. I and my hon. Friend the Member for Hazel Grove (Andrew Stunell) hope that the Minister will say more about how the clause will be implemented, as I feel that there could be a case for deleting it entirely.

**Tim Loughton:** We support the amendment, as the hon. Member for Mid-Dorset and North Poole (Annette Brooke) has shown again that she shares our approach to these matters. It is worth noting that the phalanx of class-war dogmatists has scarpered now that we are dealing with serious technical matters to do with the quality of child care. The fact that their interest has waned rapidly says a lot about their presence earlier, and reveals their limited interest in what the Bill is trying to do.

Amendment No. 9 centres on the use of the rogue word "taught". We concur that it is completely inappropriate for very young children, especially those aged between nought and two. I shall not rehearse Professor Bowlby's attachment theory, which the Committee considered in some detail, but it is clear that very early years children must be treated very differently. Whether or not the term "schoolification" is apt for the attempt to impose curriculums on them, the approach itself is simply not appropriate.

I draw some comfort from the more enlightened contributions made by Labour Back Benchers, and I welcome what the hon. Member for North-West Leicestershire (David Taylor) said a moment ago. Alas, the hon. Member for Bishop Auckland (Helen Goodman) is no longer present, but in Committee she supported our case. She spoke at length about peek-a-boo games, but also about children. She said:

"I have a great deal of sympathy with the points made by Opposition Members about the use of the word "taught" ... However, if we concentrate on taught literacy, we risk turning off small children."—[*Official Report, Standing Committee D*, 15 December 2005; c. 251–252.]

The first two years of a child's life are especially important, but too often the Government seem to want to rush to push young children through a regimented school system. They want to tick the boxes about children's ability to read, write and add up, but they do not give those children enough time and space to grow up and become sociable, well ordered and normal kids. That is the problem, and I fear that talking in the language of school curriculums does nursery-age children a big disservice. The Minister may say that "taught" is only one word, but it is a very important one whose use, we feel, sends out all the wrong signals.

The hon. Lady said presciently that if the Minister did not accept the amendment that we proposed in Committee she would be realistic and seek on Report to change the word "taught" to the phrase "experienced by". Well, hey presto, the hon. Lady's word is our command. Our amendment would do exactly that, because we feel that the phrase "experienced by" is much more sympathetic to the social development that should be going on in those child care environments, rather than a mini school curriculum, which is what the Government run the danger of being perceived as trying to thrust on them.

We had an interesting debate in Committee on the issue, with some excellent contributions from my hon. Friend the Member for Putney (Justine Greening), with her great tales about "The Very Hungry Caterpillar", on which she is the House's leading authority.

Amendments Nos. 51 and 53 seek clarity and to add transparency to the Bill. I do not know the conditions under which exemptions should be conferred by the Secretary of State, such that the learning and development requirements need not apply or can be modified. We are in danger of ending up with a bit of shambles unless we have a clear steer from the Minister as to what the exemption offer is trying to do and in what terms and on what occasions it might be used. The amendments request clarity and transparency in the Bill and seek to ensure that if any exemptions or disapplications are made, the reasons must be set out clearly and published, so that everybody can understand them and be sure that we are all acting on a level playing field or whether the fear of a two-tier system is justified.

We support the hon. Member for Mid-Dorset and North Poole on amendment No. 9, which concurs with the intention of amendment No. 8. If she does not choose to push that amendment to a Division, I hope that the Government will nevertheless reflect on the point again in the other place. We all share the same intentions and the Minister's response to my pronouncements on the merits of attachment theory suggested that she concurred with our view on what we should be trying to achieve in those early years. However, the language that the Bill uses will be adhered to by local authorities and child care providers when they seek to do what the Government want them to do. They are in danger of throwing baby out with the bath water, by trying to make baby grow up rather faster than baby needs to, because baby needs to learn about how to be a decent child before getting into a school curriculum. The word "taught" smacks of schoolification.

**Maria Eagle:** I hope to be able to provide some reassurance, although in the light of our experience in Committee I am not convinced that I will be able to allay completely the concerns expressed by the hon. Member for East Worthing and Shoreham (Tim Loughton) or the hon. Member for Mid-Dorset and North Poole (Annette Brooke). I do not think that there is much between us. I know that the word "taught" is between us, but I hope to try to provide some reassurance.

It is important to use the word "taught", and it does not necessarily imply the extreme formality that Opposition Members fear. It is a term recognised by the early years sector, and reflects the language already used in the foundation stage and in the Education Act 2002. It does not necessarily imply sitting toddlers in rows and cramming them with rote learning, no matter what age they are. I accept that "taught" can have that connotation, but it does not necessarily have it.

*[Maria Eagle]*

The hon. Lady will forgive me if I return to the dictionary definition because dictionaries, especially the *Oxford English Dictionary*, are the basis from which we start when interpreting what we mean by the words that we use. Although it is true that the dictionary includes formalised definitions of "teach" such as

"to impart information to skill to (a person) or about (a subject) . . . do this for a living . . . put forward as fact or principle",

another definition is more informal and is what we intend the work of the early years foundation stage to be. It is to

"cause to adopt (a practice etc) by example or experience".

That uses some of the words that hon. Members are trying to replace "taught" with.

4.15 pm

My argument is that "taught" encapsulates what hon. Members are seeking to replace it with. To remove the word completely leaves us thrashing around to try to make sure that we can encapsulate fully the meaning of what we are trying to say in the legislation. Clarity is important in legislation.

This is not conclusive, but some technical defects with amendments Nos. 8 and 9 make it difficult for them to be accepted. They illustrate what could happen if we were to remove a word such as "taught" from the Bill, as amendment No. 8 would do by removing the word "taught" from the "matters, skills and processes" that practitioners should offer young children of different abilities and maturities and replacing it with reference to the matters, skills and processes that young children should experience by their involvement in or exposure to learning and development. That is a complicated way of removing a word from the Bill, and does not add to the clarity of the meaning.

Amendment No. 9 would have a more complex effect because it would remove the word "taught" from the Bill by replacing the phrase

"which are required to be taught to young children of different abilities and maturities"

with

"young children should experience and learn, appropriate to their age, ability"

The effect of that would not be clear, because it would allow learning and development requirements to specify the matters, skills and processes that young children should experience, and it is hard to see how matters and skills can be experienced. I do not think that it would add to the clarity of the Bill if we were to adopt the wording that either amendment suggests, although I understand the point that hon. Members are making.

**Andrew Stunell** (Hazel Grove) (LD): I have been listening carefully to the Minister's argument, although I have had difficulty in following some of its intricacies.

If the hon. Lady accepts that the alternative words proposed by my hon. Friend the Member for Mid-Dorset and North Poole (Annette Brooke) cover the full range of what she wants to achieve and if she is arguing that the word "taught" covers not only that but something that she does not want to achieve—young children being taught formally—does she not agree that it would be better to accept my hon. Friend's words? If they need tidying up, perhaps the hon. Lady could give us a hint that she will go in that direction. She seems to be trying to achieve something far beyond the aims behind the initial wording of the Bill.

**Maria Eagle:** No, I do not accept that. I said that the words with which Members have tried to replace the word "taught" are fully encapsulated in that word, so they add nothing. I have tried to illustrate that removing "taught" would make it more difficult to understand the clause. I understand the points that are being made about formality in education at too early an age, which we debated extensively in Committee. I do not think that there is much difference between us in respect of the outcomes that we want.

Removing the word "taught" will not solve things or add clarity in any useful way. It is well known in the early years sector, and is clear in "Birth to Three Matters" and the foundation stage documentation that "taught" means much more informal learning than that for older children.

**Annette Brooke:** Will the hon. Lady give way?

**Maria Eagle:** Yes, but I do not want to go round in circles.

**Annette Brooke:** Will the Minister confirm that in Committee it was established that the word "taught" does not appear in "Birth to Three Matters"? We are particularly concerned that we seem to be combining the whole age range.

**Maria Eagle:** But the word "teaching" does appear in that document. We could go round in circles for a long time, but our positions are close enough not to worry too much about that definition. I cannot accept the amendment, but there is not too much difference in substance between what we and Opposition Members are saying. "Taught" is only a little word, but it is obviously a central concept and we need to make sure that everybody understands it fully.

There will be further opportunities for us to make it clear that we are not talking about extremely formalised learning. There will be regulations and we shall hold consultations on them. There is ample opportunity to ensure that there is no misunderstanding in the sector about what we mean.

**Justine Greening:** Will the Minister give way?

**Maria Eagle:** I will, but this really is the last time.

**Justine Greening:** I am grateful that the Minister recognises that there is confusion. Parents in Putney have expressed concern about the word "taught" and that should be borne in mind as the measure is rolled out in the wider world, to allay parents' fears that the framework is more rigid than the Minister intends.

**Maria Eagle:** I hear what the hon. Lady says—her constituency surgeries must be interesting.

As we draw up the regulations, there will be more opportunities to deal with the issues—

**Mrs. Maria Miller:** Will the Minister give way?

**Maria Eagle:** No, I shall not give way again on that issue.

I want to move on to amendments Nos. 51 and 53, which were tabled by the hon. Member for East Worthing and Shoreham. He asked me to provide more clarity about the waiving of learning and development requirements in certain circumstances. I want to reassure him that the measure will not drive a coach and horses through all our early development aims.

Such a waiver might occur where a local authority had difficulty in securing the training required to improve the skills of the local child care work force by 2008. For example, a small provider such as a playgroup might not technically yet fulfil all the requirements of the early years foundation stage, but could none the less offer an excellent service, or be not too far from being able to do so; the staff might be undergoing training but not have completed it. We would want the provider to improve so that it could deliver the framework rather than closing it down for a short period until the staff managed to gain the required qualifications. There could thus be a time-limited exemption so that the provider was not closed down when the early years foundation stage was implemented.

We want to provide flexibility, while ensuring that quality is maintained and improved. We also want to take into account some of the practical difficulties that small, local organisations might experience in getting themselves up to scratch as we make the transition to the early years foundation stage.

The hon. Gentleman suggested that it would be appropriate to publish the reasons for exemptions, disapplications or modifications in respect of individual children. It would, however, be unfair to single out individual children in that way. Indeed, Members said earlier, with reference to another matter, that they did not want data about individual children to be published, yet the amendment seems to suggest that we should do just that.

The situations that we are talking about are likely to be very rare. For example, it might be necessary to exempt specific individual children from certain aspects of the early years foundation stage where it is necessary because of their parents' religious beliefs. For example, I understand that members of the Plymouth Brethren do not really like information and communications technology, and they do not like their children to work on computers. If work on a computer does not conform with a parent's religious belief, even though that is a minority religious belief, it may be appropriate to exempt an individual child from requirements that relate to ICT.

We are talking about smallish and individual exceptions such as that. We do not anticipate that the provision would be widespread or extensively used. We want to try to provide the necessary flexibility to ensure that we are not riding roughshod over important matters such as human rights and the rights of individuals to follow their own religious beliefs, for example.

I hope that that reassures the hon. Gentleman, and that he will feel able to withdraw his amendments. I am sure, however, that hon. Members will feel less happy to withdraw their amendments in respect of the word "taught", and I fear that we might continue to have that debate in another place.

**Peter Bottomley:** The Minister has been quite convincing on amendment No. 53. I hope that the interpretation of that is that the parent will be told why their children are being exempted from certain things. Obviously, it is at the request of the parent that no information is to be given. If there is some reason why the parent has not asked, it is perhaps worth bearing in mind that parents should be told of the situation. That is a different sense of the meaning of "published"—not keeping secret.

As I think the Minister recognises, she is not on quite such strong ground on amendment No. 51. The main point of the debate is about the word "taught". The Minister explained that "taught" meant the same as "experienced by", and then explained that "experienced by" necessarily did not mean the same as "taught". It seems that that is where she got out of her circular argument—on the wrong spot. It would be a good idea if before this issue comes up in another place the Minister were to seek advice and would ask what would be lost—

**Mrs. Maria Miller:** I thank my hon. Friend for allowing me to intervene. I wonder whether he shares my concerns. The Minister was talking about drawing up regulations. When doing so, should she not take account of the impact that formalised teaching may have on premature babies who are still struggling to catch up in development terms during the important early years?

**Peter Bottomley:** The Minister may choose to respond again at the end of the debate, or she may want to consider this question when it comes up in another place. If the clause were not in the Bill, I do not think that anyone would miss it. Most people who are caring for children, especially in an early education setting, are trying to do all these things in any event. Given that the clause is in place, the Minister should be asking those whose opinions she respects—I hope that she respects our opinions in this place, but there are others whose opinions she may respect—that if "taught" means the same as "experienced by", cannot "experienced by" mean the same as "taught", and would not that then be satisfactory?

**Annette Brooke:** I drew a diagram, and I think that the hon. Member for Worthing, West (Peter Bottomley) has expressed the situation clearly. I drew a circle to incorporate everything that "taught" meant. Learning and experience was clearly a sub-set of "taught", so "taught" means a great deal more than learning and experience. That is clear.

*[Annette Brooke]*

The Minister questioned whether learning and experience could be applied to matters and skills—but when I visited the most excellent early years centre that I have ever seen, there was complete free choice for all the young children. Nothing was structured. The experience led me to ask some questions. I was given an example. If, for instance, some children decided that they wanted to fly kites, and it was found that there were not enough kites, others who wished to join them would have to make kites. For that they would need to find scissors from the cupboard. They would need to find paper. They would use scissors because they wanted to make kites, like the others. That is a clear example where one might say, "You must be taught how to use scissors." However, in the early years, we are talking of a skill that is acquired by learning and experience, when that skill is wanted. I question whether the Minister is right on this point.

4.30 pm

**Peter Bottomley:** We have been taught that the word "taught" has six letters. The sixth word after the word "taught" in clause 41 is "abilities". Perhaps the Minister should table a manuscript amendment to change it to "aptitude" as the Department has found it difficult to distinguish between the two.

**Annette Brooke:** That could take us down another route. The task in hand is to remove the word "taught"; so if the hon. Gentleman will forgive me, I will concentrate on that.

I cannot stress enough the importance of changing that word. I am happy to accept that the drafting of the amendment is not perfect, but, having served on many Committees, I know that when one wants to say something, it is worth trying to write the amendment oneself, because if it makes a good point, professionals will rewrite it. I am concerned about the impact of the provision on professionals in the field.

A great deal of consultation is under way to establish exactly what the early years foundation stage will include. There is a great deal of confidence about those discussions, but there is not confidence among professionals while the word "taught" remains in the Bill. Their anxiety is much greater than the Government have conceded. Given the lateness of this debate I am not going to press the amendment to a Division, but I very much hope that Ministers will give a great deal of thought to the matter as the Bill proceeds to the other place. The amendments are certain to discussed further, and I expect that there will be professional input in the other place. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Clause 43**

WELFARE REQUIREMENTS

*Amendment made:* No. 19, in page 21, line 29, at end insert—

'(ab) the arrangements for safeguarding the children concerned;'.—*[Beverley Hughes.]*

**Clause 59**

REGULATIONS GOVERNING ACTIVITIES

*Amendment made:* No. 20, in page 29, line 33, at end insert—

'(ab) the arrangements for safeguarding the children concerned;'.—*[Beverley Hughes.]*

**Clause 67**

REGULATIONS GOVERNING ACTIVITIES

*Amendment made:* No. 21, in page 34, line 35, at end insert—

'(ab) the arrangements for safeguarding the children concerned;'.—*[Beverley Hughes.]*

**Clause 75**

DISQUALIFICATION FROM REGISTRATION

*Amendments made:* No. 22, in page 40, line 2, after 'children' insert—

'or on grounds relating to his health'.

No. 23, in page 40, line 11, after '1989 (c. 41)' insert 'or any prescribed enactment,'.

No. 24, in page 40, line 13, at end insert—

'(ga) he has been given a caution in respect of an offence of a prescribed kind;'.

No. 25, in page 40, line 32, after 'section' insert—

'"caution" includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998 (c. 37);'.—*[Beverley Hughes.]*

**Clause 101**

GENERAL INTERPRETATION ETC.

**Maria Eagle:** I beg to move amendment No. 16, in page 50, line 32, at end insert—

'(f) the Council of the Isles of Scilly;'.

**Madam Deputy Speaker:** With this it will be convenient to discuss Government amendment No. 17.

**Maria Eagle:** I hope to deal with these amendments very quickly. Government amendment No. 16 refers to the council of the Isles of Scilly, which we have rather stupidly omitted from the definition of an English local authority. We clearly need to include that council in the Bill. Government amendment No. 17 ensures that the National Assembly for Wales can commence at the appropriate time the provisions in schedule 2. These are technical amendments, and I hope that the House will accept them speedily.

**Tim Loughton:** I am a little worried, as the good burghers of the Isles of Scilly must be seething, about an obvious omission that should have been addressed at the outset. Goodness knows, the Government have had enough time to deal with this. The Under-Secretary skimmed over it in a single sentence, but I would be grateful if she gave us an insight into the structure of the education authority on the Isles of Scilly so that we can understand why the change is essential.

**Peter Bottomley:** If the omission had not been spotted and the amendment had not been tabled, this is the kind

of change that the Legislative and Regulatory Reform Bill could properly deal with. The Government would be well advised to ensure that such a change would be covered by that Bill. The Minister ought to congratulate the person who spotted the omission.

On Government amendment No. 17, it is right to pay tribute to those who advise the Minister and are involved in the drafting of the Bill. When a Bill proposes amendments to nine Acts, things are as complicated as they can be, especially in relation to consequential changes. Those who do that work deserve praise. The work is not as exciting as some of the policy changes and arguments, but detailed attention to what is in a Bill does matter.

**Maria Eagle:** I am happy to do as the hon. Member for Worthing, West (Peter Bottomley) suggests and pass on the congratulations of hon. Members to my officials, who work extremely hard to make sure that Bills are as good as they are. Although nothing is perfect, they frequently approach perfection, in my experience.

As for the comments of the hon. Member for East Worthing and Shoreham (Tim Loughton) about the education system in the Isles of Scilly, I can tell him that there is a population of 2,000 there. I cannot tell him how many of those people are children, but because the population is so small, the islands may require separate arrangements with regard to provisions in the Bill. I hope that is enough to satisfy him.

*Amendment agreed to.*

**Clause 105**

THE APPROPRIATE AUTHORITY BY WHOM COMMENCEMENT ORDER IS MADE

*Amendments made:* No. 26, in page 51, line 21, after 'Schedule 1)' insert

'and sections *(Provision of information about young children: England)* and *(Provision of information about young children: transitory provision)*'.

No. 27, in page 51, line 23, after 'Part 2' insert

'and section *(Provision of information about children: Wales)*'.

No. 28, in page 51, line 23, at end insert—

'(3A) In relation to section *(Disqualification for registration under Children Act 1989)* the appropriate authority is—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the Assembly.'.

No. 17, in page 51, line 25, after '24' insert '28, 29(4)'.—*[Beverley Hughes.]*

**Schedule 2**

MINOR AND CONSEQUENTIAL AMENDMENTS

*Amendment made:* No. 18, in page 56, line 2, at end insert—

*'Magistrates' Courts Act 1980 (c. 43)*

In section 65 of the Magistrates' Courts Act 1980 (meaning of family proceedings), in subsection (1) after paragraph (n) insert—

"(nza) section 72 or section *(Power of constable to assist in exercise of powers of entry)* of the Childcare Act 2006;".

*Supreme Court Act 1981 (c. 54)*

In Schedule 1 to the Supreme Court Act 1981 (distribution of business in High Court) in paragraph 3 (which deals with business assigned to the Family Division) after paragraph (e) insert—

"(ea) proceedings under section *(Power of constable to assist in exercise of powers of entry)* of the Childcare Act 2006;".—*[Beverley Hughes.]*

**Title**

*Amendment made:* No. 29, line 6, after 'in England;' insert

'to amend Part 10A of the Children Act 1989 in relation to Wales;'.—*[Beverley Hughes.]*

*Order for Third Reading read.*

4.36 pm

**Beverley Hughes:** I beg to move, That the Bill be now read the Third time.

Our debates on the various stages of the Bill have been productive, constructive, at times humorous, and well intentioned. I pay tribute to the commitment that Members in all parts of the House have shown, and to the detailed knowledge that many of them have brought to our deliberations as a result of many years of interest in the subject, going far beyond our experience as parents.

Apart from the one, albeit fundamental, dividing line between us on reducing inequalities, we have achieved a remarkable degree of consensus on the principles of the Bill and its aims. That is a measure of the extent to which the Government have shifted the ground. Such transformational change as we have seen over recent years, culminating in the Bill, in marked contrast to the previous Government's policies, commands consensus across the political parties.

The Bill has benefited from the close scrutiny to which it has been subjected, and the changes that have been made have improved it. I thank the Deputy Speakers who have chaired our discussions today, and our Chairmen in Committee. I thank the hon. Members for East Worthing and Shoreham (Tim Loughton) and for Mid-Dorset and North Poole (Annette Brooke), who led the debates from the Opposition Benches, and their hon. Friends. I also thank the Under-Secretary, my hon. Friend the Member for Liverpool, Garston (Maria Eagle), and all my hon. Friends who have taken such an active part in the debate and helped us enormously, and I thank the Clerks and our officials, whom my hon. Friend has just mentioned, who have supported us ably throughout. I am grateful to everybody.

Let me put the Bill in the context of Government objectives since 1997 of transforming the experience of children, young people and their families. We are doing that, first, because we are serious about increasing social mobility, reducing inequalities and tackling the long-standing disadvantages for many children and families that existed prior to 1997. Secondly, we need to respond to the labour market changes that have occurred over recent years, the aspirations of women as well as men, and the desire for both parents to have the flexibility of combining work and home life in ways that still provide high-quality options for their children.

Thirdly—we have not discussed this issue, but it is none the less important—as a nation, we need to maximise the achievement of all our people in the face

*[Beverley Hughes]*

of increasing global competition, which includes rising economies such as China and India. We must ensure that every child reaches their potential and goes on from early years to educational success. Investment in early years is not only a social and moral imperative, but an essential measure for parents in their home and work lives and for our international economic competitiveness.

The Government have worked to bring about that transformation since 1997. We started with a massive increase in child care places and moved on to the Children Act 2004, the "Every Child Matters" programme, the five outcomes, the 10-year child care strategy, the promise of a children's centre in every community and extended schools, and this landmark Bill extends that process. It is the first ever Bill dedicated to early years and child care, which demonstrates our commitment to early years and "Every Child Matters". We are providing opportunities and choice, improving outcomes, reducing inequalities and increasing long-term investment.

The Bill focuses on outcomes and ensures that parents have a real choice. The Bill empowers local authorities to be the strategic leaders, which is a role that they will fulfil in consultation with parents and providers. Parents will be given the information that they need, and there will be a new approach to inspection and regulation. The early years foundation stage will build on what works and good parenting, and the child care register will extend quality. Last but not least, the need to safeguard children underpins the entire Bill. That is everybody's business, and we will discuss it in greater detail when we consider the Safeguarding Vulnerable Groups Bill, which has been mentioned today.

The Bill is important and exciting. It starts to redraw the welfare state in terms of what families can expect to be provided for them locally in their areas. The focus is on quality, improving outcomes for children in early years and reducing inequalities. The Bill is an integral part of our "Every Child Matters" programme, and it will ensure that every child has the opportunity to achieve their full potential.

It is good to see the commitment of Opposition Members to the Bill, which I commend to the House.

4.42 pm

**Tim Loughton:** I echo the Minister in saying that we had well-mannered, good-humoured and well-informed debates on Second Reading, in Committee and on Report. I thank the Committee Chairmen, my hon. Friend the Member for Southend, West (Mr. Amess) and the hon. Member for Bootle (Mr. Benton). As has happened today, we conducted our deliberations in Committee without guillotines or knives, and the lesson is that we can have a rational debate without being constrained by artificial timings, which the Government Whips too often seek to impose.

I thank my hon. Friends who have contributed. Our Whip in Committee was my hon. Friend the Member for South-West Bedfordshire (Andrew Selous), who was here earlier today. We witnessed bravura performances by my hon. Friend the Member for Putney (Justine Greening), who mentioned "The Very Hungry Caterpillar". My hon. Friend the Member for Bromsgrove (Miss Kirkbride) is very well-informed, but, alas, she is abroad today and cannot join us. My hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) made a cameo appearance on the Front Bench this afternoon, when he was the target of so much vitriol from Labour Members—he has now scarpered, as have some of his attackers.

Many additional amendments have been tabled. It assists debate if we can have as much notice and as detailed an up-front explanation of those as possible. If the Government intend to table further amendments, I hope that they give colleagues in the upper House a little more breathing space by supplying them as far in advance of the debate as possible.

We welcome the additional measures to safeguard children. As the Minister knows, over the past few years we have fully concurred and co-operated with the Government in their various Bills to try to make the protection of our children, particularly vulnerable children, a genuine priority and to achieve some genuine change from the poor outcomes that they have experienced for far too long. It is absolutely right that this Bill, like the other legislation that is yet to come before us, should be proof against those who would abuse and undermine our children.

There are other good things in the Bill. The Minister called it a landmark Bill and said that it is part of the redrawing of the lines of the welfare state. That suggests that the Government set rather more store by the great dogma of their programme than we do. As far as we are concerned, the Bill is about affording more people the chance to access quality child care to improve the start that their children get in life, whether they come from disadvantaged or advantaged backgrounds. That is why we have wanted to concentrate on those from a disadvantaged background getting those opportunities as well.

It is interesting, amusing and reassuring that we can occasionally rattle the great class warriors who still exist on Labour Benches, albeit in a rather confused way that contradicts their own Prime Minister. They set great store by phrases about reducing inequalities instead of concentrating on improving outcomes for those who need and deserve our support most of all. I do not think that those two things are mutually exclusive. It is interesting that there have been so many attempts to put divisions between what Members say. All that we are trying to achieve is better outcomes for the most disadvantaged, but for many, the argument about reducing inequalities is more important.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) rightly said that one of the most important parts of the Bill concerns the word "taught"—just six little letters and one little word. We had a great debate about that. The Minister was at pains to say that although there was little between us, that one little word was so fundamental that it had to stay in the Bill. That is a shame, and I hope that the Government will reflect on it. My noble colleagues in the upper House will certainly return to the subject as the Bill proceeds.

It was encouraging that we almost had a rebellion from the hon. Member for Bishop Auckland (Helen Goodman), who has also scarpered. She threatened to vote with the Opposition at one stage and abstained in

one vote. Given her great expertise on early years child care and the whole subject of play for children, the Government would do well to listen to her comments.

The Government accepted many of our arguments and sympathised with many of our intentions, but in the end they did not accept any of our amendments. That is disappointing.

It is worth pointing out that the success of the Bill will rely enormously on the way in which local authorities embrace, interpret and enact its provisions, which of course bring no additional moneys with them.

All our discussions in the House will amount to nothing unless local authorities are able to do their job of ensuring that there is sufficient child care and that it is provided in a balanced way, because many of the private and voluntary independent providers, who have provided so much child care in the past, are threatened by unfair competition. The child care places that are lost must be set aside the creation of new ones. We admit that the net figure has increased, but the sustainability of those places is important.

The Bill is not just about the numbers or the shiny new buildings that may house those child care places, whether in nurseries or whatever, but about the quality of provision and ensuring that we are giving those children the very best start in life. That is absolutely fundamental. We can write all the terms into the Bill that the Government wish and we can exhort local authorities to ensure that the numbers tally with what the Government want, but the most important thing is the quality of the outcome that the Bill achieves for those children and its impact on them, particularly in those crucial early years—years one, two, three and four.

We welcome the Bill. We have supported it throughout, but we want it to work in practice. I hope that the Government have taken on board the serious concerns that we have expressed throughout our good debates. I hope that they will reflect on them and that, when the Bill reaches the upper House, they will allow some of the amendments that our noble colleagues table to see the light of day and be included in the legislation. Ultimately, we support the Bill. We wish it well, and we will certainly support its Third Reading this evening.

4.51 pm

**Annette Brooke:** May I, too, thank the Chairmen, Deputy Speakers and all the hon. Members on both sides of the House who have participated in Committee and on Second and Third Reading? I certainly agree that we have had some very good debates—perhaps longer ones than I had anticipated, given the nature of the Bill—on some rather interesting issues. I particularly thank my hon. Friend the Member for Brecon and Radnorshire (Mr. Williams) for picking up some rather important Welsh omissions and for emphasising the rural nature of some of the child care settings in Wales.

It has long been Liberal Democrat policy to invest in children's early years, and we are delighted that the Government have proceeded with a large commitment since 1997. I know what a difference that has made to my constituency. I am sure that many children will be much better prepared for life. I am pretty convinced that we will eventually see some very goods returns on a lot of the Sure Start schemes. Whenever we—I use the royal "we"—are rather punitive towards young people, I hope that the early intervention that is taking place will make a real contribution to our local communities and society, and I mean that very sincerely.

I was going to count the number of times that Ministers have said "Oh, that's going to be in the regulations", but I found a better use for my time. They said that an incredible number of times in Committee, and that has been followed up at the same pace, if not an increasing pace, today. That makes scrutiny rather difficult. I am sorry that we could not have more information as we went through the Bill. I admit, of course, that we could not do so, because consultations were going on. I would not want to impede the consultations, but the lack of information seems a pity and it has made things difficult at times, because we have moved amendments to be immediately told, "That's all right: it's in the regulations"—but we have not seen them.

I also welcome the additional safeguarding measures. Although we mentioned safeguarding in our deliberations in Committee, experiences in school settings before Christmas heightened our awareness and made it important to table such amendments. The Safeguarding Vulnerable Groups Bill will also deal with some of those issues.

We have discussed quality at great length and we can never lose sight of its importance. As has been shown, it makes all the difference to outcomes, especially in the very early years. I am not convinced that we have managed to include enough about quality in the Bill, but we had good debates about it.

I would like to believe that the Bill will make a difference. Clause 6 states:

> "An English local authority must secure, so far as is reasonably practicable, that the provision of childcare . . . is sufficient".

Without the resources, "reasonably practicable" will mean minimal. I hope that the Government will monitor that to ensure that the Bill makes a difference. It may well be necessary to provide a top-up in resources. We must not make false promises to our constituents. The words in the Bill are generally good but, without the resources, they will not mean anything for our constituents. They will not make the genuine difference to the disadvantaged about which we all care, however we express that.

I sincerely hope that the word "taught" will be changed, but I have probably said enough about that for one day. I support Third Reading.

4.56 pm

**Peter Bottomley:** My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and I have adjoining constituencies and it falls to me to express my party's thanks to the Conservative Front Benchers, my hon. Friends the Members for Basingstoke (Mrs. Miller), for Wycombe (Mr. Goodman) and for East Worthing and Shoreham. I add my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett), who has paid close attention to everything that was said.

Perhaps it is too late to suggest to Ministers that the title of the Bill should be changed to "Early Years Well-Being". When considering the well-being of children up to the age of five—or up to the age of eight if one takes

*[Peter Bottomley]*

account of part 3—it is important to reduce the avoidable disadvantage, distress and handicap that they may face and to improve their well-being, which is a mixture of wealth and welfare. The development stages, which part 1 covers, are vital.

Although the measure is primarily about the duties of local authorities, everybody in local authorities will want to involve parents. Trying to develop the confidence and competence of parents is the key to developing the confidence and competence of children in the early stages and building on that through the primary school years, secondary school years and adult life.

Earlier, I referred briefly to the Plowden report, which was published in 1967. The research papers are worth rereading and I commend them to people in local authorities as well as to those who advise Ministers. The Court report on child health services again showed that parents' actions matter. There is no point in relying on what local authorities or health services can provide if we do not engage parents in what they can do. The reports may be 30 to 40 years old but, if the work was redone now, the same conclusions would be reached. What was learned in Home Start and what Sure Start is introducing are lessons that are not especially new. Every generation needs to relearn them.

The bipartisan approach to the issues that local authority responsibilities cover matters. We have the problem—of challenge—of trying to ensure that that gets across to parents in all parts of the country in every generation. If 600,000 to 700,000 children are born each year and at least half are first children in a family, many new parents need to know what is available, what their child's experience will be and what the normal hiccups, obstacles and problems are. All those who dedicate themselves to children, whether in the voluntary sector or in other ways in their professional lives, matter a lot.

My final word of caution is to enthusiastic Ministers in this third way, new Labour Government. Life did not start in 1997, and nor did the co-operation between health and education. It has been said in a slightly jokey way that, when my right hon. Friend the Member for North-West Hampshire (Sir George Young) was booked into a hotel room at a party conference with his wife, Lady Young, they were the Ministers for the under-fives in health and education, and that the two Departments have had better dealings with each other ever since.

We need to monitor the outcomes that people have worked for. When my wife, who is now in another place, was Minister for Health, she was as concerned about these matters as Ministers are now. I suspect that Ministers will be coming to the House in five or 10 years' time to report on the measurable outcomes. The issue of whether reducing inequality—which is not how I would have put it—or raising people up from levels at which they should not be allowed to stay is the more important will become clear.

An example of inequalities for the elderly in our constituencies is that they have to wait nearly two years for a hearing aid, but if they go privately they can get one almost straight away, for a vast sum of money. We could reduce that inequality by saying that people should not buy hearing aids privately. Alternatively, we could reduce the level of unfairness by saying that everyone should get their hearing test and their hearing aid within 18 weeks. I commend that to the Ministers as well.

*Question put and agreed to.*

*Bill accordingly read the Third time, and passed.*

## DELEGATED LEGISLATION

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Supreme Court of England and Wales

That the draft Courts Act 2003 (Consequential Amendment) Order 2006, which was laid before this House on 6th February, be approved.—*[Mr. Alan Campbell.]*

*Question agreed to.*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Pensions

That the draft Occupational Pension Schemes (Levy Ceiling) Order 2006, which was laid before this House on 8th February, be approved.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

### Civil Aviation Security

That this House takes note of European Union Document No. 12588/05, draft regulation to replace Regulation 2320/02 on civil aviation security; welcomes the Commission's initiative in producing a clearer, shorter text which will give more legal certainty; and endorses the Government's intention to work with the Presidency, the European Parliament and other Member States to resolve outstanding areas of difficulty.—*[Mr. Alan Campbell.]*

*Question agreed to.*

## ESTIMATES

*Ordered,*

That, in the current Session of Parliament, Standing Order No. 55 (Questions on voting of estimates, &c.) shall apply as if the words '18th March' in line 18 were replaced by the words '20th March'.—*[Mr. Alan Campbell.]*

## CONSOLIDATED FUND (APPROPRIATION) (NO. 2) BILL

*Ordered,*

That, at the sitting on Monday 20th March, any Consolidated Fund (Appropriation) (No. 2) Bill ordered to be brought in and read the first time shall be proceeded with as if its Second Reading stood as an Order of the Day, and Standing Order No. 56 (Consolidated Fund Bills) shall apply.—*[Mr. Alan Campbell.]*

## Blackpool to Fleetwood Tramway

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell.]*

5.2 pm

**Mr. Gordon Marsden** (Blackpool, South) (Lab): The Blackpool to Fleetwood tramway, which spans 10.4 miles from Starr Gate to Fleetwood and carries 6.5 million passengers a year, is genuinely unique. Opened in 1885, it remains the oldest continuously operating UK tramway. Along with the tower, the winter gardens and the Big One, it is the thing that defines Blackpool for millions of people in Britain. The tramway has also been a star of the silver screen, from the films of George Formby with his little stick of Blackpool rock to the shocking demise of Alan Bradley, who was crushed under the wheels of a tram in "Coronation Street", and, most recently, the BBC hit drama series, "Blackpool".

The tramway also annually frames and garlands the greatest light-show in the UK, the illuminations, and the best way to see the illuminations is still by tram. The Under-Secretary of State for Transport, my hon. Friend the Member for Halton (Derek Twigg), as a north-west MP and a history enthusiast, will appreciate all this. He will also understand the pivotal role that the Blackpool to Fleetwood tramway has played, not only in our broader social history but in the identity, life and success of Blackpool as a seaside resort, not least because hundreds, if not thousands, of his own constituents will have travelled on Blackpool trams.

However, just as Britain cannot live in the past, neither can Blackpool. At 120 years old, the tramway is showing its age. It is in urgent need of modernisation and renewal. It serves not only Blackpool but Cleveleys and Fleetwood, which is why Blackpool council and Lancashire county council have come together on a bid that is enthusiastically backed by all the Fylde coast MPs. I want to emphasise at the outset that the bid is not a heritage project, as some people have suggested.

It is not something that could be hived off for lottery funding elsewhere, even if the necessary sums were available. Nor is it a tourism project. Some 60,000 people use the tramway every day in Blackpool as a vital element of work and daily travel in the town. It is vital in particular because a larger than average number of elderly people live in Blackpool, and Blackpool still has the lowest car density in the north-west. Having used the tramway to travel from my home and office base in South Shore up to North Shore, I know that it is still a very important practical link—and the journey is of course very evocative, whether one is seeing winter gales or summer sunshine over the Irish sea. Ultimately, the tramway meets a core transport need for the residents of Blackpool and the Fylde coast.

The Blackpool scheme should not be regarded as a blue-sky scheme. It must not be seen as part of the network of assorted light rail proposals that have been submitted to the Department for Transport in recent years, however worthy they may be. For my constituents, this bid is an essential bread-and-butter—or perhaps, as we are talking about Blackpool, I should say fish-and-chips—component of public transport.

The revised project cost of £88 million, of which the Government would contribute £72 million, covers the delivery of fully accessible platforms at stops, new

*[Mr. Gordon Marsden]*

rolling stock which would include articulated trams and low-floor trailers for older trams, a major programme of track renewal, the complete renewal of the electrification from Thornton Gate to Fleetwood, and the revision, substantial extension and modernisation of the tram and bus depot.

If any evidence is needed of the urgent need for this project, I can draw the Minister's attention to the following facts—and they are facts. Less than a quarter of the existing track is in good condition. More than 55 per cent. of it requires attention now and in the near future. A full tramway service from Starr Gate to Fleetwood has not run in any winter since 2001, and the winter of 2004–05 saw Manchester square closed to tram travel south to Starr Gate. Indeed, on that occasion a £1 million emergency maintenance scheme funded by the Department for Transport was needed to retain access to the depot. The worst part of the track is between Central Pier and South Pier, but the electrical infrastructure north of Cleveleys is powered from a 60-year-old electrical substation, and there is an urgent need for track renewal if the whole system is to remain open beyond 2006–07.

The tramway is key not just for Blackpool and Fylde in the present, but for Blackpool and Fylde in the future. An updated tramway is crucial to Blackpool's continued regeneration efforts, and to the success of the town's master plan. Not only would the proposed scheme provide a mass transport system for Fylde coast regeneration by linking Blackpool with Cleveleys and Fleetwood; it would provide the option in future years for further developments to the coast south of Fylde, with considerable potential for links to Blackpool, North and Blackpool airport.

The tram will deliver the economic and social benefits of resort regeneration by providing a high-quality public transport link between the central area and the main tourism destinations, including some of the large hotels. Transport is a major element in the application to the Department for Culture, Media and Sport for a regional casino in Blackpool, and we know that potential developers regard the tram as a key asset in that context.

There is considerable—indeed, substantial—local support for the bid. I have mentioned already the support from Members of Parliament. There has also been concerted co-operation and collaboration between Lancashire county council and Blackpool, and full integration with all the planning and local highways authorities. Popular local support for all aspects of regeneration and specifically for the renewal of the tram system has been sustained and widespread. After his recent attendance at the Labour party spring conference, the Minister will know of the intense enthusiasm for the project, not just from the local papers but from delegates and others.

Perhaps most significantly, the bid has attracted unqualified and unhesitating support from the Northwest Development Agency and from the North West regional assembly. The tram bid was recommended as a priority in the top quartile for regional funding allocation. The Minister will know that, on 22 February, Steven Broomhead, the chief executive of the Northwest Development Agency, wrote to him in support of the project. He said:

"The Tramway scheme scored well in each area and was well placed in the top quartile of these schemes examined. It has been recommended by the Region as a priority for funding . . . because this scheme is partially a deferred maintenance scheme it carries less risk . . . I would be grateful if you could place on record the Agency's full support for the Blackpool and Fleetwood Tramway project".

That underlines just how strong and unanimous the support for the scheme is across the region.

It is also important to comment briefly on the basis for the resubmitted scheme that Lancashire county council and Blackpool have put forward, because that indicates how they have responded positively to the demands that the Department placed on them after the initial submission of the scheme resulted in a request for revision. The revised scheme emphasises that it is a tramway, not a light rail system and that it updates an existing system, rather than building an entirely new tram network. The scheme scores well on deliverability and value for money. Blackpool already has a right of way and other assets that will provide cost savings. The scheme has been nearly five years in development and so the costs and the patronage figures that are quoted in the submission are far more robust and involve far less risk than might otherwise be the case. The relatively modest cost—£88 million at 2005 prices—works out at a cost per kilometre of £4.9 million, which is a fraction of the cost of most other light rail projects. The tram routes in Blackpool are free of utilities equipment, so there will be no need for expensive relocation work. The project is phased across a range of financial periods. Government contributions are requested to be £8.1 million in 2006–07, £26 million in 2007–08 and £37 million in 2008–09.

Importantly, the scheme will ensure that there are modern articulated trams that are compliant with the Disability Discrimination Act 1995. The positive benefit-cost ratio that the Department has asked for is in line with its requirements. However, no direct account is taken in the submission of the positive synergy between a tramway upgrade and the development of key sites in the regeneration area. I would argue, therefore, that the economic benefits of the scheme as outlined have been substantially underestimated. In my view, that strengthens the case for it.

The devil is always in the detail of such projects, as we know, but I would argue that Lancashire county council and Blackpool between them have produced sufficient detail to satisfy the most demanding transport anorak. Let me cite some of what has been achieved. The revised bid, which was submitted in July 2005, reduced the capital cost by a third. It reduced the Government's contribution to £72 million over three years from 2006–07. It also produced a benefit-cost ratio of 1.59:1, to which I have already referred. Blackpool has cut costs by reducing the number of stops from 61 to 40, reducing the number of points and crossings from 147 to 54 and reducing the number of vehicles from 19 new and 20 refurbished ones to 16 new and 12 refurbished ones. All that was done in line with Department for Transport guidance and advice, and the consideration went right down to the type of coaches that would be commissioned if the bid went ahead.

The Minister must forgive me if he detects a slight note of frustration, as well as enthusiasm for the bid, in my voice, given the time over which the bid has been going on. We in Blackpool believe that we have done virtually everything that the Department has asked of us. The cost-benefit information shows that the bid is as robust and conservative as the driest economist might wish. However, even at this stage, if there are aspects of the bid that are not clear to departmental officials, the council and others in Blackpool stand ready to provide even more information.

We have tried to respond to what officials have asked for and produced a proposal that meets the Government's tight priorities. Other light rail schemes have been criticised because of runaway costs and over-optimistic forecasts. Our tram appraisal, as now submitted, is tight, informed and on the button.

I suggest to the Minister that the time for a decision is very close. I hope that with the examples that I have cited, I have underlined that I do not believe that the possible closure of elements of the track due to health and safety concerns is a question of exaggeration or bluff. I thus ask him to reflect on and respond to several specific questions.

Will the Minister tell me why there has been confusion among officials about the new submission? There is evidence that they did not realise that it was a new bid, rather than a resubmission. Will he tell me why issues around supporting information on capital costs were not raised until recently by Department for Transport officials as part of the KPMG assessment?

Does the Minister realise that because Blackpool's bid involves the upgrade of an existing system, the project would be much cheaper than a typical light rail scheme and be a low-risk project? The bid has much evidence on which to base costs and patronage figures. I understand that it will involve no costs or Transport and Works Act requirements for moving utilities or existing cables. Is the Department fully aware of the endorsement of the tram project by both the Northwest Development Agency and the North West regional assembly, and that they have placed it in the top quarter of priority of all the projects that need funding in the north-west regional transport plan, which is now with the Minister and his officials?

I know that in a tight fiscal climate, any Minister will always want to be satisfied about the detail. However, we in Blackpool ask that the bid is judged on fair and transparent criteria that apply to it, rather than to other bids for light rail schemes. We ask that the goalposts are not continually moved throughout the process.

For us in Blackpool and on the Fylde coast, the tramway—and its survival and renewal—is not tourism frippery or an end-of-the-pier show. The bid is a core funding proposal for something that is essential to the future functioning of public transport in Blackpool and on the Fylde coast, and that is the basis on which I ask the Minister to approve the scheme urgently. Although he will want to exercise throughout the process all the analytical powers that I know that he will bring to bear, I hope that he will not ignore the honourable place that history would afford him—along with George Formby and "Coronation Street"—as the man who gave new life to a treasured, iconic and very practical public transport system and made it fit for purpose in a 21st century, regenerated Blackpool, rather than dooming it to curio status and possible closure.

5.20 pm

**The Parliamentary Under-Secretary of State for Transport (Derek Twigg):** I congratulate my hon. Friend the Member for Blackpool, South (Mr. Marsden)on securing this debate. He and my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) are great champions of Blackpool and the issues it is faced with. I welcome the opportunity to hear at first hand the views on the Blackpool to Fleetwood tramway and to set out the Government's position in respect of its future.

I am aware that the Blackpool to Fleetwood tramway is the oldest continuously operating tramway in the UK. It has been operating since 1885, and it currently carries about 4 million passengers a year. The Government recognise that the tramway is an established part of the transport network on the Fylde coast. Blackpool council has spent £4.5 million over the past four years on essential maintenance to keep the tramway running. It says that a minimum of a further £16 million will be required over the next three years to maintain the existing tramway.

We therefore recognise the situation regarding the tramway's future. To do nothing in the next few years would mean that it could no longer operate in the way that it has been doing for many years. We also need to consider the tramway in the wider local and regional context. Blackpool's provisional local transport plan was submitted in July 2005. It highlighted three significant changes since the previous local transport plan, which crucially affect the context within which Blackpool council will seek to deliver its transport strategy. They are the decision to bid for the tramway upgrade; a revision of the local land use planning framework; and the development of a master plan for Blackpool and subsequent formation of an urban regeneration company to take this vision forward.

Blackpool council's master plan aims to transform the town, widening its appeal to fresh tourist markets both from the UK and abroad, and providing opportunities for the people of the town, especially those in the most vulnerable groups. The council recognised that the most significant challenge during its local transport plan period will be to deliver the development necessary to regenerate its resort economy, while still meeting sustainable transport objectives. Those objectives aim to minimise the impacts of traffic, encourage modal shift away from the car, minimise poor air quality and improve the accessibility of vital jobs and services, especially to the residents of deprived areas. The council considers that continuing access to a mass public transport system in the form of a modernised Blackpool to Fleetwood tramway is integral to the sort of regeneration anticipated by the master plan.

In 2001, Blackpool and Lancashire councils submitted a bid for a major upgrade to the system. That was rejected by my Department on value for money grounds. The promoters submitted a new major scheme business case in July 2005. Their preferred option, as set out in the business case, is to renew the existing track, replace the electrification infrastructure on the most

*[Derek Twigg]*

northern section of the line and replace the overhead conductor over the entire length of the line. They propose to meet the requirements of the Disability Discrimination Act 2005 by a combined fleet of new low-cost tram vehicles, accessible trailer cars coupled to refurbished heritage trams and raised platforms at stops to enable level boarding.

The forecast outturn cost of that would be £96 million, of which the local councils would provide £24 million. The promoters are therefore seeking central Government funding of £72 million. In terms of value for money, which my hon. Friend referred to, the promoters say that their preferred option would have a benefit-to-cost ratio of 1.57:1. Their assessment is that it will have a strong economical benefit and will have some additional benefits in terms of environment, safety, accessibility and integration objectives. My officials are reviewing the promoters' BCR and other claims. If the reported BCR turns out to be accurate, and it is established that all the non-monetised impacts will be positive, the scheme would be classified as offering medium value for money under the Department's guidance.

We require promoters, when presenting a business case to the Department, to consider alternative options. In this case, the promoters have considered three other options for system upgrade, which I shall briefly set out.

The next best alternative is similar to the preferred option, but with a reduced length of operation. It proposes the loss of a third of the northernmost section, with services turning around at the proposed loop at Thornton Gate. A lower cost alternative would further reduce the length of tramway, with the line terminating at Thornton Gate and Pleasure Beach. That would be coupled with minimal investment in infrastructure and vehicles. Special services would be provided by refurbished heritage units. Finally, a "do minimum" option has been considered, which proposes the retention of a tramway only between Pleasure Beach and North Pier, accepting the loss of its local transport function. My officials have worked closely with the promoters on their proposals and are carrying out an economic assessment of the business case to provide me with value for money advice on the scheme.

My hon. Friend raised specific questions about the Department's handling of the Blackpool bid. He suggested there has been some confusion among my officials about whether the bid is new. I assure him that there has been no confusion. My officials met Blackpool council in July 2005, before the bid was submitted, to understand the context of the bid. We have treated the submission as a new bid.

My hon. Friend asked whether the Department recognises that the bid has been substantially revised to meet the Department's earlier concerns about affordability and value for money, and that it meets the Department's requirements. We recognise that the costs have been reduced significantly compared with Blackpool's previous bid. As I said, we are considering the value for money assessment, and I cannot say at this stage what the results will be.

My hon. Friend also asked whether I accept that the costs and risks of upgrading an existing system are lower than for a new system. I confirm that we recognise that certain risks are lower for an upgrade. For example, a new light rail system would require utility diversions and Transport and Works Act 1992 powers.

My hon. Friend suggested that questions have been raised only recently on the capital costs. We raised issues about the information on capital costs at the end of 2005, following the Department's and our consultants' initial assessment of the bid submitted at the end of July. Also, we recently had to consider how the costs in the bid relate to the costs indicated in the advice that we received from the north-west region at the end of January on its priorities for use of the regional funding allocation. As I indicated, we are still completing our assessment of the bid, and at this stage I have not made any decisions in respect of the Blackpool to Fleetwood tramway. Therefore, the debate is very timely. I will take my hon. Friend's points into account, as well as other advice that I have received and the advice that my officials will give me in due course.

Following the publication of regional funding allocations last year, the north-west regional bodies have provided me with advice on which schemes are prioritised within the region. My hon. Friend asked whether I am aware of the endorsement of the tram project by both the Northwest Development Agency and the North West regional assembly. The advice that I received from the regional bodies gives priority to the refurbishment of the tramway to help the economic regeneration of Blackpool. I have also had a representation from the North West regional assembly supporting the scheme.

Any decisions on the projects prioritised by the regional bodies will be made in due course. We will take account of their views in our final decision on spend within the regional transport allocations. That will include their views on the timing of any funding provision as well as the amount.

The debate has given me the opportunity to hear my hon. Friend's views on the future of the Blackpool to Fleetwood tramway. As he rightly said, I have also received other representations, not least on my recent visit to Blackpool. I understand that there is a great deal of interest in the tramway in Blackpool. Obviously, I am not in a position to make and give a decision at the moment, but I listened carefully to my hon. Friend, and I am grateful for the opportunity to do that

*Question put and agreed to.*

*Adjourned accordingly at twenty-eight minutes past Five o'clock.*

# House of Commons

*Friday 10 March 2006*

*The House met at half-past Nine o'clock*

## PRAYERS

THE FIRST DEPUTY CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Orders of the Day

## Climate Change and Sustainable Energy Bill

*As amended in the Standing Committee, considered.*

### New Clause 1

LOCAL AUTHORITIES: DUTY TO CONSIDER MEASURES TO ALLEVIATE CLIMATE CHANGE AND FUEL POVERTY

'(1) Every local authority shall, after having regard to any guidance issued by the Secretary of State, within twelve months of the passing of this Act consider how the measures specified in this section can assist the authority in the discharge of its functions relating to—

(a) reducing emissions of the greenhouse gases; and

(b) alleviating fuel poverty.

(2) The measures specified in this section are—

(a) energy efficiency;

(b) renewable energy;

(c) low carbon energy; and

(d) microgeneration.

(3) Every local authority may repeat that consideration at such intervals as it may determine.

(4) Every local authority may draw up, and thereafter revise as it sees fit, a report on measures to promote microgeneration.

(5) Every local authority may take measures that it sees fit and are within its powers to promote microgeneration.

(6) In this section "local authority" means a district council, a borough council, a London borough council, a county council or unitary authority.'.—*[Gregory Barker.]*

*Brought up, and read the First time.*

9.33 am

**Gregory Barker** (Bexhill and Battle) (Con): I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss the following: Amendment (a) to new clause 1, in line 5, leave out from 'gases' to end of line 6.

New clause 2—*Extension of section [local authorities: duty to consider measures to alleviate climate change and fuel poverty] to Scotland and Northern Ireland—*

'(1) Section [Local authorities: duty to consider measures to alleviate climate change and fuel poverty] shall apply to local authorities in Scotland and Northern Ireland if the relevant devolved assembly so resolves.

(2) In this section "relevant devolved assembly" means—

(a) in relation to Scotland, the Scottish Parliament;

(b) in relation to Northern Ireland, the Northern Ireland Assembly.'.

Government new clause 4—*Local authorities to have regard to information on energy measures in exercising functions.*

Amendment (a) to new clause 4, in line 16, leave out paragraph (d).

Amendment No. 2, in page 1, line 8, clause 1, leave out paragraph (b).

Amendment No. 14, in page 7, line 25 clause 11, leave out from 'England' to end of line 27.

Amendment No. 21, in page 15, clause 23, leave out lines 29 and 30.

Government amendment No. 53.

Government amendment No. 55.

Amendment No. 1, in page 16, line 13, clause 26, leave out 'and 16 to 18' and insert

', 16 to 18 and [Local authorities: duty to consider measures to alleviate climate change and fuel poverty]'.

**Gregory Barker:** I am happy to say that we will not press the new clause. I am delighted that, following our lengthy deliberations and votes in Committee, the Government tabled new clause 4, after my hon. Friend the Member for East Surrey (Mr. Ainsworth), the shadow Secretary of State for Environment, Food and Rural Affairs, tabled new clause 1, which has Liberal Democrat support. The Government have thought better of their previous view and tabled a sensible proposal that is similar to ours.

I am especially delighted about the Government's decision because new clause 1 had significant support, not least from the Local Government Association, which wrote:

"As an Association we are supporting and promoting local authority work to reduce $CO_2$ emissions through increased energy efficiency and wider use of renewable energy and microgeneration, and encouraging further action on fuel poverty .... The LGA is therefore supportive of your proposed amendment which will link action with national objectives through the pivotal role of local authorities while giving councils the flexibility to adopt the best local solutions for their communities."

Sir Sandy Bruce-Lockhart, chairman of the LGA, and of Conservative-controlled Kent county council, wrote that letter.

There have been other general expressions of support, especially for the important part of the Bill dealing with the work of local authorities in driving forward its objectives. For example, the London borough of Bromley passed a resolution on 23 January to welcome the Bill's Second Reading, which happened on 11 November 2005. It noted the elements of the measure, supported it, resolved to inform the Government of the council's views and urged the Government to continue to support the Bill and all Members of Parliament to consider its provisions carefully. That is typical of wide support throughout the country.

If we are honest, the Bill is relatively timid. It contains no great sweeping powers, regulatory impositions or financial implications, but it shows a clear direction, and the new clause is important in reasserting political leadership locally. It is vital to enable local authorities to

*[Gregory Barker]*

implement the Bill in a way that is suitable to their communities. That is the nub of the new clause, and Government new clause 4 reflects it. It would provide for local authorities to be mindful of the regulations but also for local implementation with due regard to local factors.

**Mr. Christopher Chope** (Christchurch) (Con): What will the new clause enable local authorities to do that they cannot already do?

**Gregory Barker:** The most important thing is to prioritise climate change. We know from a poll conducted by the Energy Saving Trust of 300 local authorities throughout the UK that more than 90 per cent. perceived lack of leadership from central Government as a significant obstacle to taking a strategic approach to tackling climate change. More than 90 per cent. said that other issues had a higher priority in their council. The Energy Saving Trust believes that the inclusion of a "duty to consider" clause—new clause 1 is such a provision—would have a marked effect in changing local priorities. We are therefore establishing a clear direction and providing for a duty to consider. The new clause states that local authorities should have regard to

"any guidance issued by the Secretary of State, within twelve months of the passing of this Act"

and

"how the measures specified in this section can assist the authority in the discharge of its functions relating to . . . reducing emissions . . . alleviating fuel poverty . . . energy efficiency . . . renewable energy . . . low carbon energy; and microgeneration."

This is about putting those things on the agenda. It is pretty timid stuff, because it does not go further than that, but it is about reasserting political leadership and ensuring that these issues are deemed a priority among all the matters that busy local authorities have to contend with.

We have a lot to get through today, and I greatly look forward to hearing what the Minister has to say. I am delighted to see the Bill back on the Floor of the House, and I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on steering it through the Standing Committee and getting it back here.

**The Minister for Energy (Malcolm Wicks):** The hon. Member for Bexhill and Battle (Gregory Barker) referred to the provisions as timid. I know what he means, in the sense that they try to introduce some modest steps, although I am bound to say to my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz), who introduced the Bill, that they will represent a giant step forward in terms of microgeneration and the climate change agenda.

I have been reflecting on our lengthy discussions in Committee on the role of local authorities in tackling climate change and alleviating fuel poverty. During that interesting debate, it seemed to me that little of substance divided us. I certainly tried to strike the appropriate balance between central Government strategy and local authority responsibilities. I am keen that there should be no misunderstanding about the Government's commitment to supporting local councils on these issues, which is why I am introducing new clause 4.

New clause 4 places an obligation on the Secretary of State to publish a report on ways in which local authorities can improve energy efficiency, reduce greenhouse gas emissions and alleviate fuel poverty. Local authorities would then have to have regard to the report within the exercise of their existing functions. The report will in effect be a joint effort between all interested Departments.

As we heard in Committee, there are many examples of local authorities developing innovative policies to achieve real reductions in fuel poverty and greenhouse gas emissions. The work by Merton, Woking and my own borough of Croydon is well known in that regard. The report required by new clause 4 will help all local councils to learn from those exemplars. It will support them in developing their approaches to reducing carbon emissions and alleviating fuel poverty, giving them the flexibility to adopt the best local solutions for their communities. It has already been mentioned that the Local Government Association has indicated its broad support for a clause along these lines.

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): If the Minister is so happy about what is already being done by some local authorities, why do we need this additional legislation? If local authorities are already able to do what is needed, and if they have the necessary powers to do so, why do we need yet again to legislate for something that is already being done?

**Malcolm Wicks:** That is a good question. As I said in Committee, we are trying to get the balance right—*[Interruption.]* Well, I said it was a good question. The right hon. Member for Bromley and Chislehurst (Mr. Forth) should not shake his head. Others might shake their heads and think that it was not a good question, but I am in a compassionate mood at this early hour, although I might not be later. I share the Committee's judgment that the measure would be helpful. We are simply proposing that a report be considered by local authorities. There is growing interest in these matters among local authorities, and many would welcome this lead from the Government.

**Mr. Peter Ainsworth** (East Surrey) (Con): I apologise to the House, because I shall have to leave shortly to attend a memorial service.

I thank the Minister for the constructive way in which he has approached the Bill and the new clause. I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on introducing the Bill, of which I am a sponsor. I also congratulate my hon. Friend the Member for Bexhill and Battle (Gregory Barker), who has worked tirelessly on it and on his new clauses, to make it a really good measure that will make a big difference in helping local authorities to address the problems of climate change and fuel poverty. I wish the Bill every success.

9.45 am

**Malcolm Wicks:** I thank the hon. Gentleman for his support for my hon. Friend's Bill. The different parties have worked hard on it, and it commands widespread support in the House.

Government new clause 4 would not impose a new burden on local authorities, as it is framed in terms of existing powers and functions. I do not expect authorities to have to incur additional costs in having regard to the report, and the report would not impose any unfunded new burdens. In fact, it should help authorities to achieve more cost-effective ways of tackling climate change.

**Mr. Chope:** Why does the Minister's new clause let the Mayor of London off the hook by not including him, even though it would include the smallest parish council in the country?

**Malcolm Wicks:** The Mayor, the Deputy Mayor, Nicky Gavron, and the Greater London authority are taking the lead when it comes to climate change. The GLA is one of the exemplars in that regard; perhaps I should have mentioned it earlier. It is drawing heavily on the Woking experience in regard to its ambitions for Greater London.

**Mr. Chope:** The Greater London authority is specifically not included in the new clause.

**Malcolm Wicks:** Perhaps we could look at that. Given the powers that are there already, and given the wish expressed by the right hon. Member for Bromley and Chislehurst not to overburden local authorities with needless things, why do powers need to be in the Bill?

The enforcement of building regulations, the support and advice that local authorities give local businesses, community groups and individuals, and the quality of the housing and regeneration projects that they sponsor, are all important levers that local authorities have under their control, as is the planning system, which we discussed in Committee. The urgent review of local authority plans being carried out by my hon. Friend the Minister for Housing and Planning will help us to establish whether local authorities are implementing planning policies in relation to renewable energy, as required by planning policy statement 22. I hope that hon. Members will support the new clause.

**Mr. Philip Hollobone** (Kettering) (Con): On the question of planning powers, thousands of new houses are about to be built in Kettering. Were the local authority to insist that microgeneration measures be included in those development plans, only for that to be opposed by the applicant, and should the matter go to the Deputy Prime Minister on appeal, which way would the Government rule if the new clause had become part of the Bill?

**Malcolm Wicks:** That would be dealt with by the overall planning system. My hon. Friend the Minister for Housing and Planning has heard the hon. Gentleman's question. Perhaps she will find an ingenious way of noting the issue. That might be the best way of dealing with it.

We have tabled amendments Nos. 53 and 55, which are consequential amendments that will be required if new clause 4 becomes part of the Bill. Amendment (a) to new clause 4, and amendments Nos. 2, 14 and 21 all seek to remove references to fuel poverty. I do not wish to spend too much time on that, but for the record, let me explain why alleviating fuel poverty deserves to remain a key purpose of the Bill.

What we call fuel poverty—we can argue about the terminology—undoubtedly damages people's quality of life and imposes wider costs on the community. People who are struggling to afford to heat their homes might face difficult decisions between keeping warm and other basic necessities. They suffer an increased chance of ill health and find it more difficult to recover if they do fall ill. Fuel poverty imposes higher health costs and is a factor in the thousands of excess winter deaths each year, particularly among elderly people. It also contributes to social exclusion and affects children's education.

**Mr. Jim Cunningham** (Coventry, South) (Lab): As my hon. Friend probably knows, Coventry city council was probably one of the first local authorities to introduce energy conservation schemes. Is he satisfied with the level of grant available to authorities for such schemes?

**Malcolm Wicks:** I am satisfied with our development of measures such as the warm front programme, which has helped—I speak from memory—1 million households. There are equivalent programmes in Wales and Scotland. There is also the supply companies' obligation to take energy efficiency seriously, and there are the winter fuel payments, which are very popular with the elderly and arrive in December, which is important. I am confident about the armoury of measures that we are developing, but we probably need to do more.

It may be said that we use jargon when we talk of fuel poverty, but this country has a poor record historically when it comes to protecting vulnerable elderly people in winter. We should all be ashamed of that. I believe that we are moving in the right direction, but regardless of any arguments about terminology and jargon, there is no denying that even during mild winters, in Bromley, Croydon, Merton or anywhere else, some of our elders die from cold-related conditions—respiratory conditions, for instance, or circulatory conditions such as heart disease. That is a real problem, and the House should not be in denial over its immensity. As I have said, I think that we are moving in the right direction, but as one who wrote a book about this subject in my youth, I feel strongly about it. I will not allow anyone to say that it is not a real issue, because it is.

**Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD) *rose*—

**Malcolm Wicks:** The hon. Gentleman knows that it is a real issue, so I will give way to him.

**Sir Robert Smith:** The Minister is making a strong case on the importance of the issue. Has not this winter, with its very high fuel prices, shown that relying on fuel prices to end fuel poverty is not effective? Should we not instead think about the quality and energy efficiency of our buildings? Is that not a more robust, long-term way of ensuring that people can afford to heat their homes? In encouraging such action,

*[Sir Robert Smith]*

the Bill will take us in the right direction. The Government may have relied too much on fuel prices as a means of tackling fuel poverty.

**Malcolm Wicks:** There are two major ways of tackling the problem. One involves income-maintenance measures such as pension credit and winter fuel payments, which are subjects for another debate. The other, which I consider more important, at least in the long term, involves improving the energy efficiency of our housing. We have introduced energy efficiency measures that have been applied both to new build and to existing stock, but we need to go further.

I must confess that I have not looked at the English house condition survey for a couple of years—I have probably shocked my hon. Friend the Minister for Housing and Planning by admitting that it has not been part of my most recent bedtime reading—but when I have looked at that and similar data in the past, I have noted that there is still a great deal of housing that is not energy-efficient, lacking adequate insulation and good heating systems, and that there is a correlation between such housing and our poorest and most elderly people. Moreover, I think I am right in saying that it is the very elderly who are likely to live in the most inefficiently heated houses. As the hon. Gentleman knows, in physiological terms they are most at risk from cold conditions.

**Mr. David Drew** (Stroud) (Lab/Co-op): The Minister has pointed out that the poorest and the oldest people tend to live in the oldest properties. Should we not ensure, through exhortation if not through legislation, that home improvement agencies always take account of the energy aspects of their work? Energy efficiency is important, but should they not consider other energy measures that could give those people a quality of life that, as the Minister says, they are denied at present?

**Malcolm Wicks:** Absolutely. I am not complacent—none of us is complacent—but I am encouraged to note that more housing associations and other organisations, statutory, voluntary and private, are taking account of such issues. I hope that our carbon building programme, which involves some £30 million over three years, will enable us to earmark some of the money for dealing with fuel poverty. Apart from the issue raised by my hon. Friend, there is the problem of vulnerable households that are off the grid and not connected to gas mains. We should think imaginatively about how they can be helped.

**Mr. Nigel Evans** (Ribble Valley) (Con): Energy-saving light bulbs are more expensive than more energy-consuming bulbs, and poorer people may find it a more attractive option in the short term to buy energy-consuming bulbs. Might there be a more dynamic way of ensuring that those people receive assistance so that they can buy energy-saving bulbs? Have the Government considered withdrawing energy-consuming bulbs from sale? If they were not available, every household would have to replace them with energy-saving bulbs.

**Malcolm Wicks:** That is not on our agenda, but I have heard the argument before and it will doubtless form part of an ongoing debate. Many agencies that deal with energy efficiency can provide vulnerable people with more efficient light bulbs. That is part of what is called, in the jargon, the eco-obligation on supply companies, which also involves insulation and draught-proofing.

**James Duddridge** (Rochford and Southend, East) (Con): Will the Minister give way?

**Malcolm Wicks:** I was about to do so permanently by ending my speech, but I am happy to let the hon. Gentleman intervene.

**James Duddridge:** The Minister said that energy-efficient light bulbs were important, but he also said that they were not on the agenda. Why?

**Malcolm Wicks:** There is a great deal on our agenda, including our renewables strategy. As I am sure the hon. Gentleman knows, our target is that 10 per cent. of our electricity should come from renewable sources by the end of the decade, and our aspiration is to double the amount by 2020. The issue of light bulbs has been put to us; no doubt it will be debated in future and the pros and cons will be weighed, but tackling climate change is an ongoing saga.

**Mr. Michael Wills** (North Swindon) (Lab): I do not wish to make my hon. Friend remain on his feet a moment longer than necessary, but new clause 4 is relatively permissive. Is he confident that it will do enough to encourage local authorities to search restlessly for the best ways of tackling climate change in their areas, rather than settling for minimal incremental improvements?

**Malcolm Wicks:** We discussed in Committee whether we should impose more mandatory requirements on local authorities. A balance must be struck between strong central direction and the new localism of which we have heard, and I hope that we have managed to do that.

Before I end my speech—

**David Lepper** (Brighton, Pavilion) (Lab/Co-op): Will my hon. Friend give way?

**Malcolm Wicks:** May I finish my sentence first? It is quite interesting. It is a sentence that I think has at least some merit.

**Mr. Forth:** You found one merit, then.

**Malcolm Wicks:** On the terrible day of judgment, there will be a weighing of speeches to determine whose had merit and whose did not. I am particularly proud of this sentence—if I can remember it. During our interesting discussion about the Mayor and the GLA, I argued that we did not need to include them in the new clause because they were such exemplars. Nevertheless, I am advised, as they say, that a wider review of GLA powers is being undertaken. What I did not know until recently is that its involvement is being considered as part of that review.

10 am

**David Lepper:** I congratulate the Minister on the finely honed observation with which he finished. Before he finally sits down, will he deal with the following point? He has drawn attention to the fact that the Minister for Housing and Planning is also on the Front Bench today. Will he join me in urging her to ask her Department to review its guidance to local authorities on regulations in conservation areas? In my constituency, people in older properties in conservation areas who wish to install renewable energy systems frequently come into conflict with the requirements that the planning system imposes on those who live in such areas.

**Malcolm Wicks:** That issue is being looked at, and my hon. Friend the Minister for Housing and Planning has of course heard what my hon. Friend said.

In conclusion, I point out that I oppose amendment (a) to new clause 4, and amendments Nos. 2, 14, 21 and 1.

**Mr. Forth:** My hon. Friend the Member for Bexhill and Battle (Gregory Barker) inadvertently gave the game away in his opening speech when he used phrases such as "direction of travel" and "prioritising climate change" in the context of local authorities' role, as envisaged in his new clause 1 and the Minister's new clause 4. It has already become apparent in our brief and so far friendly exchange—an opener to what will be a fascinating debate through today, and probably subsequent Fridays—that the risk is that this well-meaning Bill is neither more nor less than a gesture. I have a real problem with the concept that we in this House need endlessly to legislate to show what good people we are, what good intentions we have and how much we agree with this or that outside interest group; indeed, I find that rather offensive. Our job should be passing necessary and practical legislation that adds value to the statute book and the body politic, not endlessly loading the statute book with good thoughts and clever ideas. I am afraid that this Bill comes into the latter category.

We are already struggling to see—typically, my hon. Friend the Member for Christchurch (Mr. Chope) elicited this from the Minister—just what value the Bill adds. It has already been claimed that we need not worry—there will be no new burdens on local authorities as a result of these new clauses. However, the very first sentence of new clause 1, tabled by my hon. Friend the Member for Bexhill and Battle, says:

> "Every local authority shall, after having regard to any guidance issued by the Secretary of State, within twelve months ... consider how the measures ... in this section can assist the authority".

That immediately imposes a new burden on local authorities, and if it does not, it is not worth doing. So we begin to see, even in that first sentence, the potential for conflict. It is claimed that this is a relatively innocuous thing that everyone is doing anyway; indeed, the Minister gave examples of excellent local authorities that are already doing most of what is in the new clauses. So if we are not careful, we will either simply repeat what is already being done, or add new burdens to local authorities. It is incumbent on us to face such issues head on. If we are indeed asking our benighted local authorities to do yet more—albeit in the best of causes and with the best of motivations—we should know about it and acknowledge it. We need an absolutely open and honest answer to that question before we can sign up to new clause 1.

New clause 1 goes on to specify the various valuable developments that it would doubtless bring about. In discussing later my amendment (a) to new clause 4, I hope to initiate a debate on the concept of fuel poverty, which this House has never had in a proper sense. As I have said many times in this House, I have serious doubts about that concept. In many ways, it is misleading nonsense and I want to explain why. Fuel poverty is a concept that everybody signs up to, saying—as the Minister said earlier—that is outrageous, disgraceful and awful and that we must deal with it. When I have finished discussing local authorities, I want to explore in a little more detail the claims made about fuel poverty, as opposed to poverty in general or any other specific poverty, and how we can best deal with it—an issue raised earlier by the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith).

For the moment, however, I want to concentrate on new clause 4, with which there are some problems. At the outset, it lays a new burden on the Secretary of State. It should not be imagined, as it often is when we are faced with such Bills, that we can ask more and more of Government Departments at zero cost. The Chancellor is boasting—is he not?—that we will see increased productivity and slimmer and more effective Government Departments, which will result in a saving to the taxpayer. At the same time, however, Bills such as this repeatedly come before the House that make further demands on Departments. These demands cannot be met at no cost, and if they can they are probably not worth meeting, or will not be met very well. At the outset of new clause 4, there is again this apparent conflict between the rival claims being made for the Bill. It either does something new, exciting and beneficial—if so, it will probably involve substantial additional cost—or it is simply a gesture to make us all feel better, in which case, it may well not.

New clause 4 contains another of these mandatory requirements. Subsection (2) states:

> "Every local authority must, in exercising any of their functions, have regard to the most recently published energy measures report".

So it is surely unavoidable that at least one official in each local authority will have to spend time having regard to such a report. Someone who could have been looking after old people, young people or people with disabilities will instead have to beaver away studying an energy measures report, doubtless having to reach a conclusion on what positive contribution their local authority can make to all the good things in the Bill.

**Mr. Hollobone:** I mentioned earlier potential confusion in the planning system. As my right hon. Friend knows, district councils have extensive planning powers, and they may or may not have regard to encouraging microgeneration schemes in their plans. Once those plans are decided and approved by regional assemblies or the Office of the Deputy Prime Minister, they are set in stone. However, an energy measures

*[Mr. Hollobone]*

report could then come along suggesting a different tack. On what basis will appeals against the applications that planners will make be determined?

**Mr. Forth:** I am grateful to my hon. Friend, who anticipates what I will have to say later about potential conflicts between the different levels of local government mentioned in new clause 4. One of my amendments seeks to tease out the conflict that will exist between the desire for more microgeneration and, for example, the conservation areas that the hon. Member for Brighton, Pavilion (David Lepper) mentioned earlier. The new clause is shot through with potential conflicts. In many people's minds, macrogeneration, which involves wind turbines, and microgeneration—little windmills on people's houses—give rise to potential planning conflicts. That is to say nothing of the conflicts between the various planning authorities listed in new clause 4.

My hon. Friend has made a very important point and I hope that, before we get anywhere near resolving whether we support the new clause, somebody somewhere will give us an answer to such questions. I look forward to that. Perhaps my hon. Friend the Member for Bexhill and Battle or the Minister will seek to catch your eye again, Madam Deputy Speaker, to spell everything out for us, to put our worried minds at ease. I await that moment.

**Gregory Barker:** We know that my right hon. Friend's local authority does not support him in his view. We know also that the Local Government Association and Kent county council does not support him in his view. Has any local authority contacted him to ask him to raise these matters on its behalf?

**Mr. Forth:** No. If authorities are so lacking in diligence not to do so, they must answer to their voters. I am serving the voters of my constituency by asking questions on their behalf. My view of local government is that councillors are elected representatives in their own right. They make their own decisions, which I honour and respect, as I respect them to honour and respect mine. That is a view to which I have held throughout my time in the House, and I will continue to maintain it.

Shortly, I will ask some questions about what local authorities can or cannot do. That will apply to all local authorities.

**Mr. Chope:** Does my right hon. Friend share my concern that the intervention of my hon. Friend the Member for Bexhill and Battle (Gregory Barker) indicates a lack of reality about what happens within parish councils? How is a parish council to have ascertained the details of new clause 4, which was tabled only a few days ago? Often, parish councils do not have anyone to support them other than a part-time clerk.

**Mr. Forth:** We will come on to parish councils shortly. We will want to examine what their role is supposed to be under the terms of new clause 4. We will go through each of the authorities in turn and ask that same question. We might even bring in the Mayor of London, who knows, or the Greater London Assembly. The mayor and the assembly are not mentioned but probably they should have been. That is something that the Minister was not able to explain to us. When he sums up and seeks to persuade us to support the new clause, perhaps he will be answering all these questions.

I think that we have reached new clause 4(3). We have identified the fact that an official in each local authority will be studying the energy measures report and deciding what the local authority will do about it. That immediately raises the question of what local authorities will do to improve efficiency in the use of electricity, increase

"the amount of electricity generated"

by microgeneration, reduce emissions of greenhouse gases or deal with so-called fuel poverty.

It may be that the answer lies in what the Minister has already told us, and that is that there are some excellent local authorities that are doing some excellent work and demonstrating how some or all of the objectives that we are considering can be fulfilled. In that case, why do we need the new clause or the Bill? There is an apparent paradox in that it is all happening already, and a jolly good thing too—that brings in our old friend best practice. In the days when I had the privilege to serve in the previous Conservative Government, that was one of the buzz terms to which we were most attached. Best practice was supposed to be the answer to all problems. Maybe best practice would be the answer in this instance. Perhaps the local authority umbrella body that has been mentioned with such affection should be contributing by disseminating best practice. Instead of having Bills and other legislation, bureaucrats, bureaucracy, targets and all the other things that we in this place are becoming increasingly fond of, why cannot we have a simple and informal procedure out there in the real world—

**Madam Deputy Speaker:** Order. New clause 4 is quite lengthy. I am sure that the right hon. Gentleman could find more relevant matters to which to address his remarks.

10.15 am

**Mr. Forth:** I have plenty of ammunition, Madam Deputy Speaker. I am exploring some of the possibilities that I thought were germane to the new clause. I will be guided, as ever, by you, Madam Deputy Speaker. Do not worry, I will not run out of material. I have not yet moved on to fuel poverty, which will be the main thrust of my remarks. I am now going through the preliminaries. It is a bit of a warm up. It is important that we explore in some detail a new clause of such dimension. As my hon. Friend has said, it was brought forward so late in the day. It was a pleasant surprise to see it set out in the amendment paper, but it caught us all as a bit of a surprise. Perhaps you will forgive us, Madam Deputy Speaker, for not being quite as well prepared as usual, and perhaps not being able to examine these matters in the detail that we might otherwise prefer. This is just a cockshy at it. It is an amateurish attempt at a late date to tease out some of the salient features. If I miss the target occasionally, Madam Deputy Speaker, I am sure that you will be as forgiving as ever.

I move on to the partial answer to the question that I have raised. The new clause states:

"'local authority measure'—

the clause is trying to be helpful—

"means any way in which a local authority can exercise any of their functions, including . . . taking any particular step in the exercise of a function, or . . . not exercising a particular power".

Perhaps this begins to answer the question raised by my hon. Friend the Member for Kettering (Mr. Hollobone). Perhaps there is a hint that local authorities should be looking the other way in planning terms when something of this sort is in the offing. Perhaps they should not be fulfilling the normal duties that we would expect of them if they are not to exercise a particular power.

That is rather worrying to me because a potential conflict could arise between the desire for microgeneration and the objective of our planning regime to protect amenity, whether it be visual, noise or whatever. That will be the subject for a later debate under a later amendment. However, the issue is germane in considering the new clause.

There is another unresolved question. What are we expecting local authorities to do in not exercising a particular power? Does that have any sinister connotations in an easement of the normal rigours of our planning regime and what we expect of it?

**Mr. Chope:** Before my right hon. Friend moves on, will he respond to my concern that the Secretary of State will be able to second guess local authorities under the new clause? It is only if he thinks that something will be one of the effects set out in subsection (3) that that can be a requirement upon a local authority to take account of the matter, even if it disagrees with the Secretary of State.

**Mr. Forth:** I am grateful to my hon. Friend. I have not mentioned that. I will come on to potential conflicts under subsection (6). As ever, the Secretary of State will play a vital role. He is explicitly referred to in the new clause. He is given an explicitly leading role. That gives rise to the possibility of some conflict given the view that the Secretary of State may take as against the view that local authorities, at their different levels and with their different perspectives and priorities, might have. My hon. Friend the Member for Bexhill and Battle said that he would not move the new clause in his name but he referred to it. He used the word "priority". He said that he wanted local authorities to give priority to climate change. That worries me.

That raises the important question of where in the priorities of a local authority does my hon. Friend think that climate change should come as against, for example, the welfare of the elderly, the protection of young people, the improvement of the local environment and the management of traffic, social services and the plethora of local authority services that bear directly on the well-being and everyday lives of our constituents and our taxpayers?

It sounds good to say that climate change should be given priority. No doubt the interest groups that seem to have ever more influence in our affairs in this place will be pleased when they hear someone saying—someone of the eminence of my hon. Friend—that we will ensure that local authorities give priority to climate change. That is priority over what? I want to hear what will suffer in terms of the priorities of local authorities if we allow climate change to go to the top, or near to the top, of the agenda. We cannot give something priority meaningfully without something else suffering. I want to hear much more about what will suffer if climate change, so-called, is given a much higher priority and a better role.

**James Duddridge:** I disagree with my right hon. Friend in relation to climate change and the priority that it is given. It should be given greater priority. However, I agree with my right hon. Friend that local authorities should decide on priority. Knowing that he is a great friend of America, does he recognise that while the American federal Government have certainly not done enough on climate change—I regret that they did not sign up to Kyoto—some federal states are quite innovative, such as California, in respect of the environment. Perhaps it would be better if we allowed local government to be genuinely independent and to prioritise so as to promote best practice to increase climate change and to give that the correct priority.

**Mr. Forth:** I am grateful to my hon. Friend for that intervention, but I support President Bush and his Administration 100 per cent. in not signing Kyoto, which I think is nonsense. I hope that we will have an opportunity on Third Reading, or on the second Bill due for consideration today, to explore at great length why Kyoto is both dangerous and damaging. None the less, I accept my hon. Friend's point and I agree that as much decision making as possible should be done at local level. However, if local authorities were to pay any attention to this Bill—I hope that they do not—and give climate change priority over other matters, they should tell local voters and taxpayers that that is what they are doing, and why. I do not want us to all pretend, in the usual cosy way on a Friday, that by saying climate change should be prioritised something magical will happen and nothing else will suffer. We should be up-front about this and explain to people exactly what the prioritisation of climate change would mean.

New clause 4(5) contains our good old friend consultation—another favoured word in private Members' Bills and other legislation. It is usually designed to make people feel a little easier and more relaxed about what is suggested. If we have consultation, everybody will be involved and we can reach out, embrace, cuddle and hug all sorts of people, and all will be well. However, I would like to know a little more about who the "representatives of local government" will be. Will they be a random sample or will they be carefully selected—or does that phrase mean the body that has already been described as wholeheartedly in favour of the Bill?

Even more intriguing is the reference in subsection (5)(b), whereby the Secretary of State must consult

"such other persons (if any) . . . as he considers appropriate".

That is a clever formulation, because we do not usually see "if any" included. Such legislation usually refers to such other persons as are deemed appropriate, relevant, knowledgeable, friendly or whatever it may be. The phrase "if any" suggests that the Secretary of State may not bother to consult anyone else at all, in which case it will be only local government that is consulted. If I had

*[Mr. Forth]*

been able to see the new clause a little earlier, I might have suggested that we delete paragraph (b), if it meant that nobody consulted the single interest groups that have a perverse influence on our policy making now. We need to know a little more about what subsection (5)(a) and (b) mean before we rush to give the new clause our support.

I now come to what is potentially the most difficult and complex area of the new clause, subsection (6), which states:

"In this section, 'local authority' means any of the following"—

not all, but "any"—

"a county council ... a county borough council ... a district council ... a London borough council ... the Common Council of the City of London ... the Council of the Isles of Scilly ... a parish council"

and even

"a community council."

That raises all sorts of interesting possibilities and potential conflicts. The first question is what would happen if, in that sea of excellence, some of those authorities disagreed with some of the others? It would be perfectly legitimate for them to do so. It is not, after all, unknown for district councils to be at odds with county councils or London boroughs to be at odds with the London Assembly or the Mayor, although the latter two are not mentioned here. It is not unusual for different levels of representative Government to take a different view. We know nothing of what will happen if some of those bodies take different views of the energy measure reports and their new responsibilities—which will, apparently, be seamless and costless.

If we zero in on parish councils and community councils, we may ask where they will get the resources to fulfil the requirements laid on them by the new clause. It is one thing for county councils and county borough councils—and maybe even district councils—to do so. It appears that my borough council will have to spend much of its time dealing with such matters, although it has not told me how it will manage that; it is, of course, entirely a matter for the council itself. What really bothers me is whether we may expect parish councils and community councils to be able to fulfil the requirements and aspirations in the new clause in any meaningful way. If we do expect that, how will they do it, where will they get the resources, do they have the staff and the expertise, and is it any part of their remit, other than as provided by the new clause?

**Mr. Chope:** Does my right hon. Friend agree that putting parish and community councils on a par with larger councils offends against the principle of proportionality, to which the Government pay lip service when talking about the importance of deregulation?

**Mr. Forth:** I agree that there is that risk. Before we sign up to new clause 4(6)(g) and (h), we need to hear much more from the Minister about how a parish or community council can fulfil the requirements set out in any meaningful, efficacious or practical way. Otherwise, the new clause starts to look aspirational, or like gesture legislation, not meaningful legislation. It is time the House put its foot down and put a stop to such nonsense. I lived with it for five years in my service as a Member of the European Parliament, and I thought that I had seen the last of it when I came here to Westminster, but apparently not. Here we are, in the 21st century, still proposing gesture legislation, in a very European way—which is among my many objections to things European. I hope that this is not an example of gesture legislation, but I wait to be persuaded.

**James Duddridge:** I see no mention of unitary authorities in subsection (6), and I am conscious that 60,000 of my 72,000 constituents live under a unitary council. In my right hon. Friend's assessment, would unitary councils be covered by subsection (6)(h), which mentions community councils—a term with which I am not entirely familiar?

**Mr. Forth:** I do not know. I can say that because it is not my new clause and I do not have to explain it. Indeed, I am beginning to have more and more severe doubts about it as time goes on. The first question that the Minister was unable to answer was about the role of the Greater London Assembly and the Mayor, and now we have a question about whether unitary authorities are subsumed under, or contained within, any of subsection (6)(a) to (h). I am sure that my hon. Friend will want to hear the Minister's answer to his question, along with all the questions that I have posed, before the House can dream of giving the new clause its support.

**Mr. Chope:** Has my right hon. Friend noticed that new clause 1, which my hon. Friend the Member for Bexhill and Battle (Gregory Barker) does not apparently intend to press, specifically refers to unitary authorities, although they are excluded from new clause 4?

**Mr. Forth:** Funnily enough, that reassures me, because it shows that our Front Benchers are not totally in bed with the Government on this issue. That discrepancy reassures me that there is at least the slightest smidgen of difference between our Front Benchers and the Government, which makes me—as a traditionalist—feel rather comfortable. However, I shall not hold my breath waiting for much more evidence of that.

I shall now conclude my preliminary observations on new clause 4, turn to my amendment (a) and initiate what I hope will be a vigorous and extensive debate on the concept of fuel poverty, which has bothered me for some time. It encompasses a wide variety of different concepts, which have not yet been addressed or dealt with. There is the concept of poverty itself, which is well known but not yet fully explored in terms of whether we mean an absolute or relative poverty. There is also the role that fuel, as opposed to other essentials, plays in the household budget. There are historic comparisons to be made, with fuel prices past and present, and lifestyle choices. One of the issues that we must explore is whether the frequently made claims that people are fuel poor have anything to do with their lifestyles and their personal priorities.

One of the reasons why I have sought to initiate a debate on fuel poverty, by seeking to remove the reference to it from the new clause and throughout the

Bill, is that I am not sure that it has any place in a Bill on so-called climate change, emissions, microgeneration and all that. Fuel poverty is a completely different subject and should be covered by a different policy direction. In any case, I remain to be convinced that fuel poverty is a legitimate concept.

10.30 am

When one looks at definitions of poverty, one comes across "want of necessities", "indispensable things", "wanting means of subsistence" and "minimum resources to sustain life". Those definitions are all unexceptional, and nobody would disagree with them. But when I began to think about what fits into those descriptions, I made a little list: accommodation, food, clothing, heating, perhaps transport—and then I got to alcohol, tobacco, entertainment and the like. I then began to wonder in what order one should list them in terms of the minimum resources to sustain life, subsistence or want of necessities. That immediately brings us to the time-honoured debate, which I do not think we have ever resolved—perhaps because we do not really want to confront it—about whether poverty is relative or absolute. In a very wealthy society, which we pride ourselves on being, if one defines poverty in relative terms, one gets some rather peculiar outcomes. People who enjoy things that could hardly be called necessities are suddenly regarded as being in some way poor. On the other hand, if one looks at poverty as an absolute, which would be my preference, it starts to take on a different context.

If we are really talking about necessities—the minimum resources to sustain life—I originally put accommodation first, but then I thought that food should be first, because if people do not eat they do not survive, and we know that there are people who choose—many, but not all choose—to live on the streets. They can survive almost indefinitely without conventional accommodation, but they need food and clothing. The point that I am working towards is that fuel does not feature very highly in what people need to survive and maintain themselves. So why do we not talk about food poverty or clothing poverty? Why do we not talk about poverty in other essential aspects of life? Why are we obsessed with the concept of fuel poverty, as opposed to poverty in other aspects of life?

**Mr. Brooks Newmark** (Braintree) (Con): I remain in awe of my right hon. Friend's forensic analysis, but I would like to help to connect the dots. He referred to the responsibilities of local government, and one of those is to look after the welfare of the elderly. In that respect, fuel poverty has to do with the relative amount that pensioners pay for fuel. In connection with the concerns that my right hon. Friend mentioned earlier, microgeneration, the insulation of housing, and the responsibilities of local government with regard to that, can help to alleviate fuel poverty.

**Mr. Forth:** I am grateful to my hon. Friend—I think—but I shall come to that subject later, because I shall talk about means-testing. My hon. Friend has fallen into the trap of talking about the elderly and fuel poverty. Most elderly people these days are perfectly capable of looking after themselves. They are well housed and have good incomes, because they have pensions and other assets. They get support. Therefore, simply to say that elderly people may have a problem with heating their homes is a questionable concept. Later I shall come to the individual choices that people, elderly or otherwise, make about their spending priorities within their households. I would want to know about those—or at least I think I would, because this takes us into means-testing which I shall explore in a moment. It takes us into asking legitimate questions of people who claim that they cannot afford their heating bill, about what else are they spending their money on, before we get too worried or rush to help them with a windmill on their roof. We must go through this argument one stage at a time.

**Greg Clark** (Tunbridge Wells) (Con): I have some sympathy with the point my right hon. Friend is making, but he rather overplays his hand. Surely he will accept that for elderly people and the disabled there are physical and medical reasons why they may need to spend more on heating than other groups in society.

**Mr. Forth:** Of course there are, as there are for people with very young children. Of course there are groups in society that have different priorities and different needs, but that does not mean to say that we should bring out a blanket definition of something such as fuel poverty and then apply it indiscriminately across the board. Later, I shall come to regional considerations. Will we say that someone who has the joy of living on the Isle of Wight, for example—the southernmost part of our wonderful country—will have the same needs as someone living in the extreme north of Scotland? Of course they will not. Therefore I believe that we must start taking account of climatic conditions, whether they are affected by climate change or not, the Gulf Stream, prevailing winds or whatever it may be. Catch-all definitions such as fuel poverty, which we are dealing with here, will not do. We must have a better understanding of what people need, why they need it and what we should do to alleviate shortcomings.

Now I shall go back to the point that I was making—asking why we do not talk about food poverty, clothing poverty or people's inability to pay for other aspects of their lives, and how essential we think those things are compared to fuel or heating. My hon. Friends have said that they think there is a serious problem of elderly people being unable to warm their homes. But what about elderly people being unable to eat or to clothe themselves properly?

**Mr. Newmark:** My right hon. Friend is digressing. We are talking about climate change. Fuel poverty relates to climate change and people keeping warm. I agree that food poverty is an issue, but it has no relevance to the Bill, which is why we are talking about fuel poverty in this context.

**Mr. Forth** *rose—*

**Madam Deputy Speaker:** Order. It is for the Chair to determine what is relevant. The right hon. Gentleman has been going rather wide in his remarks. I am sure that with all that is in the new clause, he will now be able to address the Bill in an appropriate manner.

**Mr. Forth:** I am addressing my amendment, which seeks to delete the term "fuel poverty" from the Bill, Madam Deputy Speaker. That is why I am giving some consideration to the concept. I am rather surprised at my hon. Friend the Member for Braintree (Mr. Newmark), because I thought that the alleged worry was climate change and global warming. If we are going to have global warming, why on earth are we talking about people being unable to heat themselves? This is getting us into intriguing territory, and I want him to think about that before we get too excited about alleged climate change, alleged global warming and the alleged effects that it might have.

**Mr. Newmark:** The important thing is that if we can have, for example, windmills on people's roofs or insulation, that will lower the cost of fuel, thereby reducing fuel poverty.

**Mr. Forth:** Who supplies the windmills is a question that we will come to later. I would digress if I followed that idea too far; even I have spotted that one. We will come back to who pays for the windmills in debates on later amendments.

**Mr. Chope:** Does my right hon. Friend accept that one of the ironies of the new clause is that it could result in higher fuel bills because microgeneration is uneconomic? With higher fuel bills, fuel poverty would be increased rather than reduced.

**Mr. Forth:** Again, we will come to that later—but to touch briefly on it now, it has not yet been demonstrated to me that solar panels or windmills necessarily have an acceptable pay-off period, or a yield that will give the results that are claimed for them. I have never been persuaded of that. If they did, presumably every roof in the country would already have solar panels and, within existing planning constraints, we would all have windmills, as leading members of our party apparently say they will have. I am not convinced that there is an acceptable pay-back in terms of the investment required in a windmill or a solar panel to give us an overall advantage in fuel terms.

I have had a quick look at some household expenditure figures from 20 years ago and now to see where fuel and power fitted as a percentage of spending. I could go into a lot of detail but I am eager to reach some of the later debates, which will be much more substantial than this one. This is just a taster, after all; there is some meaty stuff to come later. Suffice it to say that the figures I have been given by the Library show that in the year 2003-04 the proportion of household expenditure spent on housing—rent, council tax and so on—was 17 per cent., on food and non-alcoholic drinks 16 per cent., on motoring 15 per cent., on leisure services 13 per cent., and on household goods 8 per cent., but for fuel and power it was 3 per cent. That suggests that we should be careful about analysing the proportion of household expenditure—

**Greg Clark:** Does my right hon. Friend accept that those proportions would be very different for some of the groups of people that we have been talking about, specifically the disabled and the elderly?

**Mr. Forth:** They might be—I concede that—but it is relevant to consider by how much. I return to my point about the spending choices and priorities in each household. There is a real difficulty, but a fascinating diversion or digression to be had, about means-testing or blanket support. A large part of me would say that if we want to help people in what is claimed to be fuel poverty, and there are households where, because of individual needs relating to health, location or whatever, people are forced to spend a disproportionately large part of their income on heating and fuel, there may be cause to help them. However, I very much doubt whether we would do that by putting a windmill on their roof, or even a solar panel, because in the middle of winter neither would help them. The help would probably have to be more direct—but I am not sure that that is what we are saying.

**Greg Clark:** I think that my right hon. Friend has made progress by accepting that, although he may not like the terminology, there is a concept of fuel poverty—that certain people whose needs require them to spend more on fuel than others suffer financially, because they do not have the means to make up the shortfall. He may not like the jargon, but the concept is accepted. The question is how it is addressed.

**Mr. Forth:** Only partly. What about food poverty or clothing poverty? What if people find that they have to make difficult choices in their household budget, between buying clothes, paying their rent, heating their home or buying food? Why do we always concentrate on fuel and not the other things? That is my point. There is of course cause for us as a society to help needy people and people in difficulties, although we are entitled to ask them some fairly pertinent questions about what they do with their household income and how they prioritise before we rush to help them. But the question has never been answered; we go on and on about this thing called fuel poverty, yet we ignore everything else. It is at least theoretically possible that someone could end up living in a very warm house without enough to eat. What would we do about that? Why do not we answer that question, too?

The idea—the concept—of fuel poverty is extremely dubious. I do not accept that, simply because it is raised in the context of a Bill such as this, people should try to connect it to climate change and windmills and lump them all together as though they were on a continuum. I do not see the connection or the validity.

**Mr. Nick Hurd** (Ruislip-Northwood) (Con): As usual, my right hon. Friend is playing a robust role in testing the value added of proposed legislation, but surely subsection (3)(d) of new clause 4 merely recognises that a side benefit of promoting greater energy efficiency, which is of increased strategic importance to this country, will be that we shall be

"reducing the number of households in which one or more persons are living in fuel poverty."

It is not the main driver of the Bill but an important side benefit, and should be seen in that context.

**Mr. Forth:** It might be—I do not know, nor do I think that it is as self-evident as my hon. Friend suggests, because it implies that we can make a direct, practical, on-the-ground connection between identifying those

who are genuinely in so-called fuel poverty and the ability to help them directly by microgeneration. That may or may not be so in individual cases, but the application is not as general as the Bill and its supporters suggest.

I remain to be convinced about the whole idea of fuel poverty. It needs to be explored in much more detail. I worry that, as ever with such things, we shall raise people's expectations and make them think that somehow the Bill contains ready solutions to problems. I, for one, do not see that. We require much more explanation. I have raised many questions—as have other Members—which I hope that the Minister will be able to answer, to persuade us that new clause 4 is worthy of our support.

10.45 am

**Mr. Chope:** To follow what my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has just said about fuel poverty and his amendment, I have always been rather an enthusiast for eliminating fuel poverty and thought that the Government were, too. Indeed, I thought that Labour's 1997 manifesto included a commitment to that effect. In those days, the Government defined fuel poverty as occurring when a household had to spend more than 10 per cent. of its gross income on fuel. Since then, however, they realised that they would be unable to meet their political promises so they changed the definition of fuel poverty and watered it down to a much woollier concept. My right hon. Friend is right to draw attention to what is now a meaningless concept; it sounds good, but what will it actually achieve in practice?

About two or three years ago, I developed the idea—I should like to claim the credit for originating it—of describing the plight of pensioners whose council tax bills are so high that they take more than 10 per cent. of their annual income as pensioner council tax poverty. I took the view that it is unreasonable to expect old people, who obviously have heating costs and other bills and liabilities, to have to spend more than 10 per cent. of their gross income on council tax.

However, I received no sympathy for that proposition from the Government. Indeed, they pooh-poohed the idea and seemed to think it perfectly reasonable that some people might have to pay out 20 per cent. of their gross income—as they do in my constituency—on council tax, which delivers few direct benefits for them and goes towards paying the costs of education. They may have grandchildren or great-grandchildren in education, but many of my constituents feel that the burden of council tax going towards the cost of education is at breaking point—indeed, beyond breaking point. Instead of paying such high council tax, they would much prefer to have the money in their pocket so that they could pay their fuel bills without needing to be dependent on subsidies from the Government.

If we want efficient use of energy, we should allow the market to operate, as it has been doing recently. The cost of fuel has been rising and as a result, I suspect that many people are using less. Of course, one consequence of the market operating is that the cost of fuel is rising for elderly people and households such as I have described.

**Mr. Forth:** My hon. Friend is no doubt aware that the long-term secular trend of fuel prices both in real and relative terms in households has gone down steadily over 20 or 30 years, or more, so although there may be an increase at present, if we accept the argument that there should be an additional effort to offset it, does not he think that if fuel prices were then to go down again, relatively, that would justify reducing that effort? Or does he believe that the market mechanism alone is to be relied on?

**Mr. Chope:** I believe in the market mechanism. One of the ironies about the figures on the proportion of household income spent on energy to which my right hon. Friend drew our attention is that the proportion is declining in richer households while it is rising for poorer households; for example, people living in park homes in my constituency who have high council tax bills and cannot install insulation. As the Minister knows, it is not easy to heat or insulate park homes efficiently. Such people have high fuel bills plus high council taxes. I should like something to be done to help them, but I do not think that adding to their burdens by pushing up the cost of electricity by requiring suppliers to buy microgenerated electricity, which is not economic to them, will help to lower fuel prices.

**Mr. Newmark:** I should like to draw my hon. Friend's attention to the link between council tax and energy efficiency. Braintree council gives a £100 council tax rebate to those who insulate their houses. That local initiative encompasses energy efficiency and lowering council taxes.

**Mr. Chope:** That is an exemplary form of what we call localism. Each council is left to make its own decision on whether it is more important to take part in the gesture politics of dealing with global warming or whether it is better to give some practical help to the people who live in its area, by providing them with proper insulation.

**Greg Clark:** Does not the Bill meet precisely the objection that the Minister raises? Clause 1(2) requires: "the relevant persons and bodies shall have regard to ... the desirability of alleviating fuel poverty".

If my hon. Friend is right and such measures would increase the cost of fuel, that is precisely something that needs to be taken into account by the relevant persons, so that subsection deals with the problem either way.

**Mr. Chope:** I suppose that the subsection does so in a sense—my hon. Friend is right—but the trouble is that the two possibilities that he describes are contradictory. If the costs of microgeneration are uneconomic and local authorities are required to increase the amount of microgeneration even though it is uneconomic, that will push up the cost of energy, thereby exacerbating the problem of fuel poverty.

**Greg Clark:** Does that not, perhaps inadvertently, precisely meet the requirement? It might protect people from fuel poverty and from fashionable impositions in

*[Greg Clark]*

quite the way that my hon. Friend desires, so perhaps his alternative proposals are not necessary to meet his concerns.

**Mr. Chope:** I am addressing my remarks to new clause 4 and amendment (a), tabled by my right hon. Friend the Member for Bromley and Chislehurst. Under new clause 4, as my hon. Friend will know, it is left to the opinion of the Secretary of State as to which of those approaches is better. Why not trust local authorities to make their own assessment of whether promoting a lot of microgeneration, where it is uneconomic, is preferable to reducing the fuel bills or increasing insulation in the houses of the poorest citizens of their locality? Surely we should leave that decision to the local authorities—indeed, they have the powers to do so at the moment—and my hon. Friend the Member for Braintree (Mr. Newmark) has referred to the way in which his council exercises those powers very responsibly. Of course, the trouble is that the Government are dictating so much council activity from the centre that the discretion to do such worthwhile things is being reduced, because of the way in which the Government are manipulating council tax grants.

**Mr. Newmark:** The spirit of the Bill is intended to deal with climate change, and as I read it, the phrase "have regard" is not a compelling function, but merely tells people to consider what councils, such as Braintree, are doing and perhaps take on those examples in their own local communities and councils.

**Mr. Chope:** I agree with my hon. Friend, but nothing under present legislation stops Braintree council having regard to such things. Indeed, he has introduced into the debate an air of reality. If councils want, they can already do such things, and if they are not doing them, it can be an issue at the local elections. Perhaps councillors who want to do so will be elected at by-elections or district council elections. Of course, we hear that the Government want to defer the district council elections in 2007, but that is a side issue.

If there are elections and the Government do not abolish them, it is possible for people who want their councils to become more involved in tackling climate change, global warming, fuel poverty and so on to press for just that: they can stand for election or promote candidates who want their local council to promote such policies. Surely that is what localism is all about, and it is why the Minister has been squeezed between saying on the one hand that new clause 4 is tremendously important and accepting on the other that it will not increase the burdens or responsibilities placed on local authorities one iota. It cannot work both ways.

If new clause 4 would leave the law alone—it just engages in a bit of gesture politics—that offends against all the principles of deregulation that the Government propose. I have spent much of the past two weeks as a member of the Standing Committee that is considering the Legislative and Regulatory Reform Bill, which would, if implemented—perhaps you would be pleased with this, Madam Deputy Speaker—completely negate the purpose of any Friday sittings. Any such Bill could be pushed through by the Government without the need for any primary legislation. [HON. MEMBERS: "Hear, hear."] Labour Members cheer because they think that the Executive are on their side. I am not so sure whether they would be cheering so much—

**Madam Deputy Speaker:** Order. However much any hon. Member might be pleased or displeased about that, it is not a matter that we need to discuss this morning.

**Mr. Chope:** I agree, Madam Deputy Speaker. I was just explaining the Bill's context, and part 2 of the Legislative and Regulatory Reform Bill deals with the subject of regulatory burdens. *[Interruption.]* I shall give way to the hon. Member for Southampton, Test (Dr. Whitehead) if he wants to intervene.

**Madam Deputy Speaker:** Order. I have just reminded the hon. Gentleman that we are not discussing the Legislative and Regulatory Reform Bill.

**Mr. Chope:** I am not discussing the Legislative and Regulatory Reform Bill, Madam Deputy Speaker, and I do not intend to do so. I have spent the past two weeks discussing it in detail, but I hope that we will have the chance to discuss it further on Report. However, what I am discussing and what I want to address my remarks to is whether Government new clause 4 is consistent with the Government's avowed intent to reduce the burden of regulation on organisations and local authorities. My understanding is that one of the principles of good regulation that the Government avow is that legislation should not be duplicatory or exhortative and that it should add something new to the statute book that is necessary to achieve an objective. New clause 4 is basically window dressing; it has no substance in my view or in the Minister's view. If it had substance, he would have to concede that it would impose a new burden on local authorities, and he denies that it would do so. That is the case.

**Mr. Forth:** I hope that my hon. Friend—with his vast experience of local government, but more particularly, in the context of the constituency that he has the honour of representing—will give us just a few observations on the possible conflicts that might arise between the approach of parish councils, district councils and county councils to new clause 4 and the possibility of differences of view on how those conflicts might be resolved.

**Mr. Chope:** I was certainly intending to do so, but I shall do it immediately, so that we have some continuity in the debate. I have already referred in an intervention to my concern that new clause 4 lacks proportionality, as it applies to very big councils and to very small ones. The Minister referred to the fact that the Greater London authority has not been included because there will be a review of GLA powers, but when one looks at new clause 4 in detail, one sees the phrase:

"Every local authority must, in exercising any of their functions".

If the GLA was included in new clause 4(6), when the GLA's functions were changed, the proposal would fit completely. I do not believe the Minister's explanation that, because the GLA's powers and functions will be reviewed, it should not be included in new clause 4.

I find it ironic that the largest local authority is excluded, but the smallest parish council in the country is included. Parish councils are finding it increasingly difficult to get volunteers to serve on them, because of the burden on regulation. This is going to be another burden on them. They cannot afford to employ a parish clerk, but parish councillors will have to consider the report that emanates from Government and try to work out what the implications might be. For example, in my area, Burton parish council and Hurn parish council organise Christmas carol concerts on the green every year, and they may have to think about whether they should, in accordance with new clause 4, put up Christmas lights that will obviously burn energy and might have an adverse effect on the emission of greenhouses gases. *[Interruption.]* As my right hon. Friend the Member for Bromley and Chislehurst suggests, they might consider investing in a windmill that could be used to provide the power for the lights during the Christmas period provided that there is enough wind blowing.

11 am

**Mr. Hurd:** I have listened to my hon. Friend's argument about local councils and parish councils very carefully, and I understand it. Surely, however, the one requirement in new clause 4 that we have not discussed is the only real requirement. That is the requirement on central Government to think about and communicate how we get smarter about the energy that we produce and how we consume it. In the context of a Government who are widely considered to have underperformed on this issue, does he not welcome that requirement?

**Mr. Chope:** My hon. Friend is on to a very good point. The Government have underperformed compared with what they said they would do. The comments by my hon. Friend and those on the Opposition Front Bench are apposite. The Government talk the talk, but do not walk the walk. They certainly do not produce the legislation.

I fear, however, that my hon. Friend has been slightly deluded by the impact that he thinks that new clause 4 will have. The only burden or responsibility that the new clause places on the Secretary of State is that he should produce an energy measures report and, from time to time, produce a revised energy measures report. That leaves things totally to his discretion. The new clauses says that an

"'energy measures report' means a document containing information on local authority measures".

They are not Government measures; we always see that the Government do not want to bind themselves with the same constraints that they want to impose on everybody else. For example, the principles of the Legislative and Regulatory Reform Bill do not extend to Her Majesty's Revenue and Customs, although it is probably one of the biggest functionaries imposing regulation.

Similarly, this new clause does not impose any regulations on Government Departments, but it imposes them on local authorities. It does not just leave it to local authorities to exercise their discretion and use their own knowledge as to whether they think greenhouse gas emissions are a life-and-death issue for our planet, but second-guesses what they might say. It refers to measures that not only "would" but

"might in the opinion of the Secretary of State have any of the following effects".

Why should an elected local council have to agree with the Secretary of State's opinion about something when it disagrees?

**Mr. Hurd:** My hon. Friend makes an excellent point about the parameters of the energy measures report containing information on local authority measures. I take that point completely. However, may I illustrate the potential value of the provision? When I asked the Secretary of State for Environment, Food and Rural Affairs, what her view was on the Braintree initiative, I found out that she did not know anything about it. I found that extraordinary. Surely this exercise would be of value in bringing to the attention of central Government some of the innovation and good practice that is out there, not least because that might feed through eventually into the Treasury and the opportunity to stimulate the national strategy for energy efficiency.

**Mr. Chope:** Again, I understand my hon. Friend's point. I will not call him naive because he comes from a very distinguished political family, and he knows a lot about the issue. However, I had the privilege of being a Minister for a time, and all I can say is that we delude ourselves if we think that Ministers will find out about the good things that parish councils do just through the bureaucratic network. The way that they will find out about the good things that are going on in, for example, Braintree is if the Member of the constituency concerned raises the issue in the House, puts it to a Minister, tables an early-day motion or secures an Adjournment debate.

**Mr. Forth:** May I suggest another couple of approaches? Any local authority that believes that it has a very good approach to these matters could either set up a consultancy organisation and sell their ideas or could go to the famous Local Government Association, which apparently supports the Bill enthusiastically, and disseminate good practice through that body. Local authorities can bypass central Government altogether. They can do their own thing at a local level. Does my hon. Friend not agree that that would be a much more efficacious approach?

**Mr. Chope:** I agree absolutely. That is what responsible local authorities will do. I do not agree with the Greater London authority and the Mayor about much, but we have already heard that they are now apparently so exemplary in the way that they perform these functions that the Government do not want to include them in the provisions of the new clause.

Trust is one of the new themes of the Conservative party.

**Mr. Forth:** Trust the people.

**Mr. Chope:** It has been a perennial theme that we should trust the people and the institutions to do what is best for their own local communities. Why do we not keep it local instead of getting the Secretary of State involved when he is not even prepared to impose the same burdens on Government Departments?

When we come into the Palace, we sometimes see Government Car Service vehicles outside with their engines running. What sort of example does that set? It

*[Mr. Chope]*

is an example of the Government saying one thing to everybody else, but doing something else. If some of the new office blocks in London that the Government are preparing for their own occupation met some of the standards that people aspire to in the context of the Bill, I would have more faith that the Government are intent on doing something themselves and for themselves rather than their just imposing burdens on local authorities.

In the context of any new "requirement", one always has to ask what the sanction will be if local authorities do not have regard to the energy measures report. I re-read new clause 4 to try to find out what sanction there is, and I do not think there is one. What is the point of having a "requirement" if there is no sanction? That merely enables those who ignore Government circulars because they are so plentiful and they cannot cope with them to be able to get away with that. It also imposes an unnecessary burden on those who think that, just because something comes from the Government, they have to have regard to it. The fact that there is no sanction gives the lie to the suggestion that this is a significant move forward.

My hon. Friend the Member for Bexhill and Battle (Gregory Barker) described this as a timid Bill, but said that it showed a clear direction of travel. I am not sure that it even shows a clear direction of travel except in the sense that it is an exercise in cynicism on the part of the Government. I do not think that the Bill is necessary to enable local authorities to do what it suggests they will be able to do. They can do what is set out in the Bill already.

I do not know whether the Minister will respond to these points, but the context of the debate is about objective universal truths. If there are universal truths about greenhouse gases, global warming and so on, why, in subsection (3) of new clause 4, does he not rely on those universal truths instead of including the expression

"might in the opinion of the Secretary of State have any of the following effects"?

That subsection is a recognition of the reality that we are in unknown territory in which there are arguments on both sides of the issue. In so far as new clause 4 does anything, it seems that it gives the Secretary of State the last say on which way the argument should go.

I am sure that my hon. Friends will be familiar with *The Spectator*, and today's edition contains a superb article by a former distinguished Chancellor of the Exchequer, Lord Lawson of Blaby. It shows that there is no universal truth in relation to the issue and that it is subjective. He makes some remarks about whether, for some people, we are talking about something that is tantamount to seeking a religion that they do not already have. I will not go down that road—certainly not without the Prime Minister in his place. I do not think that we are dealing with something objective.

What I do not like and find rather distasteful about new clause 4 is the way in which the Secretary of State's opinion would be imposed on local authorities, even when they disagreed with it. On Second Reading, my hon. Friend the Member for Salisbury (Robert Key) intervened to ask what he was going to do about his local council, which does not buy into the science at all. I think that he thought that the provisions would force the council to buy into the science even if it did not agree with it, and perhaps that is the Government's intention, but that is the complete antithesis of local democracy.

**Mr. Forth:** I am glad that my hon. Friend said that. Presumably the obvious answer is that it is up to local voters to express an opinion. If the matter becomes an important local issue, which I doubt it ever will, because people have got far more important things in their lives than windmills, the answer is that the local ballot box is the vehicle by which local government can decide, in its various different ways, whether to give any significant priority to the matters contained in new clause 4.

**Mr. Chope:** My right hon. Friend is absolutely right. I am sure that he is as enthusiastic a supporter of the principles of localism as I am. We do not believe in just mouthing platitudes about localism; we would like it to be implemented in practice.

On that final point, I find it extraordinary that the GLA will be excluded from the provisions when the local parish council down the road from where I live in my constituency be will required to deal with this new burden—if indeed it is a burden, and if it is not a burden, it is a complete waste of everybody's time.

I am delighted that my hon. Friend the Member for Bexhill and Battle thinks that he has won a great victory, because I am all in favour of the Opposition winning victories. If he thinks that new clause 4 is a great victory, far be it from me to disabuse him of that idea. From my perspective, new clause 4 could potentially have a very intrusive effect on local authority freedom. It offends against the principles of deregulation, which I thought that the Government signed up to.

**James Duddridge:** I will try to make my comments brief. I had hoped to speak in favour of the amendments, but, having listened to many of the points that have been made, I recognise that new clause 4 is fundamentally flawed. I had hoped to speak in support of it because I believe passionately that climate change is the biggest problem that we face. However, very little evidence has been brought forward in this debate on how to prioritise and allocate resources efficiently in relation to the problem. New clause 4 takes the direction of environmental policies away from local government to central Government. I do not support that move, because localism will create much greater diversity. It concerns me greatly that the Secretary of State will have greater powers, particularly under new clause 4(3), which appears to give him powers to compel local authorities to have regard to any report that he deems relevant. That is turning things on their head. We need diversity in local government.

Unlike other hon. Members, I do not believe that fuel poverty has a place in the Bill. It is a useful term and engages with real problems. However, rather than highlighting an issue, it dilutes the more general issue of poverty overall and negates some other forms of poverty such as water poverty. The Government are fixated on fuel poverty and water poverty, rather than food poverty—my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) raised that point. They are still deeply uncomfortable with energy and

water requirements being provided by the private sector in their entirety. It is less defensible to attack the position on food security and food poverty, requirements that have been dealt with by the private sector efficiently for a much greater time.

11.15 am

My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) believes that new clause 4(5) is a good provision and provides a much greater case for approving the Bill. I am afraid that I share the views of my hon. Friend the Member for Christchurch (Mr. Chope) that it does not compel the Secretary of State to produce anything of substance. If an energy measures report was going to be useful, it would have been much better to see a detail compelling the Secretary of State to produce specific information in that report.

I mentioned the issue of unitary councils in relation to new clause 4(6). I would appreciate it if the Minister dealt with that point. It may well be that a unitary council is part of a community council.

**Malcolm Wicks:** May I preface my remarks by saying that, at times, I have found that I am listening to what almost amounts to a private conversation on the Conservative Benches? As a Darwinian, I found that fascinating, despite my embarrassment. On the one hand, we have heard the points of view being put forward by the Front-Bench spokesman and some colleagues, representing a new political creature—the green Tory or cleaner and greener Tory—that has recently been discovered. Experts are not entirely clear about the location, but Notting Hill seems to be the leading hypothesis. That new political creature has been debating with—I am talking technically—a throwback: Bromley man.

**Dr. Alan Whitehead** (Southampton, Test) (Lab) *rose—*

**Malcolm Wicks:** The DNA tests are still in the laboratories, but I think that Bromley man is genetically related to an earlier creature: Selsdon man, close to my constituency. The debate has been fascinating. As a generous person, I wish the Opposition well in trying to resolve matters in due course.

**Greg Clark:** Will the Minister give way?

**Malcolm Wicks:** I will give way to my hon. Friend the Member for Southampton, Test (Dr. Whitehead) first, not because he is my hon. Friend but because he stood up first.

**Dr. Whitehead:** I thought it might be worth reminding my hon. Friend of Piltdown man, who I think was discovered in Kent and turned out to be a complete hoax and fraud.

**Madam Deputy Speaker:** Order. I hope that we will now get back to the amendments and new clauses under debate.

**Malcolm Wicks:** I will not say any more about fuel poverty, because I hope that I covered that in my earlier remarks, but I remember, once upon a time in Bromley, discussing with elderly people and their representatives very real concerns about—to use the jargon—fuel poverty. There are people in Bromley who are too cold, just as there are in all our constituencies, and we need to help them. That is the serious point to make about this issue.

A substantive point was raised, perfectly properly, about the definition of a unitary authority in relation to new clause 4(6). We have checked and I am advised that unitary authorities are included under district councils.

**Gregory Barker:** I am delighted to be called to respond to the debate, which I do not intend to delay. A good point was raised about parish councils and unitary councils and I can see the merit in that argument. I certainly do not want untoward burdens to be placed on that tier of local government. Nevertheless, I know that there is a great deal of support for measures to tackle the problems of climate change at the lowest level of local government. I have received numerous letters from people involved in parish councils who want us to be more robust in giving clear direction to local government at all levels.

Let me come back to the point that I made in my opening speech about the survey of 300 local authorities, to which 92 per cent. responded. The authorities thought—Conservative Members have said this—that the issues covered by the measure fell under the remit of existing provisions on the statute book that provided powers to tackle climate change, but that the reason why they were not being prioritised—

**Madam Deputy Speaker:** Order. May I ask the hon. Gentleman to face the Chair while he makes his remarks?

**Gregory Barker:** I beg your pardon, Madam Deputy Speaker.

The existing powers were not being used because of a perceived lack of political direction from central Government, and the Bill will now clearly put a duty on the Secretary of State to provide that much-needed central direction. I thought that new clause 1 was a brief and correct measure, but the Minister has drafted his own interpretation. I am not entirely sure what the extra lines in new clause 4 add to new clause 1, but I bow to the knowledge of the civil service, which will have advised him as he drafted his measure. While acknowledging that we have won this battle, I willingly and happily beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**New Clause 3**

ANNUAL REPORT ON ENERGY PRODUCTION

'It shall be the duty of the Secretary of State in the course of each calendar year to lay before Parliament a report on the amount of energy consumed in the previous calendar year in the United Kingdom which was produced by—

(a) those sources of energy mentioned in section 82(7) of the Energy Act 2004 (c. 20) (microgeneration);

*[Gregory Barker]*

(b) nuclear energy;

(c) fossil fuels.'.—*[Mr. Chope.]*

*Brought up, and read the First time.*

**Mr. Chope:** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker:** With this it will be convenient to discuss amendment No. 28, in clause 2, page 2, line 9, at end insert

'and

'(c) the reduction in emissions of greenhouse gases in the United Kingdom during the three most recent years for which information is available which is attributable to—

(i) the use of those sources of energy mentioned in section 82(7) of the Energy Act 2004 (c. 20) (microgeneration);

(ii) nuclear energy.'.

**Mr. Chope:** I tabled new clause 3 because if we are to have a constructive debate about climate change and sustainable energy, which is what the Bill is all about, we need to ensure that the public are properly informed of the facts and options. At the moment, the extent to which energy consumption in this country is rising and the sources of that energy consumption are not generally known. New clause 3 thus refers specifically to energy consumption.

In 1998, energy consumption in the United Kingdom was 155.8 million tonnes of oil equivalent. The "Digest of United Kingdom Energy Statistics 2004", which is published by the Department of Trade and Industry, says that that was shared among the domestic sector, which consumed 46.1 million tonnes of oil equivalent, industry, which consumed 34.5 million tonnes of oil equivalent, transport, which consumed 53.7 million tonnes of oil equivalent, and other sectors, which consumed 21.5 million tonnes of oil equivalent. Solid fuels accounted for 5.3 million tonnes of oil equivalent. Petroleum accounted for 66 million tonnes of oil equivalent. Gas accounted for 55.9 million tonnes of oil equivalent, electricity for 27.1 million tonnes of oil equivalent and renewables for 0.9 million tonnes of oil equivalent. One does not have to be a mathematician to see that renewables, which are effectively the subject of today's debate, produced an extremely small proportion of the energy consumed.

11.30 am

The latest figures for 2004—I will not cite the statistics for the intervening years—show that total energy consumption in the United Kingdom rose from 155.8 million tonnes of oil equivalent to 161 million tonnes of oil equivalent between 1998 and 2004. Energy consumption in the United Kingdom thus increased by 5.2 million tonnes of oil equivalent. Over that period, the amount of energy consumption by fuel changed dramatically. The amount for which solid fuels accounted dropped from 5.3 million to 3 million tonnes of oil equivalent, while the figure for petroleum increased from 66 million to 69.8 million tonnes of oil equivalent. The figure for gas increased slightly from 55.9 million to 56 million tonnes of oil equivalent, and the figure for electricity from 27.1 million to 29.2 million tonnes of oil equivalent—an increase of 2.1 million tonnes. However, the amount of energy that came from renewables fell from 0.9 million to 0.7 million tonnes of oil equivalent, although it is fair to say that 2.2 million tonnes of oil equivalent came from "heat sold" in 2004.

I cite the statistics because they show that the mood music behind the Bill, which is an attempt to make people think that if we talk a lot about renewables, we will sort out the problems of climate change, is completely fallacious. Although there was an increase in energy consumption of 5.2 million tonnes of oil equivalent between 1998 and 2004, the amount of energy produced by renewables went down. We know from the Government's most optimistic figures that 10 per cent. of electricity should be produced by renewables by 2010, but that would be less than 3 million tonnes of oil equivalent, which is a lower figure than the total increase in energy consumption between 1998 and 2004. On even the Government's most optimistic view, renewables will not contribute to reducing the proportion of energy consumed that comes from other sources.

There is a belief that global warming and climate change are the biggest issues that we face, and the Government's chief scientific adviser says that they are more important than terrorism. If they are of such gravity, it is important that we ensure that the proper figures are available so that a good public debate can take place.

**Mr. Forth:** Does my hon. Friend think that one of the reasons why renewables have failed to make the breakthrough into viability and credibility is that the planning constraints, which have already been touched on in the debate—

**Madam Deputy Speaker:** Order. New clause 3 refers to the duty of the Secretary of State to lay a report before Parliament, rather than the merits of one kind of fuel over another.

**Mr. Chope:** I am grateful to you, Madam Deputy Speaker, for making that point.

I make a plea to the Government to let the facts speak for themselves. If the facts are publicised, a lot of the mythology about the contribution that renewables can make to addressing climate change could be exposed for what it is.

Another reason why I thought that it would be useful to produce the report to which new clause 3 refers was that it would point out the amount of energy that was produced by nuclear power in the previous calendar year. A lively nuclear debate is going on at the moment, and we are told that there will have to be less reliance on nuclear in the future. Indeed, unless new nuclear power stations are constructed, the amount of energy produced by nuclear will decline significantly. Of course, nuclear came under the definition of "electricity" in the statistics that I cited.

The latest figures that I have on the proportion of electricity consumed in other countries that comes from nuclear are for 2002 and are contained in the energy White Paper. They show that the proportion of

electricity from nuclear power in Organisation for Economic Co-operation and Development countries ranged from about 4 or 5 per cent. in the Netherlands and nothing in Poland, Portugal, Norway, New Zealand, Luxembourg, Australia and Austria to nearly 80 per cent. in France, almost 60 per cent. in Belgium, nearly 50 per cent. in Sweden, 30 per cent. in Finland, which is investing in new nuclear capacity, almost 30 per cent. in Germany, 25 per cent. in Japan and well over 20 per cent. in Spain.

The amount of electricity from nuclear sources should be increased. The United Kingdom is pretty well down the league in terms of the amount of energy used that is produced from nuclear. If the amount of nuclear energy produced across the globe was doubled, that would deal with all the Kyoto targets at a stroke. Yet there seems to be almost a conspiracy among people who are taking decisions relating to energy policy to ignore or underrate the role of nuclear energy. *[Interruption.]* Does the hon. Member for Perth and North Perthshire (Pete Wishart) want to intervene? I cannot hear what he is saying from a sedentary position.

**Mr. Forth:** Will my hon. Friend give way to me?

**Mr. Chope:** Of course.

**Mr. Forth:** I do not know whether my hon. Friend is aware of this, but in my conversations with parliamentary colleagues, there is, happily, overwhelming support among Conservative MPs at least for the development of nuclear energy. I hope that that gives him some encouragement—

**Madam Deputy Speaker:** Order. I have ruled that we are talking not about the merits of one kind of energy apropos of another, but about the duty to produce an annual report.

**Mr. Chope:** I am grateful for that, Madam Deputy Speaker.

In the annual report, which I hope the Government accept that they should produce, they would have to demonstrate the amount of energy consumed in the previous calendar year in the UK produced by nuclear energy. I hope that as part of that they would tell us what percentage of electricity consumed came from nuclear energy generated outside the UK. I used to represent Southampton, as the hon. Member for Southampton, Test (Dr. Whitehead) does now, where Pirelli produced the pipeline that transfers energy between France and the UK, and vice versa. That is an important means of ensuring that we obtain electricity for our grid.

If the policy of the Government and the chief scientist is that global warming is the most catastrophic prospect that we face, and even greater than the threat posed by terrorism, we should welcome the chance to assess the electricity consumed in the previous year that emanated from nuclear energy. We should assess the energy generated within the UK and the nuclear energy that was generated in that great country where we have so many friends—France. That information would be useful for the public debate. Sometimes people are concerned only about their home patch, but if we are to be honest with ourselves and accept that the fuel balance and the amount of energy produced need to have a mixture from various sources, surely we should not run down our own nuclear generating capacity only to "impose a burden", in the eyes of the opponents of nuclear energy, on the people of France to produce more nuclear energy so that we can consume it and feel happy in our skins when we leave the television on standby at night.

The issue of nuclear energy and where it comes from is important. The Prime Minister talks about having a big debate. Indeed, he referred to the subject in Prime Minister's questions this week. That big debate needs to be based on hard facts relating to actual consumption of energy in this country and the contribution made by the different methods of generation. When those figures are produced and, I hope, publicised, they will enable people to realise that a cosy talk about microgeneration cannot be a substitute for nuclear energy. The consequence of putting our heads in the sand about that will mean that we have to rely much more on fossil fuels, which is covered in proposed new paragraph (c).

The new clause speaks for itself. If it is introduced, I hope that it will enable the Bill to be slightly more balanced, instead of relying on or talking about renewables and microgeneration. I am not against microgeneration. Everybody should have the freedom to generate things for themselves if they want to, as long as they comply with the planning conditions and do not impose a burden on their neighbours. To put my cards fairly and squarely on the table, however, I am much less sure about whether we should subsidise people to enter into microgenerative production of energy so that it can be sold at a subsidised rate to the national grid.

Most of all, I am keen that we should have this big debate. Even today, the article in *The Spectator* by my noble Friend Lord Lawson of Blaby—

**Madam Deputy Speaker:** Order. I have not had the opportunity to read the article, but the new clause is about the need for an annual report to be presented to Parliament. Perhaps the hon. Gentleman will address his remarks accordingly.

**Mr. Chope:** I think that the person who wrote the article on nuclear energy in *The Times* today would agree that we need the information to promote that important public debate.

**James Duddridge:** In the unlikely event that the excellent new clause is not accepted, will my hon. Friend press the Minister to provide the information to the House either as a result of the debate or via a written answer? Does my hon. Friend agree that if it is not accepted, he could table the question on a regular basis, asking for a comparative analysis from the Minister, which would be a welcome contribution to the debate?

**Mr. Chope:** My hon. Friend makes an important point, but I am not sure—perhaps the Minister will tell us—whether he would find the requirements in the new clause a major new burden on the Government, or whether the information that it requires them to produce is readily available. It is certainly not easy for people to get the information at the moment without going to various sources. I do not think that there is any

*[Mr. Chope]*

information about the amount of energy consumed in the United Kingdom that emanates from nuclear energy generated in France.

**Gregory Barker:** As a relatively new boy I hesitate to give advice to a former Minister and senior colleague, but I am sure my hon. Friend is loth to trouble the legislature by requiring more things to be put on the statute book. Why does he simply not visit the Table Office with a written parliamentary question? I am sure that the Government will furnish him with an up-to-date answer—*[Interruption.]* Or go to the Library, indeed.

**Mr. Chope:** I congratulate my hon. Friend on framing the expression "Touché" in such polite terms. He is making exactly the same criticism that I made of new clause 1 and Government new clause 4, which do not achieve anything that cannot already be achieved by other means. I accept in the spirit in which it is intended his criticism that new clause 3 will not achieve anything that we cannot achieve in written parliamentary questions. He will know, however, that in business questions, the issue was raised as to whether or not our right to table as many ordinary written questions as possible will be curtailed by the Government, thus removing the liberty of representatives to defend their interest in a subject. In such circumstances, if one exhausted one's allocation of questions on a particular day or the Minister did not answer the question, as is often the case, one might not have the opportunity to ask more questions.

**James Duddridge:** Perhaps my hon. Friend did not hear the Minister say from a sedentary position that he would be delighted to provide that information, which I welcome. Will he press the Minister to confirm that that information will cover all the points that he has raised? As a new Member, I know that full answers to questions cannot always be provided, sometimes for a very good reason.

**Mr. Chope:** I agree with my hon. Friend. Had such information been readily accessible it would have been useful to the Prime Minister when he responded to questions this week. I am glad that, even though I did not hear the Minister's sedentary intervention, he is minded to accept the new clause. To ask a rhetorical question, if worthless legislation is to be included on the statute book what harm is there in adding another worthless provision to it?

**Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): May I declare the support that I have received from the sustainable energy partnership and its members in introducing the Bill? May I also declare to the House that I am organising a seminar on sustainable energy, for which I expect to receive support from co-operative financial services?

The intervention of the hon. Member for Bexhill and Battle (Gregory Barker) has pre-empted most of my contribution. When we debated the last group of amendments, the criticism was that the measure went too far. New clause 3, however, goes far beyond the scope of the Bill, which is an ambitious measure that became more ambitious in Committee. However, one has to draw the line somewhere. With respect to the hon. Member for Christchurch (Mr. Chope), his proposals are a contribution to the energy debate. I accept that that is a necessary debate, but the difficulty that he and his hon. Friends had in sticking to the subject shows that this is not the right time to hold it. I urge him to take up the invitation extended by his hon. Friend the Member for Bexhill and Battle to table questions. Indeed, he could submit a request for an Adjournment debate. I am sure that he wants to take a constructive approach, so as the Bill's promoter I urge him strongly to withdraw the motion. If he is not willing to do so, I urge the House to vote against the new clause.

**Mr. Chope:** I thought that the hon. Gentleman was saying that my new clause was innocuous. If so, and given the fact that, by definition, it falls within the scope of the Bill otherwise it would not have been selected for debate, why will he not accept it?

**Mark Lazarowicz:** As the hon. Member for Bexhill and Battle said, we should not burden the legislative body with provisions that will not achieve any objective. The hon. Member for Christchurch said that his new clause will not achieve anything, so I urge him to withdraw the motion. If he does not do so, I will urge the House to oppose it.

11.45 am

**Mr. Forth:** I am rather torn. On the one hand, much of the information required under new clause 3 is already available but, on the other, my hon. Friend the Member for Christchurch (Mr. Chope) is seeking additional information. We must probe the measure to establish its efficacy and how much value it adds to the debate. No one in the House would shrink from the need for an open and frank debate about the relative values of different sources of energy, not least nuclear energy, which I strongly support, as do most of my parliamentary colleagues, as far as my conversations reveal. When my hon. Friend set out the information that he required he gave the game away by revealing to the House that he had elicited a considerable amount of that information from existing sources.

That illustrates the dilemma that we face in such cases, as information is already available in the Library and in responses to parliamentary questions. I gather that there are things called websites that purport to give information, but the reason why colleagues should rely on them when they are strongly advised not to believe a word that they read in the newspapers eludes me. That discussion, however, is for another day. Given the plethora of information sources, it is ironic that my hon. Friend should seek to add his new clause to the Bill. There is an echo of our earlier debate, because we need to prevent the Bill from being burdened with additional provisions, as the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) has just said but, equally, we have just agreed without a vote a substantial new clause tabled by the Minister. We will always be in two minds about such matters.

My hon. Friend wishes to place a new duty on the Secretary of State. To reiterate what I said earlier, the word "duty" always gives me pause for thought, because I am reluctant to add to the burdens even of these

Secretaries of State, as that can distract them from other important matters and, if we are not careful, increase the burden on the taxpayer, who always pays for the resources needed to discharge those duties. We should not be under any illusion—it is not the Secretary of State who undertakes these things but officials acting on his behalf. We are therefore talking about departmental resources and priorities, and we must ask ourselves whether the additional information that my hon. Friend is seeking to elicit and lay before Parliament will be beneficial. A new duty will be imposed on the Secretary of State, and information will be required every calendar year. I am not sure whether annual reports are of much value in helping us to deal with the great issues of climate change, greenhouses gases, emissions and so on. May I suggest to my hon. Friend in a friendly spirit that it is long-term trends that are important, not annual changes? In the 1970s, the experts told us that we were definitely entering another ice age, but they soon had to reverse that opinion, which demonstrates that an annual snapshot of emissions, the climate and so on is arguably of little value.

**Mark Lazarowicz:** The right hon. Gentleman and I might have been of the same mind if the hon. Member for Christchurch (Mr. Chope) had tabled a new clause calling for a review every millennium. Does the right hon. Gentleman agree that that would be more appropriate?

**Mr. Forth:** That sounds like a very attractive proposition. Perhaps we could consider it through further amendments to the Bill. I am happy to say, as I am sure Madam Deputy Speaker will confirm, that if by some mischance we do not finish our deliberations on the Bill by the end of today, there will be many opportunities for further amendments to be made. I welcome the hon. Gentleman's suggestion. He is helping us suggest amendments to his own Bill, upon which we can deliberate on other Fridays—Fridays, plural.

The point that I am making relates strictly to the wording of new clause 3, "each calendar year". I am sorry to say this to my hon. Friend the Member for Christchurch, but I am querying the efficacy, benefit and value added of annual reports on movements in the huge issues that confront us, of the kind that new clause 3 covers. The amount of energy consumed could be affected by alterations in climate. If we had a very cold winter—that seems virtually impossible, given the claims about global warming, but let us imagine that we had the odd cold winter or a drop in temperature, rather than the much promised global warming, to which I look forward very much, because it will benefit many parts of the world and many aspects of our lives—given the variations in climate, the consumption of energy in the United Kingdom would vary from one year to another. What conclusions are we expected to draw from that? Will we panic, change our policies and change direction as a result of this or that movement, on a yearly basis?

To answer the rather tongue in cheek but helpful suggestion from the promoter of the Bill, triennial or quinquennial reports might be more relevant, in order that we could begin to see the development of trends in energy matters, as related to climate matters. That would be of more value. I want to look again at the Bill in the context of the hon. Gentleman's helpful suggestion, to see whether we can work up some further amendments that would reflect that.

**Mr. Chope:** Does my right hon. Friend agree that "built to last" is an important principle, and that for something to be built to last, it needs foundations? The building of those foundations may be momentary, but may be seen as significant in the context of history.

**Mr. Forth:** Such matters must be weighed up. We are discussing whether an annual approach is the most efficacious, and I am raising some doubts about that. When my hon. Friend sums up the debate, he will no doubt seek to change my mind.

When we go on to examine the detail of the measure that my hon. Friend outlined, other questions must be asked. Given that it calls for a yearly report to be laid before Parliament, what is Parliament expected to do as a result? I hope he is not suggesting that we get into the ghastly provinces of early-day motions and rather feeble Adjournment debates, where Members of Parliament unburden themselves, usually unheard by most people and listened to by few. Such a response to the proposed annual report would have no effect whatever.

I am delighted that the Minister is conducting a review of energy requirements and I look forward to its outcome. I support what the Prime Minister said on Wednesday about energy and energy supplies, and the spirit in which he said it. If it meant what I thought it meant, he will have my support on that matter.

How is Parliament supposed to react to a report on energy consumption every year? Not much at all, I hope. It would make no sense for us to react on an annual basis to movements one way or another in the amount of energy consumed in the United Kingdom year by year.

Next we come to a more interesting part of my hon. Friend's new clause. The report will seek to identify—I choose my words carefully—

"those sources of energy mentioned in section 82(7) of the Energy Act 2004 (c. 20) (microgeneration)".

I hope my hon. Friend will refer to this when he sums up. I wonder whether we have any certainty or confidence in our ability to identify, in a useful and usable way, the production of energy by, for example, windmills, solar panels, tide, biomass or any of the other trendy means to which people are so attracted.

I cannot conceive how, in a meaningful way and with figures on which we could rely year by year, even the Government, with all the resources at their disposal, could identify the production of energy by those various means. Surveys could no doubt be done and questions asked, but would we get real figures, particularly for domestic installations of little windmills, solar panels and the like? I concede that tidal installations would be a much easier proposition, but I question whether we could get real, reliable figures at the micro level of detail. I hope to be reassured.

Nuclear energy, on the face of it, looks much easier, except for the fact that my hon. Friend mentioned—the interconnector. When we come to the import of energy, I pose another question to which I do not know the answer. It is always risky to ask a question to which one does not know the answer, but since we are among friends, having a private conversation in the Chamber

*[Mr. Forth]*

on a Friday, I feel a little freer to ask such a question. In the context of the import of energy and the interconnector, do we know the sources of that energy? If electricity comes flowing across from our friends in France, do we know whether is it generated by their nuclear installations or from other sources, perhaps fossil? We would certainly want to know that, in the context of the new clause and the Bill, but I am not sure that we could be confident of that.

The same applies to fossil fuels. Again, it is one thing to seek to identify the amount of energy consumed overall, but is it possible to identify energy consumed in terms of its production from different types of fossil fuel, as opposed to nuclear, whether imported or not, and microgenerating sources, and what value would that have?

**Mr. Chope:** If the Government have set a target of 10 per cent. of electricity from microgeneration, that suggests that they must have some source for the figures.

**Mr. Forth:** One would think so, but just saying it does not make it so. It may be possible to identify the total amount of energy consumed, but my hon. Friend's new clause refers to "sources of energy", plural, which I assume means our old friends windmills, solar panels and so on. Is such a breakdown into meaningful detail possible? I am sure we all want to know whether windmills are a viable source of energy. As I suggested earlier, regional and geographical variations come into play, as they do with solar panels and various other renewable sources of energy.

There is a debate, rightly, about how far those can be relied upon and whether they can be a meaningful part of our overall energy production day by day, hour by hour, season in, season out, in different parts of the country. All that is relevant, but I do not know whether my hon. Friend's new clause would provide any of that information or whether that was his intention.

**Mr. Chope:** I apologise to my right hon. Friend for not having engaged him in the drafting process, because new clause 3 would have been even better with his help.

**Mr. Forth:** Perhaps we can sit down together in the next few days to draft further amendments, because I am confident that an opportunity to draft such amendments will arise, given the need to scrutinise this important Bill very carefully.

It pains me to say this, but I remain unconvinced by my hon. Friend's new clause. Although my hon. Friend and I agree on most things, our friendship allows us occasionally to disagree on such matters. I can see what he is getting at, but new clause 3 is defective. I await his further explanation, because if he can answer my questions, he may yet persuade me to support his new clause.

12 noon

**Malcolm Wicks:** The concept of a millennium has been mentioned, and we have used up a proportion of one this morning.

I will not enter into a debate about nuclear energy. New clause 3 mentions nuclear energy, but as Madam Deputy Speaker has said, this is not an opportunity to discuss nuclear energy policy. The Bill is about microgeneration and micro-power, and the concept of a micro-nuclear generator suitable for the patio is still a glimmer in the eye of the maddest of mad nuclear scientists. Nuclear power is not directly relevant to today's deliberations.

**Mr. Chope:** Will the Minister give way?

**Malcolm Wicks:** No; not yet.

New clause 3 would give the Secretary of State a duty to report whether energy consumed in the UK was produced by microgeneration, nuclear energy or fossil fuels. The Department of Trade and Industry already publishes monthly, quarterly and annual data on energy produced by nuclear energy and fossil fuels, and microgeneration, which is currently minimal, does not form part of the survey. When the number of microgeneration installations has risen to a level that allows the collection of reliable data, we will include microgeneration in our reports, so the new clause is superfluous. I do not know whether the hon. Member for Christchurch (Mr. Chope) has studied the existing published data and found it to be inadequate, or whether he has not accessed the relevant shelves in the Library.

**Mr. Chope:** The Minister has referred to statistics on energy produced, but the new clause deals with energy consumed. Does his Department produce weekly or monthly statistics on, for example, the percentage of energy consumed generated by nuclear power in France?

**Malcolm Wicks:** If the hon. Gentleman studies the data again, he can satisfy himself—for example, we know that roughly 19 per cent. of current electricity consumption was generated by nuclear power. I will write to him about the French connection, because there may be technical factors in determining the source of electricity coming into this country. If my physics has let me down, which it often does, I shall write to him, but I think that two British isles—Guernsey and Jersey—already consume French nuclear energy, although the situation is more complicated across the rest of the British isles.

Amendment No. 28 would mean that the annual report on greenhouse gas emissions published under clause 2 would contain data on reductions attributable to microgeneration and nuclear energy. The Department for Environment, Food and Rural Affairs currently publishes data on greenhouse gas emissions by the energy sector, and as I have said, the DTI publishes statistics on energy produced from different sources. Given all that publication, there is no need for a specific requirement on reductions attributable to microgeneration and nuclear power. I therefore oppose new clause 3 and amendment No. 28.

**Mr. Chope:** We have had a useful debate. I am grateful to the Minister for joining in, for telling us what information is available and for offering to write to me about the important question of the amount of energy

consumed in this country that was generated overseas by nuclear power. His willingness to try to provide that information suggests that he sees that it would be remiss of the British people to think that they are doing a good thing in rejecting domestically generated nuclear electricity if they continue to rely on surges of French-generated nuclear electricity. The difference between Greenwich mean time, British summer time and continental time mean that peak surges in demand come at different times, which is a great virtue of the interconnector.

I was disappointed by the response by the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz). The Bill includes many requirements to produce this and that, so I should have thought that he would be pleased to see such a report being presented to Parliament. There is a difference between statistics being published by Departments and statistics being included in a report available to Members of Parliament. I thought that I detected a sneering tone in the hon. Gentleman's comments about nuclear energy, but perhaps I was mistaken and am being unduly jaundiced.

My greatest concern about this short debate is that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) remains unconvinced. He made the good point that individual figures are not useful unless one can identify trends. The Organisation for Economic Co-operation and Development has produced a document examining trends over a 12-year period—not a millennium—which shows significant changes in activity. For example, the amount of nuclear electricity produced in the Czech Republic increased by 48.9 per cent. between 1990 and 2002. Over the same period, the amount increased by 125 per cent. in Sweden, decreased by 0.9 per cent. in South Korea and increased by 33.9 per cent. in the UK. I accept my right hon. Friend's point that taking one year's figures alone is not useful, unless one can point to the trend, but obviously if the Secretary of State produced the reports every year, we could compare one year's report with the next. When the new report was published, we could examine the equivalent figures for the previous year and work out the trends from that.

**Mr. Forth:** My hon. Friend is probably right in a technical mathematical sense. However, I am more worried about the cost of collecting the data to produce the report to which new clause 3 refers. Is he satisfied that it would be reasonable and containable? A more sporadic basis for reporting would cost less than insisting on doing it annually or continuously. Will he concede that at least?

**Mr. Chope:** I would concede that, if the Minister had not already said that most of material that I have requested is already available. However, my right hon. Friend's point about cost is material to microgeneration. I was surprised when the Minister admitted that he had no ability to measure in detail the amount of consumed energy that comes from microgeneration. Yet the Government have set a target of 10 per cent. by 2010. If they cannot measure the existing amount, how can they set a target?

**Malcolm Wicks:** I know that the hon. Gentleman is a master of data, because that is what the new clause is about. However, he is wrong about the target. The target of 10 per cent. is for renewables: we hope that 10 per cent. of our electricity will come from renewables, including wind turbines rather larger than those that some of us hope to put on our roofs. It is not a target for microgeneration. On this rare occasion, he has missed the point.

**Mr. Chope:** I am grateful for that clarification. I fully accept that I was under a misapprehension. I wrongly equated renewables with microgeneration. The Minister will correct me if I am wrong, but I understood that microgeneration was a form of renewable. [HON. MEMBERS: "Not necessarily."] In that case, I am even more confused.

**Mr. Forth:** Does my hon. Friend agree that the little friendly exchanges that we have on Fridays illustrate the value of such debates? It is important that amendments are tabled and debates are held on Report so that we can all learn, as well as make good law.

**Mr. Chope:** My starting point was believing that the Bill was about climate change. As I understood it, the way of avoiding climate change—

**Madam Deputy Speaker:** Order. The hon. Gentleman is supposed to be winding up the debate on new clause 3. Perhaps he would do that.

**Mr. Chope:** I will. I was simply following on from my helpful exchange with the Minister because I was told that microgeneration was not necessarily renewable and did not therefore necessarily contribute to a reduction in climate change. That puts a different perspective on a Bill that includes climate change in its title. All its important provisions apparently refer to renewables—

**Madam Deputy Speaker:** Order. The new clause deals with the need for an annual report to Parliament. Perhaps the hon. Gentleman will conclude the debate on that.

**Mr. Chope:** Absolutely, Madam Deputy Speaker. It has become clear that the new clause has a fault line. It refers to microgeneration but not to renewables. It also refers to nuclear energy and fossil fuels. I admit that when I drafted it, without the benefit of Government drafting advice or that of my right hon. Friend the Member for Bromley and Chislehurst, I omitted to acknowledge that microgeneration and renewables are two different concepts and that the former, as I now understand it, is irrelevant to climate change and global warming. On that basis, it would be better to ascertain whether I could draft the new clause better.

However, I am grateful to the Minister for offering to write to me about the interconnector, and to all those who have made constructive alternative suggestions. I am also pleased that I tabled the new clause. If I had not, I would have remained under the illusion that microgeneration contributed significantly to reducing climate change, when it obviously does not. I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

## New Clause 4

LOCAL AUTHORITIES TO HAVE REGARD TO INFORMATION ON ENERGY MEASURES IN EXERCISING FUNCTIONS

'(1) The Secretary of State—

(a) must, not later than 12 months after this section comes into force, publish an energy measures report, and

(b) may from time to time publish revised energy measures reports.

(2) Every local authority must, in exercising any of their functions, have regard to the most recently published energy measures report (if any).

(3) In this section, "energy measures report" means a document containing information on local authority measures which would or might in the opinion of the Secretary of State have any of the following effects—

(a) improving efficiency in the use of electricity, heat, gas, fuel and other descriptions or sources of energy;

(b) increasing the amount of electricity generated, or heat produced, by microgeneration or otherwise by plant which relies wholly or mainly on low-emissions sources or technologies;

(c) reducing emissions of greenhouse gases;

(d) reducing the number of households in which one or more persons are living in fuel poverty.

(4) In subsection (3)—

"local authority measure" means any way in which a local authority can exercise any of their functions, including—

(a) taking any particular step in the exercise of a function, or

(b) not exercising a particular power;

"low-emissions source or technology" means a source of energy or a technology mentioned in subsection (2) of section 23.

(5) Before publishing an energy measures report (or a revised energy measures report), the Secretary of State must consult the National Assembly for Wales and—

(a) such representatives of local government, and

(b) such other persons (if any),

as he considers appropriate.

(6) In this section, "local authority" means any of the following—

(a) a county council;

(b) a county borough council;

(c) a district council;

(d) a London borough council;

(e) the Common Council of the City of London in their capacity as a local authority;

(f) the Council of the Isles of Scilly;

(g) a parish council;

(h) a community council.'.—*[Malcolm Wicks.]*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 5

BUILDING REGULATIONS RELATING TO EMISSIONS AND USE OF FUEL AND POWER: TIME LIMIT FOR PROSECUTIONS

'(1) After section 35 of the Building Act 1984 (c. 55) insert—

"35A Time limit for prosecution for contravention of certain building regulations

(1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43), an information relating to a relevant offence may be tried by a magistrates' court if it is laid at any time—

(a) within the period of two years beginning with the day on which the offence was committed, and

(b) within the period of six months beginning with the relevant date.

(2) In subsection (1) above, "relevant offence" means a contravention of a provision contained in building regulations which is designated in the regulations as one to which this section applies.

(3) A provision may be designated under subsection (2) above if, and only if—

(a) it was made—

(i) for the purpose of furthering the conservation of fuel and power or otherwise in connection with the use of fuel and power, or

(ii) for the purpose of reducing emissions of greenhouse gases (within the meaning of the Climate Change and Sustainable Energy Act 2006), and

(b) contravention of the provision would be an offence under section 35 above.

(4) In subsection (1)(b) above, "the relevant date" means the date on which evidence sufficient to justify the proceedings comes to the knowledge of the person commencing the proceedings.

(5) In the case of proceedings commenced by a local authority—

(a) evidence is to be regarded for the purposes of subsection (4) above as sufficient to justify the proceedings if in the opinion of the proper officer or an authorised officer it is sufficient to justify the proceedings, and

(b) a certificate of the proper officer or, as the case may be, that authorised officer as to the date on which evidence which, in his opinion, was sufficient to justify the proceedings came to the knowledge of the person commencing the proceedings is to be conclusive evidence of that fact.

(6) Subsection (1) above does not apply in relation to a contravention of any provision contained in building regulations which was committed before that provision was designated under subsection (2) above."

(2) In section 53 of that Act (effect of initial notice ceasing to be in force), after subsection (6) insert—

"(6A) Subsection (6) above is without prejudice to any ability which, after that function has become exercisable, the local authority may have under section 35A above to commence proceedings for the offence after the end of that period of six months." '.—*[Yvette Cooper.]*

*Brought up, and read the First time.*

12.15 pm

**The Minister for Housing and Planning (Yvette Cooper):** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following:

Government new clause 6—*Building regulations to emissions and use of fuel and power: report regarding compliance*

Government amendments Nos. 54, 56 and 57.

**Yvette Cooper:** I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on all the work that he has done on the Bill, and my hon. Friend the Member for Southampton, Test (Dr. Whitehead) on his work on the issues relating to building regulations that are raised in the new clause. I also welcome the work that was done in Committee on this issue.

New clause 5 extends the time limit within which local authorities may bring prosecutions for breaches of those parts of the building regulations designed to conserve fuel and power. We will be strengthening those regulations—known as part L—from 6 April, so that buildings will be 40 per cent. more energy efficient than in 2002. They are particularly important in tackling climate change when building new developments.

If the regulations are to make a difference, they need to be complied with. The new clause will increase the time limit for action, so that if local authorities discover a breach up to two years after it has taken place, they can still take action in the courts, rather than having only six months, as they now do. New clause 6 also promotes greater compliance by asking the Government to report back to Parliament on the issue. Extending the time limits for local authorities to take action could improve compliance with all aspects of the building regulations, and we would like to extend to two years the period relating to all aspects of the regulations. However, only certain parts of the regulations fall within the scope of the Bill. We have therefore taken this opportunity to extend the time limit for the regulations relating to energy efficiency, but it is important to recognise that other aspects of the building regulations also need improvement in order to increase compliance.

**Mr. Forth:** Is the Minister not worried that this could cause confusion? If we are to have two different regimes operating, people might be unaware that only a partial change has been made. They might not know the status of each type of regulation, and whether it had a time limit of six months or two years. Will that not create difficulties?

**Yvette Cooper:** Clearly, it would be better to be able to extend the time limits for all the building regulations at the same time, but that is not within the scope of the Bill. However, we shall seek to extend the provisions to all the other regulations at the earliest opportunity. It is right that we should make the most of this opportunity, given the impact that it could have on improving compliance with the energy efficiency regulations, and the benefits that that could have for addressing climate change.

**Michael Fabricant** (Lichfield) (Con): Is the Minister aware of my concern that building regulations have driven a lot of good electrical engineers out of business? Will she assure me that the new clauses will not adversely affect such traders?

**Yvette Cooper:** I cannot see why the new clauses would affect such traders in any way. They are simply about giving local authorities more chance to pursue breaches of compliance, and it is right that they should be able to do so.

New clause 6 requires Ministers to report back to Parliament on the steps taken to improve compliance with part L and related provisions. We intend to do that, and we take the matter very seriously. If the Bill passes in a timely way, it is our intention to make the report in January 2007 and to include in it matters such as pressure testing, which we are introducing from this April.

The new clauses will be a helpful way of improving compliance with the building regulations. Given the importance of having high standards in the new homes that we need for the next generation, the provisions will add considerable value to the Bill.

**Gregory Barker:** When this issue arose in Committee, it usefully exposed a flaw in the Bill which we thrashed out at the time. I am glad that the Government have been as good as their word, and I thank the Minister for returning with a sensible proposal that I am sure all members of the Committee will welcome.

Extending the time within which prosecutions can be brought must not send local authorities the message that they can relax, and can delay investigation of breaches. The provision is not a way of buying them more time; it constitutes a recognition of the importance that we attach to effective enforcement.

As the Minister has heard, there was considerable dissatisfaction with her Department in Committee. While that was articulated by Opposition Members, including me, I think that it was felt throughout the Committee. I am pleased to see the Minister here today, however, and I hope that the constructive way in which she approached the Committee's deliberations on this issue will be reflected in more constructive consideration of other matters in relation to which concern about her Department was expressed in Committee.

**Dr. Whitehead:** I welcome the new clauses. One of the Bill's aims is to ensure that account is taken of ways in which new build can deal with its own energy needs and consumption, which will not be possible in the long term without proper compliance with building regulations in their current or future form. The new clauses make that possible in a practical fashion, and I thank the Minister for proposing measures that will increase the breadth of the Bill.

**Andrew Stunell** (Hazel Grove) (LD): I welcome new clause 5. There is clear evidence from the Building Research Establishment that most new homes do not comply with the current building regulations. As we raise standards—regrettably, not fast enough or far enough—the risk will increase, as will the need for effective enforcement.

I am pleased that the Minister has proposed these measures. As we heard from the hon. Member for Bexhill and Battle (Gregory Barker), in Committee her Department was subjected to sustained criticism from me, among others, because of its unambitious approach to the implementation of effective building regulations and improvements in energy efficiency and conservation, not just in the housing sector but throughout the built environment.

I hope that, having taken this important step, the Minister will take a second look at the Sustainable and Secure Buildings Act 2004, which I was fortunate

*[Andrew Stunell]*

enough to promote successfully in the House. The Act proposes that a responsible and accountable person should carry the can for compliance with regulations in the case of each building project. Enforcement becomes a great deal easier if someone on the contracting side is responsible for compliance.

I also welcome new clause 6, which gives the Government a duty to report. I hope that it will give Parliament an opportunity to remind the Minister annually that we still think she has not done enough to bring this part of her Department's work under control.

**Mr. Chope:** It is a very long time since I was a Minister in the equivalent of the Minister's Department, but I recall that in those days, it was the building inspector's responsibility to look at a building's construction and to decide whether the building regulations had been complied with. We privatised the building inspectorate so that a range of different people could carry out building inspection responsibilities, and my understanding is that it is already incumbent on the person constructing or seeking to alter a house to employ a building inspector. If so, why should a building inspector so employed not ensure that a building complies with the regulations? The hon. Member for Hazel Grove (Andrew Stunell) thinks that—even before the new, much more stringent regulations come into force on 6 April—the majority of new houses do not comply with the building regulations.

**Andrew Stunell:** That is not my opinion; it is the result of a survey carried out by the Building Research Establishment. It identified the cause of the problem—the privatisation of the building inspection regime that the hon. Gentleman has just boasted about.

**Mr. Chope:** That is a bit of a non sequitur, is it not? As a result of such privatisation, house builders are entitled to ask a range of different people to carry out building inspections. If a builder fails to employ a building inspector or to produce certificates, they fail to comply with the building regulations. However, under the new clause, instead of the onus being placed on the building inspector, it is the constructor who will be subject to prosecution, and long after the event.

The extent of the powers being taken in the new clause is absolutely unconscionable. The normal principle in a magistrates court is that someone has to receive a summons or similar information within six months of committing an offence, and we know how that process operates with speeding or other motoring offences, for example. Unless someone is charged within a maximum of six months of committing such an offence, it is, in a sense, time-expired. The thinking behind that principle is that such a person cannot possibly recall exactly what they were doing more than six months after laying such information before a court.

That is the background to section 127(1) of the Magistrates' Courts Act 1980, which provides an important safeguard against the abuse of arbitrary power. In essence, it says that anyone who is going to charge somebody with an offence had better get on with it. There is no reason why building inspectors should be unable to have the relevant information at the time when the building in question is being constructed. Six months is obviously a reasonable period within which they or the owner of the building can be prosecuted if there has been a failure to comply with the regulations. Why should the period be extended beyond that?

Implicit in the new clause is the belief that there is a problem with identifying whether there has been a breach of the building regulations, but surely such matters should be the responsibility of the building inspector, who has a statutory duty in this regard. If there is collusion between a building inspector and a developer—it seems that the hon. Member for Hazel Grove thinks that that has been happening—that is a separate issue. That would be a conspiracy to break the law. There is no time limit for the initiation of prosecution. Conspiracy is a serious criminal allegation and a serious criminal charge. If there is a conspiracy between a developer or the builder of a house and a building inspector to try to mislead on whether the building regulations have been complied with, that is not covered by the time limit, because that would be a conspiracy.

12.30 pm

In a situation short of a conspiracy, why do we need to make an exception to the general principle that is set out in section 127(1) that for such an offence any information should be laid within the period of six months? In the new clause, the Government are saying that such information can be laid within two years rather than six months. That is subject only to the qualification that information is laid within six months beginning with what is described as "the relevant date". That is the date

"on which evidence sufficient to justify the proceedings comes to the knowledge of the person commencing the proceedings."

An incredibly wide power is being taken by the Government. Subsection (5) says that if the person bringing the proceedings is a local authority—it does not matter if it is anybody else—

"evidence is to be regarded ... as sufficient to justify the proceedings if in the opinion of the proper officer ... it is sufficient to justify the proceedings."

In other words, there is no objective assessment. There is no scope for this to be justiciable in the court. Why not? Why is the power of the court being ousted in terms of whether or not the person, in bringing the proceedings, should have known, could have known or did know that the offence had been committed prior to the period of six months beginning with knowledge of the information?

Why should that power be contained in the subsection? Surely the test of whether the relevant date has been satisfied should be an objective one that the court can investigate as to when the knowledge of the person commencing the proceedings was such that he or she felt that there was sufficient information to enable the proceedings to be brought.

Paragraph (b) is a further affront to those of us who believe that evidence should be assessed by courts rather than on the basis that the evidence is as it is if some official says it is. That is no way in which to bring people to conviction following a prosecution. Why is it that this

issue is not to be allowed to be justiciable? That is outrageous and entirely over the top. Of course, that is typical of so many things that the Government are doing at the moment. They are playing fast and loose with our civil liberties. This is a little measure to be brought in under the umbrella of a Bill that people may think is of no great issue. The result could be that people, long after the event, are being accused of offences, and at that stage no longer having the material available to enable them to defend themselves. That is the essence of the proposal before us. I am extremely concerned that the Government should want to introduce such a measure.

Like much regulation we see in this House, the provisions we are considering are based on a failure to ensure that the existing system operates properly. We have a system of building regulations and a requirement, which is separate from planning permission, for a building inspector's approval of new houses and alterations. Now we are saying that, notwithstanding that approval and even in cases in which there is no conspiracy, if it comes to light within two years that there has been an alleged breach of building regulations, it will result in a prosecution. In my submission, that could end up—as my hon. Friend the Member for Bexhill and Battle suggested—being counterproductive. Only time will tell, but the provision is in any case oppressive and should not be included in the Bill. I shall oppose it.

**Mr. Forth:** On this occasion, I happily defer to the wisdom and experience of my hon. Friend the Member for Christchurch (Mr. Chope), who has had a distinguished career in local government, as a Minister in the relevant Department and as an eminent lawyer. His comments chime with my lay reservations about this part of the Bill. The Minister did not make much of an effort to give any really good reason for the change. It is no secret that new clause 5 is something that the Government want to do and they are slipping it into this Bill as a precursor to some wider measure. It always makes me suspicious when private Members' Bills are used as a vehicle to further the Government's purposes.

A worse prospect is the real possibility that confusion will arise between the proposed two-year period and the existing six-month period. What the Minister said, in effect, is that the two regimes will run side by side, both covering building regulations and local authorities, from whenever this provision reaches the statute book—I hope that it does not—and whenever the Government get around to introducing a broader dispensation. We should not be in the business of increasing confusion. If the Government want to make such a change, they should introduce it properly so that it may be scrutinised properly.

The most worrying aspect was pointed out by my hon. Friend, based on his legal experience. Even a cursory reading of new clause 5 would make one suspicious that it would radically alter the balance between the individual and the authorities. We should always be very suspicious of such a change and, in my view, we should resist it unless an overwhelming case is made for it. We have not only not heard an overwhelming case today: we have not heard any real case at all. That should give us considerable cause for concern.

New clause 5(5) states:

> "In the case of proceedings commenced by a local authority . . . evidence is to be regarded for the purposes of subsection (4) above as sufficient to justify the proceedings if in the opinion of the proper officer or an authorised officer it is sufficient to justify the proceedings".

If that is not an example of untrammelled power, I do not know what is. We do not even know who these authorised officers might be, nor what restrictions might be placed on the giving of the power under the new clause. That is a very worrying development.

Of course, we will be told that the new clause is all right, because it is going to save the planet. It is not all right. It will not save the planet, but even if it would, we would want much more justification than has so far been offered for what appears to be a fundamental shift in the balance between the individual and the authorities under the apparently innocent provisions in new clause 5.

**Mr. Chope:** Does my right hon. Friend agree that, if one looks at subsection 4, one sees that the issue relates to when the material came to the knowledge of the person commencing the proceedings, instead of when it ought to have come to his knowledge? If a building inspector employed by local authority fails to report something, notwithstanding that, the local authority will be able to proceed as though there was no information coming from that building inspector.

**Mr. Forth:** I agree with my hon. Friend. That raises the issue of why this matter was not aired in Committee. However, we have to be frank that one of the problems with Committee proceedings on private Members' Bills in particular is that the Committee members tend, not unreasonably, to be supporters of the Bill and there is a scramble between the Government, if they rather like the Bill, the promoter of the Bill, if he was not given the idea by the Government in the first place, and a compliant Opposition, which is the trend at the moment. Everyone is tumbling over each other to put more and more into the Bill. This measure is a classic case of what should have been done, if at all, in Committee, where it could have been properly scrutinised, instead of bobbing up at the last minute with very little notice to make this fundamental alteration in the law. For all these reasons, unless a much better effort is made to explain and justify this measure, I will not support it.

**Yvette Cooper:** With the leave of the House, I shall reply to the debate. I shall begin by responding to the points made by the hon. Member for Bexhill and Battle (Gregory Barker) who the right hon. Member for Bromley and Chislehurst (Mr. Forth) just described as "the compliant Opposition" in this case. I am keen to take a constructive approach to the deliberations of the Committee where this matter was discussed and to the decisions of the Department. I wish him luck in trying to take similarly keen and constructive approach to the comments of the right hon. Member for Bromley and Chislehurst and the hon. Member for Christchurch (Mr. Chope) where he may have a little more difficulty.

I welcome the hon. Member for Hazel Grove (Andrew Stunell) to his new appointment shadowing the Office of the Deputy Prime Minister and congratulate him. I know he is interested in sustainability issues, and I look forward to having many debates with

*[Yvette Cooper]*

him on that issue. I assure him that we are looking at the questions he raised in his private Member's Bill about appointed persons and other matters as part of the current review of existing buildings and how to improve their sustainability.

It is important to recognise that in April energy efficiency standards will be raised by 40 per cent. compared to 2002. We have already introduced a series of measures to improve compliance, including on training and pressure testing, all of which we need to address as part of the report called for under new clause 6.

The measures do not change the enforcement framework. At present, if a breach of part L of the building regulations is discovered seven months after work is completed on a building, the local authority cannot take action. The provision would allow action to be taken on discovery of a breach. That is a proportionate and sensible response to the concerns raised with the Government by local authorities and Back Benchers, and debated extensively in Committee.

I commend the new clause to the House.

*Question put*, That the clause be read a Second time:—

*The House divided:* Ayes 99, Noes 2.

**Division No. 185]** **[12.44 pm**

**AYES**

| | |
|---|---|
| Austin, Mr. Ian | Hoey, Kate |
| Barker, Gregory | Hoon, rh Mr. Geoffrey |
| Beith, rh Mr. Alan | Hope, Phil |
| Blackman-Woods, Dr. Roberta | Horam, Mr. John |
| Bottomley, Peter | Howarth, David |
| Brown, rh Mr. Nicholas | Hurd, Mr. Nick |
| Burnham, Andy | Jackson, Glenda |
| Butler, Ms Dawn | Jenkin, Mr. Bernard |
| Butterfill, Sir John | Jones, Lynne |
| Byrne, Mr. Liam | Joyce, Mr. Eric |
| Campbell, rh Sir Menzies | Keen, Alan |
| Carswell, Mr. Douglas | Keen, Ann |
| Caton, Mr. Martin | Khan, Mr. Sadiq |
| Cawsey, Mr. Ian | Knight, Jim |
| Clark, Greg | Kramer, Susan |
| Clark, Ms Katy | Lazarowicz, Mark |
| Clarke, rh Mr. Kenneth | Leech, Mr. John |
| Conway, Derek | Lepper, David |
| Cooper, Yvette | Linton, Martin |
| Cryer, Mrs. Ann | Lloyd, Tony |
| Cunningham, Mr. Jim | Love, Mr. Andrew |
| Davies, Philip | Mackinlay, Andrew |
| Denham, rh Mr. John | Malins, Mr. Humfrey |
| Dismore, Mr. Andrew | McCabe, Steve |
| Dowd, Jim | McCafferty, Chris |
| Duddridge, James | Mclsaac, Shona |
| Efford, Clive | McKechin, Ann |
| Evans, Mr. Nigel | Meacher, rh Mr. Michael |
| Fabricant, Michael | Munn, Meg |
| Featherstone, Lynne | Newmark, Mr. Brooks |
| Galloway, Mr. George | Pearson, Ian |
| Gapes, Mike | Pelling, Mr. Andrew |
| Gerrard, Mr. Neil | Pound, Stephen |
| Gidley, Sandra | Purnell, James |
| Goodman, Helen | Robathan, Mr. Andrew |
| Griffith, Nia | Rosindell, Andrew |
| Griffiths, Nigel | Ruddock, Joan |
| Heald, Mr. Oliver | Skinner, Mr. Dennis |
| Hendrick, Mr. Mark | Smith, rh Mr. Andrew |
| Hill, rh Keith | Smith, Angela E. *(Basildon)* |
| Hillier, Meg | Smith, Sir Robert |
| Soulsby, Sir Peter | Whitehead, Dr. Alan |
| Strang, rh Dr. Gavin | Wicks, Malcolm |
| Stunell, Andrew | Willetts, Mr. David |
| Swinson, Jo | Williams, Hywel |
| Thomas, Mr. Gareth | Williams, Mark |
| Thornberry, Emily | Wills, Mr. Michael |
| Turner, Dr. Desmond | Wishart, Pete |
| Villiers, Mrs. Theresa | |
| Walley, Joan | **Tellers for the Ayes:** |
| Waltho, Lynda | **Mr. Tom Watson and Joan Ryan** |

**NOES**

| | |
|---|---|
| Hands, Mr. Greg | **Tellers for the Noes:** |
| Hollobone, Mr. Philip | **Mr. Eric Forth and Mr. Christopher Chope** |

*Question accordingly agreed to.*

*Clause read a Second time, and added to the Bill.*

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): On a point of order, Mr. Deputy Speaker. May I raise the issue of the door that blocked my way as I was coming to vote? I was unable to vote, so I will report the matter to the staff of the Serjeant at Arms. However, I wish to place on record the fact that there was a blockage.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** I thank the hon. Lady for raising this issue. There have been occasions when defective door mechanisms have obstructed hon. Members. Fortunately, it was not crucial to the outcome of the vote today, but I regret the inconvenience to her and possibly to other Members. I am sure that now that the matter has been placed on the record, it will be dealt with as speedily as humanly possible.

## New Clause 6

BUILDING REGULATIONS TO EMISSIONS AND USE OF FUEL AND POWER: REPORT REGARDING COMPLIANCE

'(1) The Secretary of State—

(a) must, not later than 6 months after this section comes into force, lay before Parliament a report as mentioned in subsection (2), and

(b) may from time to time lay further such reports before Parliament.

(2) A report under this section is a report on what, if any, steps—

(a) he has taken during the reporting period, or

(b) he proposes to take,

with a view to securing a greater incidence of compliance with relevant provisions of building regulations.

(3) In this section—

"reporting period" means the period specified in the report as the period to which the report relates;

"relevant provision", in relation to building regulations, means a provision of building regulations which is in force at any time during the reporting period and which, in the opinion of the Secretary of State, was made—

(c) for the purpose of furthering the conservation of fuel and power, or otherwise in connection with the use of fuel and power, or

(d) for the purpose of reducing emissions of greenhouse gases.'.—*[Malcolm Wicks.]*

*Brought up, read the First and Second time, and added to the Bill.*

**Clause 2**

REPORTS ON GREENHOUSE GAS EMISSIONS

**Malcolm Wicks:** I beg to move amendment No. 35, in page 2, line 10, leave out subsection (2).

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following amendments: No. 29, in page 2, line 13, leave out paragraph (c).

Government amendment No. 50

**Malcolm Wicks:** Amendments Nos. 35 and 50 will move the definition of greenhouse gases to clause 23, alongside other definitions. This consequential amendment is required because greenhouse gas emissions are referred to at other points in the Bill.

Amendment No. 29, which was tabled by the hon. Member for Christchurch (Mr. Chope), removes nitrous oxide from the definition of greenhouse gases. Nitrous oxide is a powerful greenhouse gas, with a global warming potential 296 times greater than carbon dioxide. Once released, nitrous oxide has a lifetime of 120 years in the atmosphere. Therefore, the nitrous oxide emitted now will be warming the Earth well into the next century.

The United nations framework convention on climate change has recognised the seriousness of anthropogenic emissions of nitrous oxide by including the gas in the "basket" of six gases to be included in the Kyoto protocol, and that is what the UK and the rest of the parties to the convention report on.

**Mr. Chope:** Does the Minister agree that nitrous oxide is a by-product of catalytic converters? If it is a by-product of them and is a bad thing, why are the Government imposing catalytic converters on vehicles?

**Malcolm Wicks:** That goes beyond our discussions today. The point of my remarks is to say that although the hon. Gentleman wants to remove nitrous oxide from the definition, it would, with respect, be foolish to do so given its dangerous nature. Given its immense global warming potential, it makes no sense to remove it from the reports, because that would not give a full picture of the UK's progress in reducing emissions of the most important greenhouse gases.

I commend amendments Nos. 35 and 50 but, for the reasons given, I oppose amendment No. 29.

**Mr. Chope:** I wish to speak briefly to amendment No. 29. As the Minister said, it would remove nitrous oxide from the list that it is in the Bill. It would no longer be necessary for the Secretary of State

"in the course of each calendar year to lay before Parliament a report on . . . steps taken by government departments"

to reduce the levels of nitrous oxide

"in the United Kingdom during the previous calendar year, including any increase or decrease in that level recorded during that year."

I tabled the amendment because the effects of nitrous oxide, as with many other things, cut both ways. I accept that it is 1,000 times less abundant in the atmosphere than carbon dioxide, although it has a more potent greenhouse effect. However, nitrous emissions in the United Kingdom fell by 40 per cent. between 1990 and 2003, so that it now represents only 6 per cent. of UK greenhouse gas emissions.

Before we start saying, "Well, because it's a bad thing, we must try to reduce its use or ban it," let us think about some of the applications for which nitrous oxide is used. Agriculture is the largest single source of nitrous oxide and accounts for about two thirds of its emissions. The rural parts of this country still have a largely agricultural economy. If we did away with agriculture, we would obviously be able to reduce nitrous oxide emissions by two thirds, but think of the consequences of doing that. Nitrous oxide is used in agriculture for fertiliser application and leeching. The only way in which the nitrous oxide generated by agriculture could be reduced would be to have fewer farm animals, or to use less fertiliser. If less fertiliser is used, land, by definition, becomes less productive.

1 pm

It is interesting to examine the trends of nitrous oxide emissions in the United Kingdom. In 1990, agriculture caused 103,000 tonnes of nitrous oxide emissions. In 2003, which is the latest year for which I have figures, the figure had reduced to 87,000 tonnes. Progress has been made in the right direction because the extent to which fertiliser is used unnecessarily has been reduced, but I suggest that the figure of 87,000 tonnes cannot be significantly reduced further without there being a disastrous impact on the viability of agriculture in our country.

We have already reduced almost all the nitrous oxide that emanates from industrial processes. That amounted to 94,000 tonnes in 1990, but by 2003, the figure had gone down to just 10,000 tonnes. However, the amount of nitrous oxide produced because of road transport has been increasing because of the introduction of catalytic converters. I actually think that they are a good thing, so I was putting a tongue-in-cheek question to the Minister when I asked whether he wished to abolish them. Catalytic converters make the use of motor cars less dirty than would otherwise be the case, but let us not ignore the consequences of that. One of the side effects of imposing catalytic converters on our road transport fleet is an increase in the United Kingdom's output of nitrous oxide into the atmosphere, which has an impact on greenhouse gas emissions.

The output of nitrous oxide from sources other than agriculture, industrial processes and road transport has remained roughly the same. The output was 18,000 tonnes in 1990 and 17,000 tonnes in 2003—a modest reduction. Overall, we were able to achieve a significant reduction in nitrous oxide emissions from 219,000 tonnes to 130,000 tonnes, and one of the main reasons for that was that emissions owing to nylon production fell following the installation of emissions abatement technology.

We should praise the role of catalytic converters because they eliminate carbon monoxide and hydrocarbons. The Minister might disagree, but I think that nitrous oxide is worth the cost. At the moment, most experts agree that the United Kingdom's nitrous oxide emissions are as low as they are ever likely to be with existing technology. That is because almost all sources of nitrous oxide other than agriculture and road transport have been eliminated.

*[Mr. Chope]*

There is another use for nitrous oxide, which is as an anaesthetic because it deadens pain. It has been described in that context as laughing gas. However, the gas is released naturally from the oceans and by bacteria in soils. Nitrous oxide gas production has risen by more than 15 per cent. since 1750. Each year 7 million to 13 million tones of it go into the atmosphere globally. It is an unavoidable by-product of disposing of human waste in sewage treatment plants. I do not know whether the Minister thinks that we should do away with those and do what they do with sewage in the Army when out on an exercise, or perhaps he agrees that we should have sewage treatment plants as part of a civilised society. Let him recognise that nitrous oxide is a by-product of sewage treatment plants.

We are left with a situation in which the only way for local authorities to respond to the annual reports, which is what the Bill is essentially about, produced by the Secretary of State on greenhouse gas emissions—if, indeed, the purpose of the reports is to reduce nitrous oxide—is to close down farms or sewage plants, or remove catalytic converters from vehicles. We are absolutely mad if we think that that is a price worth paying so that we can sign up to saying, "Well, nitrous oxides are a greenhouse gas that we can continue to reduce." There are a lot of greenhouse gases that we can do something about, but nitrous oxide is not one of them. That is why the Bill would be much better if references to nitrous oxide were removed.

Obviously, nitrous oxide is one of the six greenhouse gases mentioned in the Kyoto negotiations, but the Bill is a United Kingdom Bill. I am sure that there are other parts of the world in which nitrous oxide greenhouse gas emissions are a significant factor and could be reduced, but there is no evidence that we can reduce them further here. We should consider amendment No. 35 alongside new clause 4. Why should we require every local authority, in exercising their functions, to have regard to reducing nitrous oxide emissions? That is a total waste of everybody's time. If we want local authorities to deal with greenhouse gases, it would be much better for them to deal with gases other than nitrous oxide.

Amendment No. 29 is grouped with Government amendments Nos. 35 and 50. I do not understand, and the Minister did not explain, why he needs to rephrase the Bill. Is it because he seeks to group all greenhouse emissions together rather than ensuring that they are dealt with seriatim, as the lawyers say? If so, why is he doing so? Is he trying to fudge the issue? Would it not be much better to look at each greenhouse gas on its own and produce a separate report so that we can be realistic about the pros and cons of seeking reductions? I suspect that the Government amendment would lump together all greenhouse gases, which is rather like a school or a gathering such as the House of Commons blaming everyone equally for something rather than taking a rational approach. It is not rational that UK arrangements should tackle nitrous oxide alone. It is much better to concentrate on tackling other greenhouses gases if, indeed, we need to tackle any of them. That, however, is another debate, and I do not wish to dilute what I hope the House accepts is a potent argument for excluding nitrous oxides from UK arrangements by referring more generally to other greenhouse gases. Other Members, however, may wish to test the Minister's reasons for wishing to deal with the gases collectively rather than separately.

Kyoto imposed many targets, and I fear that that will lead to distortions. If one bundles greenhouse gases together in a collective target one may lose sight of the main objective. In lumping different greenhouse gases together for the benefit of the UK economy, I fear that the Government are doing a disservice to people engaged in agriculture, sewage disposal or the treatment and manufacture of vehicles with catalytic converters, who will not pleased if it is policy that NOx are considered a bad thing that must be reduced in every circumstance. In conclusion, we place a responsibility on the police, the Highways Agency and sometimes local authorities to ensure that vehicles are fit for the road. One test is to ensure that catalytic converters are effective. Will it be the case that a local authority can say that a catalytic converter is not operating, but that is not a bad thing because it means that it is not contributing to greenhouse gas emissions? I fear that we will embark on such debates if the Minister does not accept my amendment.

**Mr. Forth:** My point of reference for debates on these matters is the excellent second report of the House of Lords Select Committee on Economic Affairs, HL paper 12, which covers many of the subjects that we are discussing today extremely well, and I recommend it to the House and to people outside. On page 11, their Lordships consider the greenhouse gases listed in clause 2, and say:

> "The main greenhouse gases are carbon dioxide . . . which is emitted by the use of fossil fuels and by the burning of forests; methane . . . which comes from decaying degradable matter, e.g. in landfill sites, and from livestock".

They consider nitrous oxides—the subject of the amendment tabled by my hon. Friend the Member for Christchurch (Mr. Chope)—which, they say, come

> "from fertilisers, industrial processes, and fossil fuel burning."

The report goes on to refer to a group of other gases such as perfluoromethane, perfluoroethane which is used in aluminium production, and sulphur hexafluoride from dielectric fluids. The list is in line with the one that we are discussing.

1.15 pm

The report helpfully provides a list showing how the gases force temperature rises and how they vary substantially. That is expressed in terms of their global warming potential. Carbon dioxide is set at 1, methane is 23 and nitrous oxide is 296. Hydrofluorocarbons vary from 12 to 12,000, perfluorocarbons from 5,000 to 12,000, and sulphur hexafluoride up to 22,200. That bears out the point that my hon. Friend made so eloquently. Sadly, a list such as the one in the Bill, which the Minister proposes to move to a different part of the Bill, gives no indication of the relative effects of the gases.

My hon. Friend brought out extremely well in his submission and in his amendment the fact that we must be careful not to fall into the trap of treating all gases in the same way. Their lordships' report goes to some pains to identify the fact that some gases are far more important and potentially damaging than others. It is

therefore important that we always make a distinction not only as to their relative effect—there are uncertainties surrounding that, which we may explore at some length on Third Reading, but not now—but as to their volumes, so that we can assess their potential effect in the atmosphere and therefore on the climate.

In that context, I wonder whether the requirement in clause 2 for an annual report on greenhouse gas emissions, which are listed, showing levels of emissions, including increases or decreases, will give us the measure of their potential effect. I say in passing, as I said earlier, that I very much doubt whether an annual report would be the appropriate vehicle for that. Annual variations in emissions may not tell us very much because of individual circumstances of various kinds. It would be much more efficacious to look over a longer time scale, with longer intervals of reporting, to get a clearer view of possible trends and to examine the policy imperatives that may arise from those.

The impression given by the clause, and even by the annual reporting process, is that if one detects a slight variation in the level of one of the greenhouse gases, something can be done immediately to deal with that. No one would pretend that that was the case, but there is a risk that we give that impression. If, in one of the reports, methane, say, was shown to have gone up slightly or even significantly from one year to another, are we to respond to that in policy terms? I would have thought not. I imagine that we should consider a policy response only if we were able to detect and measure a secular trend one way or the other in these gases. What would our policy response be if there was a decrease? Would we congratulate ourselves, continue with the policies that we believe contributed to that, and tighten them or loosen them, or, as my hon. Friend suggested, would we have some regard as to whether they play, in a different way, a vital part in our economy—transport, in this case? All that would have to be taken into account.

**Mr. Chope:** My right hon. Friend has referred to methane: UK methane emissions have dropped by 50 per cent. since 1999 and now form only 7 per cent. of total UK emissions—agriculture and landfill are the main methane producers. Will my right hon. Friend accept that that is another area in which the figures have decreased significantly? The Government seem to want a global figure rather than considering each greenhouse gas separately.

**Mr. Forth:** My hon. Friend's point raises the question of the sectoral effect—in other words, which sectors are producing those gases and what the effect might be sector by sector if we sought to reduce such emissions. There is a real debate about the global versus the particular, which the next group of amendments will allow us to explore. We should always consider the particular as well as the global.

**Mr. Andrew Robathan** (Blaby) (Con): On the particular, has my right hon. Friend seen the amusing photograph of the Secretary of State for Health's car stuck on the blocker in Downing street? It is approximately 125 yd from Downing street to Richmond terrace. Does he think that the Government are showing leadership on reducing carbon emissions when the Secretary of State for Health could have walked those 125 yd?

**Mr. Forth:** That point relates to the remarks by my hon. Friend the Member for Christchurch about catalytic converters and nitrous oxide. My hon. Friend the Member for Blaby (Mr. Robathan) has referred to a very particular effect, and we are getting down to the level of individual vehicles. I hope that we can debate whether the much-vaunted hybrid vehicles are as environmentally beneficial as has been claimed—I wonder how the battery is disposed of when a hybrid reaches end of life and whether that gives rise to greenhouse gases. We tend to get drawn into examining narrowly focused matters that should be broadened out. Few Ministers walk, while many of them have several cars or use a hybrid without having asked serious questions about the effect on the environment of the large battery at the end of life. Perhaps the Minister will tell us his views on that matter at some point, but an annual report on a global increase or decrease in those gases will not take us very far in terms of policy.

I shall end as I began by recommending the House of Lords report, to which I hope to refer much more extensively on Third Reading, when we debate the general impact of the Bill. For the time being, I am happy to support my hon. Friend the Member for Christchurch and eager to hear the Minister's response.

**Mark Lazarowicz:** No one has suggested that different greenhouse gases have different impacts, although the rate of emission obviously varies from greenhouse gas to greenhouse gas. The greenhouse gases specified by the Bill are those that we are signed up internationally to monitor and seek to reduce.

Once again, the hon. Member for Christchurch (Mr. Chope) seeks to broaden the debate beyond what the Bill is intended to do. Indeed, he has challenged the basis on which we have signed up to the Kyoto protocol. He may agree with the right hon. Member for Bromley and Chislehurst (Mr. Forth) that we should not be signed up to the Kyoto protocol but we are and we have commitments. It is therefore only fair to ensure that we have mechanisms in the UK to monitor our performance on them.

**Mr. Chope:** Rather than generalising about Kyoto, does the hon. Gentleman believe that we should outlaw catalytic converters to reduce nitrous oxide emissions in accordance with Kyoto?

**Mark Lazarowicz:** Of course not. The hon. Gentleman should tackle the issue more constructively. I appeal to him not to press amendment No. 29 because it contributes nothing positive to the Bill or to our international obligations.

**Gregory Barker:** As one who gave up chemistry at 14 and Latin even earlier, I have struggled at times to keep up with the learned debate and the well informed points that my hon. Friend the Member for Christchurch (Mr. Chope) made. However, given that the Minister had the benefit of a large body of scientific opinion, not least that of the chief scientist, in drafting the Government amendments, which appear reasonable, I have no problem with them.

*[Gregory Barker]*

As the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) said, nitrous oxide is, legally, a Kyoto treaty gas. Its reduction must therefore be reported. That is not to negate the interesting points that my hon. Friend the Member for Christchurch made, but all of us who support the Bill do so because we recognise the genuine danger that climate change poses and the contribution that $CO_2$ makes to climate change. Amendment No. 29 is unhelpful because it would convey a mixed message about our commitment to Kyoto and do nothing to strengthen our international reputation.

Conservative Front Benchers therefore support Government amendments Nos. 35 and 50 and decline to support amendment No. 29.

*Amendment agreed to.*

**Clause 3**

NATIONAL TARGETS FOR MICROGENERATION

**Mr. Forth:** I beg to move amendment No. 7, in page 2, line 20, at end insert

', and after consultation with such public and private sector bodies as he considers appropriate'.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following: Amendment No. 8, in page 2, line 21, leave out 'national' and insert 'regional'.

Amendment No. 9, in page 2, line 27, leave out 'national' and insert 'regional'.

Amendment No. 10, in page 2, line 29, leave out 'England and Wales' and insert

'Wales and the regions of England'.

Amendment No. 16, in page 2, line 29, leave out 'England and Wales' and insert

'Wales or one of the regions of England'.

Amendment No. 17, in page 2, line 36, leave out 'number' and insert 'numbers'.

Amendment No. 18, in page 2, line 36 [Clause 3], leave out 'England and Wales' and insert

'Wales and the regions of England'.

Amendment No. 19, in page 2, line 43, leave out 'number' and insert 'numbers'.

Amendment No. 20, in page 2, line 44, leave out 'England and Wales' and insert

'Wales and regions of England'.

Amendment No. 30, in page 3, line 6, leave out subsection (7).

Government amendment No. 36

Amendment No. 31, in page 3, line 9, leave out subsection (8).

Government amendments Nos. 37 and 38

Amendment No. 12, in page 4, line 20, clause 6, leave out 'appropriate' and insert

'efficacious, cost-effective and environmentally beneficial'.

**Mr. Forth:** I want to promote a debate about whether it is more sensible for us to adopt a national approach or whether a regional basis would be more practical and workable. Usually the word "regional" is unpopular on the Conservative Benches, but there are occasions when it is relevant and this is one of them. I say that for several reasons, which I shall try to explore.

Proceeding on a regional rather than a national basis would create the possibility of conducting pilot schemes. One aspect of our approach not only to the Bill but to related measures that worries me is the assumption that if we simply go ahead with all the splendid schemes, ideas and projects on a national basis, they will work and be beneficial. However, a cautious and focused approach to microgeneration might be more worth while. The amendments suggest that a regional rather than a national basis would give us the facility to pilot effectively whatever we believe will be beneficial and ascertain what works and what does not. That is the first reason for my approach.

The other, quite different, reason is that, even in this small nation of ours, there are enormous variations in climatic conditions. Surely we should take account of that when considering the feasibility of different sources of energy, not least microgeneration. It does not require a great deal of imagination to understand that there will be an enormous difference in the contribution that solar panels or windmills are likely to make in a coastal area as opposed to an inland one, in the south of our country as opposed to the north, or in a city as opposed to a rural area.

**Mr. Chope:** Is my right hon. Friend familiar with the concept of microclimates? Even within his own constituency or mine, for example, there will be different microclimates. They might be similar to microgeneration, in that they ought to be considered in their own context.

**Mr. Forth:** Of course that is the case, but we have to strike a balance to find the most sensible and workable way forward. We could range from a national approach all the way through to a very local or individual approach. We could consider operating these measures along the lines of local authority areas—indeed, I considered that when I was formulating the amendment—or operating them even more locally. I concluded, however, that it would be more realistic to do so at regional level, as that would make more sense in regard to the setting of targets and the assessment of the results.

**Mr. Chope:** Does my right hon. Friend accept that one of the problems regarding regional issues relates to the regional boundaries? For example, my constituency is right on the edge of the south-west region, yet it looks more to the south-east. Is my right hon. Friend suggesting that we should have a totally different approach in Christchurch from the one taken in the New Forest?

**Mr. Forth:** I have to concede to my hon. Friend that, whenever we draw boundaries and delineate areas, there will be anomalies. However, I am suggesting that national targets—particularly in the area of climate, microgeneration and the like—would probably be relatively meaningless, and that a regional approach would be much more sensible. I understand that

anomalies could well arise in regard to the boundaries between regions, as my hon. Friend suggests, but I think that we shall just have to accept that that might, on occasions, be somewhat misleading or take us in the wrong direction. On balance, however, a regional approach would be preferable to a national one.

**Mr. Chope:** How does my right hon. Friend envisage the calculations being made to form the basis for the regional targets?

**Mr. Forth:** That raises an important point. We could, and should, equally ask how we would set about formulating a national target? In the light of the different profiles, demographics and geographical locations of the different regions, we are more likely to be able to set sensible targets for microgeneration and its outcomes at regional level than on a national basis. For example, we should be able to make an assessment of the likely efficacy of domestic windmills or solar panels depending on whether they were on the west coast or the east coast, or in the north of the country or the south. That would be more practical than setting a national target. It could also lead to a more focused approach to policy development.

There are huge variations in housing in this country. For example, if we compare the north of Scotland with Greater London and the south-east of England, a number of important variations spring immediately to mind. Surely domestic windmill or solar panel installations would be far more practical in scattered rural areas than in dense urban areas containing rows of terraced houses. Establishing targets, measuring them and then drawing the appropriate policy conclusions would be done much better on a regional than on a national basis.

**Mr. Chope:** I take my right hon. Friend's point, but might it not have been better to differentiate between rural and urban areas, as that is where the big divide is found?

**Mr. Forth:** That would certainly be an approach, but in the light of the local authority provisions in new clause 4 it is probably better in policy terms to target a regional area within which there are identifiable local authorities, to which we have now devolved some of the responsibilities for microgeneration, than simply to differentiate between rural and urban areas. That, hopefully, will provide a continuum from the setting of the target on a regional basis, through the—now—responsible local authorities, to the most local level—the parish or community level. My hon. Friend and I tried to prevent that arrangement, but sadly the Bill now provides for it.

If that approach were adopted, data would have to be compiled, targets would have to be set, and the resultant data would have to be monitored and interpreted. It would also make more sense for interpretation to take place regionally, because of the variations that I have mentioned.

Let me return to the issue of piloting. A regional approach would make it possible to select one or more regions—perhaps very different regions—to establish the way in which targets should be set. It would then be possible over a period—not more than five or 10 years—to establish how much sense the targets made, and, by means of decisions made by Government, by local authorities and at other levels, to establish how they could best be used to promote the Bill's objectives. Targets are only of any value and validity if they make sense, and lead to policy decisions that allow the promotion of policy objectives.

I do not think that operating at national level makes much sense in this context, because of the variations to which I have referred. We need a more focused approach based on one or two regions. There might be enormous variations between the regions. One might be a dense urban area—the west midlands spring to mind, if not London, which always seems to be cited as an example—while the other might be much more rural. In the south-west of England, for instance, the climate is different, the wind patterns are different and the days of sunlight are different. Such an approach would enable us to establish much more meaningfully the possible effects of solar panels and windmills as a viable source of alternative energy in, for example, a dense urban area. I remain to be convinced on that point.

What happens will of course depend on decisions that we make on later parts of the Bill, which involve the interesting and complex issue of the planning regime that we intend to introduce, as against what are perceived to be environmental or energy-related imperatives. There is a potential for conflict that we may not be close to resolving.

**Mr. Chope:** Does my right hon. Friend envisage competition between the different regions over targets, over which of them had met their targets or exceeded them, or over the margins by which the targets had been exceeded?

**Mr. Forth:** That is always a possibility, but my initial reaction to my hon. Friend's suggestion is that I am unsure how productive that approach would be, given the variation between regions. Indeed, if he and I are to follow our own precept—the importance of local decision making—we need to be cautious about taking a competitive approach to target setting at regional level. We expect a lot of the heavy lifting to be done by local authorities, so although my hon. Friend's suggestion is intriguing, for the moment, I would probably set it to one side.

I hope that the Minister and the Bill's promoter will give serious thought to my suggested approach. I am genuinely trying to make the Bill more workable, and I have doubts about a blanket, national approach. If we are to remain focused, we need to work our way carefully through—

**Mark Lazarowicz:** I appreciate the right hon. Gentleman's close scrutiny of the Bill, but it might have been a little more helpful had he accepted my invitation to serve on the Standing Committee. He could have pursued these points in detail in that Committee, and we might have been able to satisfy his concerns and to reach a consensus.

**Mr. Forth:** That is a possibility; on the other hand, it might have prolonged consideration in Committee.

*[Mr. Forth]*

Rather than consisting of a happy band of like-minded people involved in a rubber-stamping exercise, the Committee might have had to debate these issues at length. I accept that there is a trade-off and that the hon. Gentleman is entitled to take the view that, instead of having enthusiasts on such Committees, we should have people with seriously opposing views who participate in serious debates. Had that happened, we would probably barely have dealt with the first group of amendments before us in one average Standing Committee sitting. However, I accept that there is a plus and a minus.

**Mr. Chope:** Does my right hon. Friend accept that if he and, say, I had been serving on that Committee, it is most unlikely that the Bill would have reached consideration on Report today, and that the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) would have missed his slot for this Friday?

**Mr. Forth:** Yes, but the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) is in a very fortunate position—he and I have discussed this, in the friendliest possible way—in that, because the House has sensibly progressed and passed so few Bills this Session, which gladdens my heart, he has a vast array of Fridays ahead of him on which he can bring the Bill back to the House. So we can take a leisurely view: there is no time pressure at all and wherever we may end up today, the hon. Gentleman can happily bring the Bill back next Friday, or on a subsequent Friday, and we can continue our debate. We may or may not finish it then, and if not, he can bring it back again. In my experience, that is a very fortunate, if not unique, position for such a Bill to be in. So we can take a much more relaxed approach than might otherwise be the case, and the 99 happy souls who have just gone through the Aye Lobby can come back on other Fridays and express their support for the Bill. I am sure that they will be delighted to do so. I congratulate the hon. Gentleman on his good fortune, and he is quite properly able to take advantage of his prominent position in the private Member's Bill ballot.

I return to the regions, Mr. Deputy Speaker, as you doubtless want me to do. I hope that the House begins to see my thinking. A regional approach would be uniquely appropriate to the subject of this Bill, given the variations in housing density that I have mentioned. In that context, we have yet to explore the viability of a target-based approach. The assumption is that targets are the way ahead, and we all know how fond this Government are of targets, but what will be the policy outcome if they are not met? There is the interminable argument as to whether one should pitch targets at a low or realistic level in the expectation that they will be met, or at a deliberately much higher level in the hope that they will be met, while fearing that they will not. That is a separate issue. The more important issue is what happens if, the targets having been set and measured, we find that we are failing to meet them? We would probably be able to respond much better, in a more focused and practical way, at regional level than we would be able to do at national level, for a variety of reasons. We could then bring to bear the combined resources of the Government and local authorities, and if appropriate regional authorities, in so far as they are relevant, rather than attempting to deal with the matter nationwide.

1.45 pm

**Mr. Chope:** Given, for example, the recent national target to reduce poverty among children, the Government missed that target by 300,000 children. Would that have had the same prominence in the media if a series of individual regional targets had been missed?

**Mr. Forth:** I am sure that my hon. Friend is right in that. That is one of the trade-offs or balances that we inevitably have to strike in these matters. There is the impact that the figures might have. I concede to my hon. Friend that there is a risk that if we went down the regional approach that I am suggesting there might not be the impact that the national figure might have. That is a presentational impact, with, perhaps, policy repercussions on Government. Against that, I am prepared to trade off what I believe would be the benefits of a more focused and a more regional approach.

Subsection (5) states that if

"a target is designated under subsection (1)"—

at the moment, we are talking about a national target, but this would apply equally to my regional targets—

"the Secretary of State must take reasonable steps to secure the target is met."

I do not know what that means. I hope that the Minister will sum up this part of the debate. He might tell us what he envisages would be the departmental or governmental response to a failure to meet a target, be it national or regional, not least bearing in mind that new clause 4 appears to have placed much of the responsibility for the delivery of this policy on local authorities rather than on national Government. It says, interestingly—here is the escape hatch—that if

"the Secretary of State does not designate a target under subsection (1) he shall publish forthwith a statement of his reasons."

If we take the regional approach that I am suggesting, and if we were to undertake what amounts to a pilot scheme in one of the regions, the Secretary of State might want to return, having conducted that pilot project, to say, "I do not think that the target approach will work in this case," for whatever reason. He might say that the Government were not able sensibly to formulate a target or that they fell so far short of it that the outcome demonstrated that the targeting approach, in this context, did not make very much sense, or whatever.

The let-out, if we want to put it that way, is interesting. Funnily enough, I rather welcome it. I do not see any point in a Bill such as the one that is before us trying to shackle any Secretary of State so much, and certainly not to oblige him to provide targets, either national or regional, to such an extent that if, for some reason, they were not met, we would then have to continue to produce endless revised targets—something that the Government have often done in the past—that is, to set a target, fail to meet it and so change the target downwards so that it is then more easily achieved. That

does not get us anywhere. In a funny way, the let-out, if I may call it that, in subsection (6), probably makes a degree of sense.

**Mr. Chope:** Is my right hon. Friend not concerned that the let-out is linked into a specific date, which is 1 November 2008, as set out in subsection (2)? Does not that make him rather suspicious?

**Mr. Forth:** I am a naturally suspicious sort of person. It does not take my hon. Friend to encourage any suspicion in me. That part of the clause gave me some cause for thought. I do not know what the significance of 1 November 2008 is—it may be of some magical or mythical significance in government, in the environmental lobby or whatever. It is something that escapes me.

**Mr. Chope:** Is it around the time at which, if the present Prime Minister is still in office, he will have been so for longer than Baroness Thatcher was?

**Mr. Forth:** I can hardly bear to contemplate that thought. If the Prime Minister is simply hanging on to office in order to exceed the magnificent achievements of Baroness Thatcher, it would be very sad indeed. We will pass on from that thought.

Clause 3(7) would, sensibly if ominously allow the Secretary of State to

"review the target"—

or, in the case of my amendment, the targets—

"and, if he considers it appropriate to do so, revise the target."

Of course it does, but it brings into question the whole benefit, if any, of the target-based approach. I gave the Bill the benefit of the doubt, because I could have tabled an amendment to remove clause 3 completely and I was tempted to do so. Instead, I decided to be, as ever, positive and helpful in my approach and to seek to make the clause more workable, despite my doubts about it. That led to my attempts to recast it on a regional basis. However, when one realises that the Secretary of State may revise the targets and that, indeed, he does not need to designate any at all, one begins to wonder what the Government and the promoter of the Bill have in mind.

What would happen if the targets were not met? My hon. Friend the Member for Christchurch mentioned an important target on child poverty that has just been sadly and dramatically missed. What would be the policy response if insufficient numbers of people put little windmills on their roofs to boost the energy input to their home and, by implication, help to save the planet? Would the Government undertake to subsidise the installation of little windmills, or would they provide tax relief on them? I do not know what would happen and we have had no hint on it. Nothing that I have heard so far has explained to me what will induce people to put solar panels or little windmills on their roofs, where—I hope—they would not disturb their neighbours or destroy the visual impact of their community.

If we were to have a regional approach, which was well defined and set up, properly focused and monitored, and the target were not met, we would have the opportunity on a regional basis to ask where we should go from here. Why is it that the expectation of lots of windmills in East Anglia or lots of solar panels on the Isle of Wight or in the south-west of England has not been met? Why have the ambitious and optimistic targets that we have set not been met? What do we now have to do? Do we have to give people incentives? Do we have to introduce penalties? Do we have to try to shame people?

There is any number of possible approaches, but at the moment all we seem to have is wishful thinking. We have endless stories about how climate change is the greatest threat to mankind, but that is so nonsensical as to be hardly worth contemplating. I would have thought that terrorism, war, disease, lack of clean water or avian flu are much more immediate threats to mankind than a rather dubious change in the climate in 50 or 100 years' time. That is just my view and I hope that we will have a chance to explore it in much more detail on Third Reading and if we ever reach the Climate Change Bill.

**Mr. Chope:** It is not clear to me whether my right hon. Friend supports amendments Nos. 30 and 31, which would remove subsections (7) and (8) from clause 3.

**Mr. Forth:** Sadly, I do not, because—as I have tried to explain—I have a jaundiced view of targets and I favour the idea that if a target is set, but turns out to be so wide of the mark that it is useless, it makes sense to give the Secretary of State an escape hatch. If the Secretary of State were honest, he could say, "I have tried this approach. It patently did not work, so I shall not indulge in this pretence or self-delusion any longer." I do not want to force Secretaries of State to have meaningless targets. That is what I am trying to say. From that point of view, perhaps to my hon. Friend's surprise, I accept that these provisions should remain in the Bill. I do not think we should get ourselves so caught up in this frantic frenzy of people falling over one another to say, "I believe in climate change more than you and I am going to do more than you to solve it." It is a problem that we cannot measure, that may or may not happen, and that is so far in the future that it is of little or no relevance to this generation or the next. To start to formulate policies to try to meet—

**Mark Lazarowicz:** I am somewhat surprised at what the right hon. Gentleman has to say. His own party leader has publicly indicated that he is going to install a wind turbine on his house, which I welcome, so I am surprised at the right hon. Gentleman's line. I suggest that he has a chat with his party leader before next week, if the Bill comes back then, listens to what he has to say on the matter and follows a slightly more constructive approach than the one he is adopting today.

**Mr. Forth:** I am grateful for the hon. Gentleman's advice that I have discussions with my party leader, but ours is a wonderfully democratic party that believes in the right of individual members to have their own views, to account to their electorate and to participate in debate, which is what I am doing. I believe in the conclusions of their lordships' Economic Affairs Committee. I am trying to paraphrase its report. I am sure the hon. Gentleman has read it; I hope he has. I agree with their lordships, and if I have not exactly reflected the conclusions that they came to, I will try to do better next time when we have a more extensive debate about climate change in the round—I know that

*[Mr. Forth]*

Mr. Deputy Speaker would not want me to engage in that now. As for whether I must slavishly follow what my party leader or, indeed, anyone else says, the hon. Gentleman obviously does not yet know me very well. We will become better acquainted as these debates go on. I have my own views on these matters and I am prepared to account to my voters for them and to set them out whenever I have the opportunity to do so.

**Mr. Chope:** Does my right hon. Friend accept that by 1 November 2008 the leader of our party, our right hon. Friend the Member for Witney (Mr. Cameron), may be Prime Minister?

**Mr. Forth:** Would that that were so, but I shall not explore that matter any further, because if I did Mr. Deputy Speaker would be on his feet and I shall allow him to keep his seat on this occasion. So I must go on to subsection (8) and follow the point that my hon. Friend made earlier. It is rather comforting and states that if the Secretary of State revises a target,

"he must publish a statement of that fact together with a copy of the revised target".

Here again I believe that the regional approach that I am suggesting would enable the Secretary of State to focus much better on the target, its accuracy or otherwise, and whether it was met, nearly met or completely wrong. Almost inevitably, that would allow much more sensible policy conclusions to be drawn than if we were to attempt to do so at a national level.

**Mr. Chope** *rose—*

**Mr. Forth:** I am about to conclude, because I sense that my hon. Friend has a contribution to make and I would not want the discussion of this part of the Bill to run out of time before he does so, but I shall give way.

**Mr. Chope:** Does my right hon. Friend share my concern that subsection (8) does not include any requirement for the Secretary of State to give any reason for revising a target? Does he think that that is a real weakness?

**Mr. Forth:** Yes, it is. It reflects the soft approach that the Bill takes. On reflection, I would have preferred what my hon. Friend has just said. I believe that the Secretary of State should be able to say that the target approach has not worked, but it would be much better if the Secretary of State were obliged to say why. This clause is a mixture of the good and not so good. Targets are worth trying, but my firm view is that they would be much better done on a regional basis rather than a national one. A national basis would conceal far too many variations to make the policy conclusions that might come from targeting of any use at all. I hope that serious thought will be given to my amendments, because otherwise we will be embarking on another useless round of aspirational target setting with very few policy outcomes.

2 pm

**Gregory Barker:** Microgeneration is at the heart of the Bill. It is an essential element of a decentralised energy policy, which could provide a substantive part of the answer to the challenges of climate change in the United Kingdom. My party, under the leadership of—*[Interruption.]* I paused because I was about to mention the Christian name of my right hon. Friend the Member for Witney (Mr. Cameron), which would obviously have been out of order. Under my right hon. Friend's leadership, my colleagues are considering what substantive part we can play in future energy policy.

We take microgeneration extremely seriously, and it forms an important part of the Bill. However, the amendments tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) add nothing to the Bill; they cloud it. I always thought that the Conservative party was sceptical—to say the least—about anything that could be seen as a regional solution. In England we are not a nation of regions, but of counties and cities, and steps towards regional government have been firmly rebutted, so I am surprised that my right hon. Friend vests so much faith in regional solutions. They are costly, bureaucratic, opaque and, given that we have no democratic structures at regional level, undemocratic and unaccountable.

Regional targets are no good. Industry needs national targets to spark investment, and such a target could include a breakdown of how much each region should do to promote microgeneration.

**Mr. Chope:** Does my hon. Friend accept that my amendments Nos. 30 and 31, which would remove subsections (7) and (8), would be good for industry by introducing a degree of certainty to the clause?

**Gregory Barker:** The Bill is sufficient as it stands. Amending it at this stage would not be helpful to the central purpose that the overwhelming majority of us support—to pass the Bill. I see nothing in the amendments that is designed to be constructive in achieving that end. My right hon. Friend the Member for Bromley and Chislehurst said that he had the right to disagree. Of course he has. We are a broad church in the Conservative party.

**Michael Fabricant:** And tolerant.

**Gregory Barker:** Indeed, but no one can doubt the new direction that we are charting in putting issues such as climate change at the top of our political agenda. The amendments are not supported by Conservative Front Benchers. We oppose them, and we wholeheartedly support the Bill.

**Malcolm Wicks:** Clause 3 was the subject of much debate in Committee. When developing our views on the need for microgeneration targets, we will consult a wide range of people and organisations as a matter of course. That makes amendment No. 7 superfluous.

Regions will be able to set their own targets for microgeneration within any national target that we may set, and it would be more appropriate for them to do so, rather than central Government setting them. On those grounds, I oppose amendments Nos. 8, 9, 10, 16, 18 and 20.

Amendments Nos. 30 and 31 would remove the provisions that give the Secretary of State the ability to revise any target that may have been set. Given that the microgeneration industry is in its early stages, it is important to have the flexibility to ensure that targets remain realistic but challenging.

Amendments Nos. 17 and 19 appear to be drafting amendments, for which I find no need, but Government amendments Nos. 36, 37 and 38 improve the Bill, and I hope that they have hon. Members' support.

We support the retention of clause 6 as drafted, without amendment No. 12. The word "appropriate" is deliberately broad, whereas amendment No. 12, tabled by the right hon. Member for Bromley and Chislehurst (Mr. Forth), might be too prescriptive, as we may wish to consider other things when making such a decision. However, I assure him that when considering whether to use the powers in clause 6, we will, as always, ensure that we do so in a way that is effective and cost-effective, as well as environmentally beneficial.

In summary, I support amendments Nos. 36, 37 and 38, and I oppose amendments Nos. 7, 8 to 10, 12, 16 to 20, 30 and 31.

**Mr. Chope:** I shall speak to amendments Nos. 30 and 31, which I tabled, and express my disappointment that the Minister feels it necessary to take the power to review a target and, if he considers it appropriate, to revise it. That is about the Government moving the goalposts—to use a different analogy—and the danger is that once the microgeneration industry begins to grow, the Government will change the targets by revising them downwards, or eliminate them altogether.

My hon. Friend the Member for Bexhill and Battle (Gregory Barker) says that such targets are needed nationally to give confidence to the industry. Surely the industry would have more confidence if it knew that a cynical Government, who have already changed any number of targets and definitions in their time in office, could not come along and say, "Well, we had this target but we don't think it's right now, so we're going to revise it."

Of course, as I pointed out in an intervention on my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), the Government could revise the target under clause 3(8), without the need to give any reason why they wanted to review it or to engage in any consultation on their proposals to do so. That would be a matter for the Secretary of State.

I am pretty sceptical about all this, as I think is apparent, but if clause 3 means anything, it is designed to try to promote mirogeneration. However, it is hedged around with caveats and exceptions and gives too much power to the Minister. It will enable him not to announce a target until 1 November 2008, and then perhaps to decide that he does not want to do so after all. If he chooses to announce a target, he can revise it without giving any information on why he wishes to do so.

If, as the Minister says, what he has in mind is that the revision should always be upwards, why did he not say so? Significantly, he omitted to say that. If the Government were saying, "We'd like to revise targets to make them more demanding, but we'll never revise them just because it's apparent that we can't meet our objectives," I would have a little more confidence. However, the Minister does not want to do that, because the Government have set targets just as the old Soviet empire used to set lots of targets—targets that are abandoned as soon as the date at which the measurement should take place approaches.

I am sure that many people throughout the country realise that targets are just a device used by the Government, and have no point unless sanctions can be imposed for failing to reach them, and no discretion is left to the Government to revise them to suit their own objectives. I will not dwell on what we have referred to briefly, but this week's news that the child poverty reduction target has not been met is a supreme example of how worthless targets are. The Government are not prepared to accept that there are now 300,000 more children living in poverty, and they are not explaining why the target has not been met, or apologising. That just shows the worthlessness of such targets.

If we are going to have targets, they should be robust ones. The Minister, or the Secretary of State, should be forced to stick to them. That would be no big deal, because if they miss them there is no sanction—only the sanction of being held up to ridicule in the court of public opinion. I suppose one could say that has happened with the failure to achieve a reduction in child poverty, which we have heard about this week.

If the Secretary of State is going to revise a target, why should he not give reasons for revising it? I cannot understand why my hon. Friend the Member for Bexhill and Battle does not think that that is a reasonable safeguard or requirement. I must leave him to make his own points about that. However, I agree with him in his suspicion about the whole regional agenda.

**Mr. Forth:** Before my hon. Friend embarks on this part of his analysis, may I point out that I am fairly certain that the Conservative party has just been reorganised on a regional basis? I hope that the chairman of the party does not read the comments of my hon. Friend the Member for Bexhill and Battle (Gregory Barker) about that being bureaucratic, costly and useless. If that happens, my hon. Friend will be in a bit of trouble, and I will be marching in lockstep with the chairman of the party.

**Mr. Chope:** I hope that our party has not been reorganised on a regional basis. My understanding is that although people called regional directors have been appointed, they are not responsible for areas coterminous with—

**Mr. Deputy Speaker:** Order. Fascinating though this subject may be to detached observers, I honestly do not think that it can be brought within the framework of the amendments that we are dealing with.

**Mr. Chope:** I am sure that is right, Mr. Deputy Speaker. On the Government's regional agenda, my right hon. Friend is suggesting the incorporation of regional targets. Therefore, he is effectively referring to the seven Government regions in England.

**Mr. Forth:** I carefully avoided referring to the Government regions; I do not think that I made any

*[Mr. Forth]*

reference to them in my amendment or my remarks. I was trying to suggest that in the context of climate, windmills and all the other things, a breakdown by region—using regions that might be completely different from Government regions—would be more sensible. I hope that I avoided any suggestion that I was picking up the Government's regional structure and seeking to use that; I was not.

**Mr. Chope:** In that case, I shall criticise my right hon. Friend for tabling amendments that might result in unintended consequences. As soon as we refer in legislation to regions—particularly given the Government's attitude to regions and the Deputy Prime Minister's promotion of them even when they have been rejected by regional referendums—that will be used to bolster the regional agenda. The next development will be the idea that in order to police the regional targets, or even determine what they should be, it we need an elected regional assembly of people who are accountable to the region. One can imagine just such an argument developing. That is why I am instinctively against such a provision.

My right hon. Friend and I were members of a Government who naively thought that devolving some Government offices to the regions would bring the administration of government closer to the people, without setting up regions within the context of the European Union regions. I am afraid that however well intentioned that proposal was, it has resulted in a regional culture developing. My constituency is right on the border between one region and another, and is closer to the London region than to the centre of the south-west region, let alone the south-east region, and we feel strongly there that regionalism and all that it involves is bad news rather than good news. That is my concern about the regional targets, although I accept that my right hon. Friend says that regions could be defined in another way. I suppose that he has in mind an area larger than an individual local authority area.

2.15 pm

**Mr. Forth:** I confirm that I have in mind East Anglia, for example, or the south-west: in other words, large geographic—or, dare I say it, climatic—regions in which the distinctions that I was suggesting would make sense. I am avoiding Government administrative regions, and even worse, European regions, and am trying to avoid the constraints of even local government boundaries. I am thinking more of the sort of regions that would make sense in the context of the Bill and its objectives.

**Mr. Chope:** I am grateful to my right hon. Friend for clarifying that. During his clarification, he referred to the south-west, which is a region. Those of us who live in the south-west and are concerned about regionalism are at pains to point out that the most westerly part of the south-west, far from being the south-west region, is the west country. That is how true people from the west country refer to their area. If he had referred to the west country rather than the south-west, I would have had a little more confidence in his approach to regionalism.

**Mr. Forth:** In that case, may I recant and move an amendment to what I said, to delete "the south-west" and insert "the west country"?

**Mr. Chope:** I am sure that my constituents will forgive my right hon. Friend for having referred inadvertently to the south-west in that context. If one is based in central southern England—as you will know from your geography, Mr. Deputy Speaker, that is where Christchurch is located—it is hard to regard it as being the south-west. That is the problem with the regional concept that my right hon. Friend has introduced with his amendments.

The substance of our debate is about microgeneration and the targets for it. Like my hon. Friend the Member for Bexhill and Battle, I believe that if we are to have targets for microgeneration, it is probably better to do that on a national basis, and ideally on a United Kingdom basis—but I understand that that is not possible. Then we could work back from there.

I do not wish to detain the House much longer. All I really want to do is put on record my high degree of scepticism about clause 3: the Government have any number of let-out provisions. If my amendments Nos. 30 and 31 were agreed and subsections (7) and (8) were deleted, that would add significantly to the ability of the clause to achieve what is meant to be the avowed objective of the Bill—to encourage microgeneration and encourage people to invest in it. People are not going to invest in microgeneration if they can see that the whole concept could be disregarded by the Government should they so wish, although in the present climate of opinion it seems like a good thing.

I have no doubt about the commitment of my right hon. Friend the Leader of the Opposition to microgeneration, and in that respect he leads by example. However, he does so without the need for any targets. He is not waiting until 1 November 2008 to act, and there is no reason why anyone else who wants to engage in microgeneration needs to wait until then. I strongly advise people who are thinking of investing in microgeneration equipment to go into the marketplace and seek it, irrespective of any targets—whether national or regional—laid down by the Government. If microgeneration is a good thing and people are prepared to invest in it, we should let that happen, but we should not pretend that clause 3 will make any significant difference.

**Mr. Forth:** I was of course disappointed, although not surprised, by the Minister's reaction, which illustrates the problem that we have with our procedure to which the promoter of the Bill, the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz), referred a short while ago. It is rather assumed that amendments made in Committee in a friendly way when people all agree with each other are okay, but that if people have the gall to table amendments on Report, it is somehow outrageous or unacceptable. That is a rather sad comment on the parliamentary process.

The Minister said two interesting things, one of which was encouraging and another that was rather intriguing. He might regret giving the usual consultation undertaking. He said that the Government will consult before they set the targets, but there would be a problem

if the responses received from those who were lucky enough to be consulted were somewhat at odds with the Government's intentions. It is not unknown for political parties to undertake consultation. If the answer to the consultation is not what was expected, the party can try to go off in a different direction, although that would be very rash. I remain to be convinced that the consultation exercise will be in any way meaningful, and it remains to be seen with whom there will be consultation.

I was intrigued that the Minister said—I tried to write it down, but I am sure that he will correct me if I have got it wrong—that we should not worry about the regional point because the regions will be able to set their targets within any national targets. That does not make sense. How could we ensure that the regional targets that were set would sum to a national target? If there was a difference, how would we explain and deal with it? The proposal would be a rather odd way of going about things. After the Government have undertaken their consultation process with people as yet unidentified, presumably they will come forward with simply a national target for microgeneration.

I suppose that we would be considering the government regions—what else could they be—to which the Government seem still to cling. I am happy to say that we still oppose the regional bodies—that is one of the things that we have not yet changed. Each region would set its own target, but what would happen if the sum of the regional targets fell far short of the Government's national target, or, even more surprisingly, exceeded it? How would the regional targets fit into the subsequent monitoring of the national target? If there was a shortfall, or—surprise, surprise—the national target was exceeded, what would be the policy outcome for the regions in which the targets had been set?

We all look forward with great anticipation to finding out how the mechanism will work. I assume that the Minister was reading from a brief when he made his intriguing comment. If not, when he goes to his officials and says triumphantly, "Now look, I want you to set about erecting the procedures and mechanisms whereby this will happen," they will all have a merry time doing it. I await the outcome with some interest.

**Mr. Chope:** Does my right hon. Friend envisage the Government introducing the regional breakdown of a national target in their regional planning guidance?

**Mr. Forth:** I am grateful to my hon. Friend for that, and I am sure that the Minister is as well. Our old friend guidance is something that any Minister can reach for with a sigh of relief and in a relatively unconstrained way. Guidance does not require any parliamentary process. Unlike primary or delegated legislation, it can be issued at the whim and fiat of the Minister. It is then increasingly held to have the force of law.

My hon. Friend is correct that it is entirely possible that guidance could be issued to the regions on how they might go about setting the targets that the Minister said they will be allowed or, indeed, encouraged to do. However, that still does not get around the problem of the regions' targets not summing up to the national target that the Government set. Guidance would not solve that unless there is an iterative process between the Government at a national level and the regions as to how, on the one hand, they allow the regions to set their own targets and, on the other, they square it with the national targets. We do not know whether that is the case, however, because we have not heard from the Minister. Sadly, these debates are not structured in that way. We will not hear from him unless he wants to intervene, and there is no sign that he does because he has not thought about any of this.

I do not know whether my hon. Friend, with his extensive ministerial experience, finds that convincing, but it is the only explanation that I can offer to get around the problem that the Minister has set for himself and his officials. I am not sure whether it would work.

**Mr. Chope:** I am becoming persuaded of my right hon. Friend's opinion on the matter. If the regions do a bottom-up exercise, the totality of what they consider to be their targets could become the national target. I think that is the point that he had in mind when referring to regional targets.

**Mr. Forth:** I am grateful to my hon. Friend. That was indeed my approach, but the Minister has reversed all that. I am trying to study the Minister's body language, but he is remaining sphinx-like. He is probably regretting what he said and wondering desperately how it is all to be done. The truth is that we are completely in the dark. I laid all my cards on the table in my usual open, helpful and co-operative way, seeking to add to the lustre of the Bill, but, rather disappointingly, that has been rejected by, well, virtually everybody. However, in rejecting my helpful and co-operative suggestions, the Minister came up with his policy, which he did either on the hoof or because it was offered to him by his officials as something that would sound reasonably emollient and fit in with the spirit of the Bill. My suspicion now, however, is that he has given himself a real difficulty.

When we conclude this part of the Bill in just two minutes' time, the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) will tell us when he is going to bring it back to the House. That will give us all time to reconsider the problem and, if it is in order, to table further amendments. The Minister might table an amendment which tells us how he proposes to honour his undertaking.

**Mr. Chope:** My hon. Friend the Member for Bexhill and Battle (Gregory Barker) and I are suspicious of the regional agenda. Does my right hon. Friend agree that it would have been more logical for the Minister to say that the national targets will be broken down at local government level, especially if the Bill refers to lots of individual local authorities?

**Mr. Forth:** There may be an anomaly there as well, but we do not know whether that is the case. We are now caught in a trap between the certainty of the national target, which is in the Bill—the Minister said that he wants to keep it, so that is pretty much that—his hint about the possible involvement of the regions, about which we know no more, and the impact of new clause 4, which gives an unequivocal position in the mechanism for local authorities at all sorts of different levels. I hope that the Bill's promoter is as worried about that as he

*[Mr. Forth]*

should be, although he does not look worried; he looks happy, because we have made splendid progress on his Bill.

**Mr. Chope:** How does my right hon. Friend think that the possible inclusion of the Greater London authority fits in?

**Mr. Forth:** Frankly, that is for the Minister to say. He should come back to the House, perhaps when we next consider the Bill, with an amendment that sets out how he will honour his new commitment—

*It being half-past Two o'clock, the debate stood adjourned.*

*Debate to be resumed on Friday 17 March.*

## Remaining Private Members' Bills

### FIREWORKS (AMENDMENT) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 12 May.*

### HARBOURS BILL [*LORDS*]

*Order for Second Reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 12 May.*

### ENERGY BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 12 May.*

### BREAST CANCER BILL

*Order read for resuming adjourned debate on Question [20 January],* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 17 March.*

### CRIME PREVENTION AND THE BUILT ENVIRONMENT BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 17 March.*

## Domiciliary Oxygen

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Watson.]*

2.31 pm

**Sandra Gidley** (Romsey) (LD): I welcome an early opportunity to highlight problems with the new contract for delivering oxygen to people's homes, which was the subject of heated debated in Health questions. It is nice to see the Under-Secretary of State for Health, the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), but I regret that he does not have direct knowledge of the subject or responsibility for overseeing the implementation of the new service which the Minister of State, Department of Health, the right hon. Member for Liverpool, Wavertree (Jane Kennedy) described, perhaps inadvertently, as a shambles. I therefore hope that the Under-Secretary is well briefed.

It is worth setting out the background to the problem. For many years, community pharmacists supplied oxygen cylinders, and that service was supplemented by other companies supplying oxygen concentrators. In a response to a parliamentary question that I tabled, the Minister of State said:

"For many years, patient organisations have sought improvements in the domiciliary oxygen service, which has seen little change over the past 50 years."—[*Official Report*, 27 February 2006; Vol. 443, c. 435W.]

That is not exactly inaccurate, but the bulk of those concerns centred on the old-fashioned nature of the equipment, rather than on the suppliers.

The Department asked the Royal College of Physicians to lead a multi-disciplinary working group in a review of the clinical assessment and prescribing of oxygen in the home. That group reported in 1999. I have been unable to clarify the composition of the group, so I would be grateful if the Under-Secretary would do so, as it has been suggested that there was not a proper consultation, which prevented full consideration of the benefits of retaining a supply from pharmacies. In 2003, the hon. Member for Tottenham (Mr. Lammy), who then had ministerial responsibility for pharmacies, stated in a written answer:

"Although the working party's terms of reference precluded making specific recommendations about alterations in service provision, a number of the guidelines had implications for the content of the existing domiciliary oxygen service and for the way in which the service is delivered."—[*Official Report*, 12 June 2003; Vol. 406, c. 1075W.]

He then mentioned that as a result of the exercise, a review of the domiciliary oxygen service had taken place and he would announce the results. It may have been at this stage that the Department of Health issued a questionnaire. A joint response by the pharmaceutical services negotiating committee and the National Pharmaceutical Association made a strong case for cylinder oxygen to continue to be supplied by community pharmacies and proposed a beefed-up monitoring role.

The then Minister announced that the new model would transfer responsibility for ordering oxygen for long-term oxygen therapy from GPs to specialist consultants in hospital. The idea was that this was a specialist service and that many patients would benefit from having oxygen available in different forms. GPs could continue to prescribe oxygen for patients who required relatively small amounts. So far, so good. However, he went on to say that specialist contractors would provide the service, and that a specification for the provision of the service would be drawn up. He anticipated that the new service would be fully operational early in 2005.

Not everybody was happy. The pharmaceutical services negotiating committee lodged an official protest with the Department of Health that the domiciliary oxygen service was to be swept aside and replaced by a secondary-based system. The main strands of the complaint were that it had been launched without proper consultation and put at risk the provision of oxygen therapy to patients. Those proved to be sound words.

However, when the details of the invitation to tender were announced, it was clear that pharmacy was out of the picture. Despite ministerial protestations to the contrary, because the Government required a one-supplier-fits-all approach, and pharmacy expertise did not extend to fitting the concentrators, pharmacy was effectively excluded.

Initially, the service was supposed to start on 1 October 2005. That deadline was not achieved because of legal action by one of the potential suppliers. Throughout this period, pharmacy contractors remained keen to help, and despite the fact that pharmacies had already begun to run down the stocks and infrastructure, such as the vans and storage equipment, they all did what they could to keep the service going. The PSNC tells me that efforts were made to find ways of transferring pharmacies' valuable knowledge about patients to the new suppliers, but the Department of Health and the primary care trusts believed that they did not need that help.

As February 2006 approached, some patients were transferred to a concentrator service but, as the Minister acknowledged in health questions on Tuesday, that was only about half the patients who were receiving oxygen. What she did not acknowledge was that on 1 February there were effectively 30,000 patients without an oxygen service. Those had been relying on the local pharmacy network to supply their oxygen.

Prior to 1 February it was clearly understood by pharmacy contractors that they would not be able to supply oxygen after 1 February other than on a pre-dated prescription, so I was somewhat surprised to read in *The Times* a letter from the Minister with responsibility for public health stating:

"The service was always planned to be phased over a six month transition period and not suddenly switched".

Such assertions have been repeated by the Minister with responsibility for pharmacy, and they are misleading. That was not the impression given by the NHS in the run-up to the 1 February deadline. If the Minister disbelieves me, I refer him to the primary care contracting NHS website.

In 2005 some frequently asked questions were produced. One was how suppliers would receive their orders. Under the old system, GPs wrote a prescription, called an FP 10, and pharmacists supplied against that. The answer is interesting. It clearly states that doctors would have to use the home oxygen order form—HOOF—and submit it directly to the oxygen service provider. It continues categorically:

*[Sandra Gidley]*

"The FP 10 will no longer be used for prescribing oxygen, as it is not a prescribable medicine".

As there was no clear cut-off point, it would be helpful if the Minister could explain what the Minister meant when she stated in her letter that the service was to be "phased in", and what phasing was planned for after 1 February. Any phasing should have taken place before that date, when a complete switch-over was planned.

What happened? Within a few days of 1 February, I received complaints from a local hospital doctor that he was unable to discharge patients into the community because of difficulties in obtaining oxygen. He also claimed that many doctors had raised concerns about the transfer to the new system. In addition, I received calls from pharmacists highlighting the long delays experienced by patients receiving oxygen from the new suppliers. Many GPs did not transfer patients as anticipated, and it would be helpful if the Minister were to explain how that process was monitored during the lead-up to 1 February.

Much of the information supplied by GPs was inaccurate or incomplete, which compounded the demand on the inadequate resources of the new suppliers. Air Products, which is one of the new suppliers, claims that 80 per cent. of the HOOF forms that it received had been filled in incorrectly. It would be useful to know what guidance was issued to GPs on the changes and the extra information required on the new forms.

The four main suppliers had insufficient telephone line capacity, and it is interesting that they passed the buck to GPs and patients and blamed them for contacting helplines with general queries about future supply orders. In many parts of the country, the February transfer can only be described as "chaotic". One supplier, Allied Respiratory, was moved to issue a press release stating:

"DoH and NHS had discussed the transitional arrangements, and it had always been anticipated that a gradual change would take place, phasing the transfer of existing cylinder patients from their current suppliers"—

namely pharmacies—"to the new suppliers", but that did not happen. Instead supply from the existing network ceased abruptly, leaving patients with no choice other than to pursue the new suppliers for their oxygen from 1 Feb 2006. As I have said, that situation involved some 30,000 people.

It seems clear that the much quoted "phased transfer" was supposed to occur before 1 February and that the scheme was badly managed by the NHS. The original intention was to pass regulations to prevent doctors from using prescription forms after 1 February, which would effectively have curtailed supply from community pharmacies. We have to be hugely thankful for yet another piece of Department of Health mismanagement, which meant that those regulations were never actually passed. That effectively threw the Government a lifeline, because GPs continued to prescribe as they always have done and pharmacists continued to supply and bail out the failing service. Despite the fact that many pharmacies had run down their stocks of oxygen, they rose to the occasion, and many were happy to do so, because they did not want to let down the many patients with whom they had formed close relationships.

That action serves to underscore the importance, resilience and flexibility of the pharmacy network and its commitment to patient care, but the Government clearly fail to appreciate that point. A letter to me from Lord Warner dated 27 April 2005 stated:

"As you will appreciate more is required of the service providers under the new service contract than the delivery and collection of oxygen cylinders".

That statement displays a complete lack of understanding of the role of pharmacists, who, when they delivered oxygen, were on hand to advise on and monitor use. Furthermore, they would often deliver medicines and advise on their usage at the same visit. In fact, that arrangement provided a fully integrated medicines management approach delivered into the heart of the community and reaching some of those in society with the poorest health, which is just the sort of thing that the Government claim they want to see much more of in their latest White Paper.

What of the future? Local arrangements are being implemented to sort out the problem in the short term. I pay tribute to the local practitioner committee in Hampshire and Isle of the Wight, which has been proactive and negotiated arrangements with the primary care trust to ensure that patients receive supplies and that pharmacists are not left out of pocket for helping out.

We must ask ourselves whether it is right to keep the service in the hands of three large suppliers—the number has decreased from four to three because of a takeover—which are likely to struggle with the peaks and troughs of demand. In the past, if a local pharmacist could not supply oxygen, there was usually one not very far away who could step into the breach very quickly. In an emergency, most pharmacists were keen to supply within an hour. The current target is four hours, which is too long for some people to wait for oxygen, and it has been missed in the first month of the introduction of the new contract. There have been reports of people having to wait until the next day for what has been deemed an emergency supply of oxygen. That never happened with pharmacies, because of their individual professional responsibility and commitment to patient care.

On Tuesday, I was disappointed when the Minister of State, Department of Health, the right hon. Member for Liverpool, Wavertree seemed to suggest that because only half of the pharmacy network supplied oxygen, the system was not good enough. In reality, in any local neighbourhood, everybody knew where the oxygen was and worked together to ensure that the patients received a decent supply. Again, there has been a lack of understanding about the system's flexibility and the way in which it worked on the ground.

The Government say much about patient choice and it is a shame that that commitment did not extend to oxygen supply. I therefore read with some interest in *Chemist and Druggist* about their new campaign for choice in oxygen, which pharmacy trade bodies, multiple wholesalers and individual contractors back. I do not believe that they have got around to asking patients yet, but my feedback and postbag lead me to believe that they would also support it. The National Pharmaceutical Association suggested that the service could be reintroduced as a beefed-up, enhanced service. I hope that the Government will consider that proposal.

When the Under-Secretary responds, I hope that he will be open and candid about the faults and problems that have arisen. Warm words about those who have bailed out the system are not enough. Patients and their relatives have experienced stress, and deaths have been attributed to the failure of the service during the handover. Only an apology will be sufficient.

2.45 pm

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** I congratulate the hon. Member for Romsey (Sandra Gidley) on securing the debate. She is well qualified to speak about the matter. I thank her for her welcome and assure her that I shall pass on her comments to my right hon. Friend the Secretary of State.

I do not trust *The Guardian* for much but I relied on it for the hon. Lady's biography. I noted that she spent a long career as a pharmacist, starting in 1979, and that she became a pharmacy manager, a locum pharmacist, and a pharmacy manager with Safeway and then with Tesco. I therefore appreciate that I am up against someone who understands the existing system inside out.

On 1 February, we introduced new arrangements for the supply of oxygen to patients at home through a contract with regionally based suppliers. We did not make those changes for their own sake but because of the benefits that we believed that a new way of doing things could have for patients and health-care professionals alike. They want changes to a service that has remained much the same for 60 years.

Some of the ambitions of the new contract are to replace fragmented delivery and, most important, the limited choice of oxygen equipment available to patients. Again, that is not some sort of fanciful notion. We have done it because we want to support developments in best clinical practice and other changes in the way in which we deliver health care to patients, especially those with long-term conditions. We also wanted to give patients and clinical staff the opportunity to shape a contract themselves. That has been a key driver in ensuring that NHS patients have access to the most modern equipment available. The change is therefore about the future of the service.

As the hon. Lady knows, some of the modern equipment that will be available in the not-too-distant future could change many patients' lives immeasurably for the better, through, for example, devices that resemble a laptop, take oxygen from the ambient environment and channel it to the individual. That also applies to new ways of rendering oxygen equipment and therapy far more portable. Those services can improve quality of life, thus allowing those who can to continue to attend school or work, go on holiday or live life as they see fit.

Improvements in patient care and choice have driven the changes. Patients will no longer have to rely on repeat prescriptions or visiting their GP to obtain oxygen at home. Hospital staff may now order oxygen from suppliers for delivery direct to the patient's home. We believe that health-care professionals can now concentrate on the patient's clinical needs, leaving it to the supplier's expertise to determine the equipment that will best meet their patients' individual needs.

Hon. Members' attention was drawn to the implementation of the contract on Tuesday. Let me begin with some history. In June 2003, the Department announced plans to modernise the home oxygen service. In preparation for that modernisation, it spent about a year developing a service specification with people whose input was important, not least patient representatives, clinicians, experts in the safe use of oxygen systems, and representatives from the industry, in order to improve the care of patients with respiratory and other conditions. This included close working with the British Thoracic Society, which updated clinical best practice guidelines on oxygen therapy. The contract requirements support and reflect those guidelines. Importantly, the service specification also set out measures that would structure the implementation of the changes in two phases.

Information on the competitive tendering requirements and the tender documents were made widely available, including to pharmacy businesses. The market structure of the pharmacy business in this country means that companies such as Safeway and Tesco are heavily involved in it. Some very big organisations are involved; indeed, they are more than big enough to enter into regional contracts, if that is what interests them. In fact, one pharmacy company did put in a bid, although it was unsuccessful. Under the public service procurement rules, regional contracts were awarded to four suppliers, each of which is required to meet all the home oxygen needs of all patients in the region in which they hold a contract.

The service specification highlighted the number of players who needed to be involved in planning and managing the changes. This involved primary care trusts leading implementation locally, in discussion with GPs, pharmacists, hospital trusts, new suppliers and outgoing contractors. Perhaps more importantly, those discussions also involved people representing patients using the service. The PCTs worked hard with GPs and new suppliers to check patient data during the first phase, including securing consent for transfer of personal patient information, to ensure that new suppliers had details of patients receiving this service. Most importantly, we identified many patients who were highly dependent on oxygen therapy, to prioritise their early transfer to the new system. As my right hon. Friend said on Tuesday, more than 30,000 patients using the oxygen concentrator service transferred to new suppliers before 1 February 2006.

The second stage of the transition plan started on 1 February with the intention of managing the transfer of the remaining patients over a six-month period to August 2006. Stage one went without a hitch. In stage two, however, suppliers experienced a very high volume of orders in the first few days of February, and many of the new order forms did not include sufficient information to support delivery of the required service. The need carefully to check these resulted in time being spent prioritising orders for immediate or emergency needs and delivering supplies to new patients.

**Sandra Gidley:** It surprises me that alarm bells did not immediately ring at that point, with 30,000 patients having switched over. The Minister has mentioned a transition period. He must acknowledge, however, that if the system had gone according to plan there would

*[Sandra Gidley]*

have been no let-out clause, because GPs would have been unable to prescribe oxygen in a form that pharmacists could supply. That means that, as of 1 February, the system transferred completely to the new suppliers. I am not quite sure where the idea that there has been a transition period comes from, because it has certainly not been the perception of anyone who works in the industry.

**Mr. Byrne:** I understand from the officials with whom I spoke this morning that a great deal of work went into communicating with GPs and PCTs before the switchover. However, a number of other issues complicated the transition, including the high volume of orders sent to suppliers on the same day, even when patients still had supplies of oxygen at home. Also, a very large number of patients contacted suppliers with queries about the new service. All those factors account for some of the delays in receiving and delivering orders for oxygen.

Action was quickly taken to address the problems. I want to pay tribute here to the tremendous response from the community pharmacists—these are not mere warm words—many of whom will have been the hon. Lady's former colleagues. The part played by many pharmacists in coming forward to ensure that patients' needs came first was magnificent. Both the Department of Health and the NHS greatly appreciate their professionalism and commitment to patient care, which they have displayed in spades over the past few weeks.

We identified the transition issues very quickly and took action to return to plans for a phased transfer. Our key message is that the existing cylinder service should continue to be run through pharmacies to support the managed transfer of patients to new suppliers. GPs and their patients have been advised to use prescriptions in the usual way until they have a date on which a patient will transfer to a new supplier.

Oxygen cylinder suppliers are restocking pharmacies quickly, but as we continue to monitor the service we will reserve the right to take any further action. We are discussing with all cylinder suppliers how best to maintain supplies. New suppliers have taken on resources to prioritise orders and help maintain their delivery schedules.

Implicit in what the hon. Lady said were some questions about pharmacy. She mentioned that my right hon. Friend had said that only 55 per cent. of pharmacies provided cylinder service. As she will know, under the new contract many pharmacists want to expand different parts of their business. Interestingly, a limited number of bids were submitted by what are very big suppliers. The new White Paper sets out a wide range of ambitions for community pharmacists, and during the public consultation in which I participated when drawing up the White Paper we were repeatedly struck by the praise that the public had for community pharmacists. People often said that they would rather go to a community pharmacist for advice because they did not want to trouble a doctor. Many pharmacists recognise that, and feel that it provides exciting opportunities for the future—perhaps more exciting than supplying oxygen therapy.

A number of specific pharmacy concerns have arisen, not just in the House but in the wider world. There has been concern about lost cylinders, for instance, and about financial costs falling on pharmacists when cylinders supplied to them go missing. We know that the issue must be tackled, and we have already facilitated discussions between pharmacy representatives and gas suppliers. That dialogue will continue, with the aim of achieving a resolution as quickly as possible.

There have also been concerns about redundant equipment. We have been discussing with the Pharmaceutical Services Negotiating Committee plans for the payment of a decommissioning fee to pharmacists who have purchased headsets or regulators for use by patients supplied with cylinder oxygen. I understand from officials that those discussions are nearing completion.

I was glad that the hon. Lady mentioned the campaign of *Chemist and Druggist*, not a magazine that I have had much opportunity to read but one that is, I am sure, read regularly in the hon. Lady's household. The campaign claims that the patient's right to choose has somehow been reduced. We agree that many pharmacists have excellent relationships with patients using the cylinder service, but this is not about suppliers; it is about how we give patients far greater choice, and the chance to take advantage of significant technological advances that have resulted in much better and more modern equipment.

**Sandra Gidley:** Will the Minister at least admit that the provision of choice is not exclusively linked to the supplier, and that that choice could have been extended if pharmacy contractors had been kept in the loop and incorporated in the system?

**Mr. Byrne:** With only 55 per cent. of pharmacists supplying the service, there has been a degree of fragmentation in the industry. The question chewed over by the advisory groups that considered the service specification in the first instance, which included patient representatives, is "How can we best secure a wide diversity of modern equipment for patients as quickly as possible?" That will inevitably involve substantial infrastructure and significant research and development. It may well involve global operations so that best practice can be sourced from any part of the world. The question for us is how to ensure that there is a rapid feed-through of modern technology to enable patients to lead the lives that they want to lead. That is why the service specification ended up in its present form. It was drawn up not on the basis of a whim, but on the basis of wide consultation, not least with patients.

In conclusion, we believe that the new contract will help to deliver an improved oxygen therapy service to patients at home. We value the important contribution that pharmacists have made, and continue to make, in supporting the transition to the new arrangements. I appreciate that not all pharmacists will want or need to be involved over the coming months; none the less, we will work with them to help manage the changes. Indeed, doing so is an essential part of updating plans to manage the transition.

*Question put and agreed to.*

*Adjourned accordingly at one minute to Three o'clock.*

# House of Commons

*Monday 13 March 2006*

*The House met at half-past Two o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## WORK AND PENSIONS

*The Secretary of State was asked—*

### Child Support Agency

1. **Mr. David Jones** (Clwyd, West) (Con): If he will make a statement on the recent performance of the Child Support Agency. [57316]

**The Secretary of State for Work and Pensions (Mr. John Hutton):** Although there have been recent improvements in some areas, the overall performance of the agency is not acceptable. The operational improvement plan that I published in February sets out the immediate priorities for improvements in administration and enforcement. Sir David Henshaw will report his proposals to me for a new system of child support later in the summer.

**Mr. Jones:** The Secretary of State will recall that on 9 February he told the House that he proposed to make an additional £30 million available to enable the agency to use the services of private debt recovery agents. What progress has he made with that proposal, and will the cost of recovery by those agents be recoverable from the defaulting parent, or will it be an additional charge on the public purse?

**Mr. Hutton:** The £30 million is available to the agency now to use for that purpose. I understand that it is making progress in deploying the resource for the purposes that I have outlined. It is important that the agency should improve its performance in that regard. As I said on 9 February, relationships end but responsibilities do not. If we are to ensure that the CSA discharges that important aspect of its responsibilities, it will need to redouble its efforts. I am happy to keep the hon. Gentleman informed of progress in that area, and if he has any particular concerns about how those resources will be deployed in his constituency, he is welcome to raise them with me.

**Mr. Frank Field** (Birkenhead) (Lab): Does my right hon. Friend accept that there is widespread agreement on both sides of the House with the efforts that he is making to try to improve the performance of the agency? Will he share with the House the major lessons that he draws from our failure to have a more effective CSA? Might one of them be that, for good reasons, we have kept access to children separate from payment for children? While there are of course noble exceptions to the general rule, is it not the case that it is mostly men who are unwilling to pay up for their children and women who cease to allow the fathers of their children access?

**Mr. Hutton:** My right hon. Friend speaks with much authority on this issue. We have all known where the difficulties of the CSA have lain in the past 13 years. We should never lose sight of the fact that we are often dealing with chaotic relationships that do not fall within even a broad definition of what we understand a family to be, and that has made it difficult for the agency to make the progress that we wanted it to make. I agree with my right hon. Friend that we should keep the issue of financial support for children separate from the issue of access. Whatever the disputes between partners about access to a child, there can be no lawful reason or excuse for the non-resident parent not to meet his or her financial responsibilities to that child. I hope that as Sir David Henshaw completes his work, none of us loses sight of that important principle.

**Mr. David Laws** (Yeovil) (LD): Does the Secretary of State agree that the persistent poor performance of the CSA over a long period must have contributed in some way to the poor performance on the issue of child poverty? I acknowledge the progress that the Government have made in reducing child poverty in recent years, but is he disappointed by recent figures showing that they have missed the target by a third of a million? What policy action is he taking to get back on target?

**Mr. Hutton:** I dispute the observation that the hon. Gentleman made at the beginning of his question. When we came into government, we found that child poverty had doubled. It is now falling significantly, and falling faster here than in any other country in the European Union. We want to make further progress, and if we could ensure that child maintenance was paid more regularly and reliably to lone parents, it might act as an encouragement for more of them to take a job and return to the labour market. That in turn would allow us to make more progress in tackling our child poverty targets. They are ambitious targets, and we will need to do more over the next few years if we are to reach them. Some have said that we should not have attempted to reach that target. Indeed, the hon. Gentleman's party has not committed itself to reaching it, and that is something for him to consider. For all my right hon. and hon. Friends, it is not acceptable for any child to grow up in poverty in this country in this day and age. That is why it is right that we set ourselves the objective of eliminating child poverty, and we remain absolutely committed to it.

**Vera Baird** (Redcar) (Lab): Like most hon. Members, I suspect, I cannot get through a surgery without at least one or two CSA cases. It seems as if the CSA does not use sensibly the enforcement powers that it already has. I had a case a week ago in which the absent parent

owned a property in the constituency, the address of which was given to the CSA by his partner. Not only did the agency fail to get any order over it that could have delivered her some cash, but the notice was served on the wrong address. What is going on?

**Mr. Hutton:** I do not know the details of that case, but if my hon. Friend would like to raise it with me, I shall be happy to look into it. To be fair to the Child Support Agency—someone needs to be—it is true to say that the number of enforcement actions is increasing substantially at the moment. I said to the chief executive that I wanted to see a significant improvement in that area, and I am glad to say that we are now seeing it. For the future, that is clearly something on which Sir David Henshaw will be focusing his attention: It is crucial that the CSA should do better, and that any successor should do better still. I hope that we can all look forward to surgeries with fewer such cases.

**Miss Anne McIntosh** (Vale of York) (Con): The Opposition wish Sir David Henshaw well with his mission. Will he consider the background of 800,000 calls to the Child Support Agency going unanswered in one year, and the continuing delays with cases in both the old and new systems? What is the Secretary of State's reaction to the cut in training days and staff trained that is planned for the next financial year? How does he imagine that that will improve staff morale or the performance of the agency?

**Mr. Hutton:** On the last point, we are recruiting a significant number of additional staff for the Child Support Agency so that it can deliver on the objectives that we set out in the operational improvement plan. I hope that that will contribute to tackling the morale issues to which the hon. Lady referred. I welcome her support for the review that Sir David Henshaw is about to initiate. I understand that he is seeing her hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) tomorrow to discuss how it can be progressed.

## Incapacity Benefit

2. **David Wright** (Telford) (Lab): What changes to benefit rules he plans to make to encourage more incapacity benefit claimants into work. [57317]

**The Secretary of State for Work and Pensions (Mr. John Hutton):** We set out our proposals for reforming incapacity benefit in the welfare reform Green Paper in January. These changes will help provide more support for more disabled people to return to work, while offering more financial support to those who are unable to do so.

**David Wright:** If there are to be significant changes in the incapacity benefit system, can we ensure that they are dealt with sensitively and that we have a speedy appeals process, so that if people are asked to move back into work and off incapacity benefit they have an opportunity to appeal against that decision and have it reviewed quickly?

**Mr. Hutton:** Yes, I can give my hon. Friend that assurance. I agree that we need to improve all aspects of the decision-making process for incapacity benefit. The Green Paper set out proposals in two important areas where that will be possible: first, by redesigning the new personal capability assessment test, and secondly, in relation to the conduct and organisation of the appeals process.

**Mr. James Gray** (North Wiltshire) (Con): In 1998 the Secretary of State's predecessor—the present Secretary of State for Transport, the right hon. Member for Edinburgh, South-West (Mr. Darling)—said:

"1 million . . . people say that they want to get back into work but are not being given the chance".—[*Official Report*, 28 October 1998; Vol. 318, c. 340.]

In 2005 the Prime Minister said that there were 1 million people on incapacity benefits who wanted to get back into work and the Government were determined to get them there. Did the right hon. Member for Edinburgh, South-West fail?

**Mr. Hutton:** No, he did not. We have seen the number of people claiming incapacity benefit falling very substantially for the first time—it is down by a third—and the first recorded fall in the overall number of people claiming incapacity benefit. All I would say to the hon. Gentleman is that when his party last had its hands on power, the number claiming incapacity benefit doubled.

**Tom Levitt** (High Peak) (Lab): I am sure that my right hon. Friend will agree that a large proportion of those who might be hoping to get off incapacity benefit and back into work have mental health difficulties, and will face particular problems. Will he assure me that he will have early discussions, particularly with voluntary organisations representing the interests of people with mental problems, so that they can be reassured at an early stage and any period of uncertainty is as short as possible?

**Mr. Hutton:** I am grateful to my hon. Friend for those comments. My right hon. Friend the Minister for Employment and Welfare Reform has already begun the process of dialogue with organisations representing mental health concerns, and we will continue to make them a priority in the months ahead.

**Mr. Nigel Evans** (Ribble Valley) (Con): A constituent came to my surgery on 4 March. Clearly disabled, and on disability living allowance and incapacity benefit, she had been encouraged to take a cleaning job with just two hours' work a week. She found it difficult, but she agreed to do it—and lost £82 disability living allowance and gained a salary of £12. Can the Secretary of State tell the House today whether the changes that he is considering will assist such people so that my constituent will not lose £82 when she gets only £12 in salary?

**Mr. Hutton:** If that has happened, clearly that lady received some very poor advice. I do not understand on what basis that advice was given to her. If the hon. Gentleman would like to raise that particular case with me, I will certainly look into it. The whole point of the reforms is to make work pay and to help people who are

disabled to get back into work. I believe that the right to work should apply both to people who are able-bodied and to those who are disabled, and that is what underpins the Green Paper.

**Mr. Pat McFadden** (Wolverhampton, South-East) (Lab): What assessment has the Department made of the more personalised, one-to-one support offered by pathways to work and Jobcentre Plus, including the excellent Jobcentre Plus office in Bilston in my constituency, in helping incapacity benefit claimants back into work?

**Mr. Hutton:** The pathways to work scheme is the most successful back-to-work scheme that any country has developed for people who are disabled. That is not my view but that of the Organisation for Economic Co-operation and Development, which praised the work that we have done. If one looks at the evidence from my hon. Friend's constituency and elsewhere, one sees the striking result of our having introduced pathways to work: in areas with the scheme we are twice as successful in getting people back to work as we were before, which is why we are now committed to extending it to every part of the United Kingdom in the next two years.

**Mr. Mike Weir** (Angus) (SNP): Although the pathways to work scheme has generally been recognised as fairly successful, those working with persons with mental health and learning difficulties have expressed concern that the existing schemes do not adequately deal with those problems. Will the Secretary of State give us an assurance that as pathways to work is rolled out across the country, due cognisance will be taken of that concern and the new schemes will take account of the particular difficulties of those people?

**Mr. Hutton:** Yes.

## Pension Credit

3. **Mr. Bob Blizzard** (Waveney) (Lab): What recent assessment he has made of take-up of pension credit. [57318]

**The Minister for Pensions Reform (Mr. Stephen Timms):** In November there were more than 2.7 million households in Great Britain receiving pension credit—about 1 million more than received the minimum income guarantee that preceded it. New figures on Thursday showed a further sharp fall in the number of pensioners living below the poverty line as a result of the introduction of pension credit.

**Mr. Blizzard:** Earlier this year I carried out an exercise for Anglia television, living on the minimum pensioner income of £109.45. An overwhelming majority of the pensioners whom I met felt that they were much better off with pension credit and all the other things that this Government have done for them. However, I urge my hon. Friend to continue to raise pension credit each year in line with average earnings. Thanks to council tax benefit and housing benefit, I did just manage on £109.45, but it was a little tight.

**Mr. Timms:** I congratulate my hon. Friend on his experience. It is certainly right to say that pension credit is helping a large number of pensioners. Last week's figures showed a fall of 1 million—from 2.8 million to 1.8 million—in the number of pensioner households living below the 60 per cent. of median household income threshold since 1997. That is a remarkable achievement at a time when median incomes have been rising quickly thanks to the success and stability that we have seen in the economy. My hon. Friend will be pleased to hear that pension credit will be uprated to £114 from next month, and uprating will continue to be in line with earnings until at least 2008.

**Mr. Nigel Dodds** (Belfast, North) (DUP): On the subject of take-up of pension credit, on Thursday the Department for Social Development published figures showing that annually £221 million of pension credit goes unclaimed by up to 60,000 pensioners in Northern Ireland. Reasons outlined by those who work in this area are confusion and lack of information. Will the Minister tell the House that more will be done, targeting information at those who are entitled to claim but do not?

**Mr. Timms:** Yes, I can certainly tell the hon. Gentleman that we are doing a great deal to increase the take-up of pension credit. As I said, there are now more than 2.7 million pensioner households in Great Britain receiving help from pension credit. The Pension Service has sent out 1.5 million mail shots in the past six months and attracted a good response. This year, Pension Service staff will have made 800,000 home visits. I have no doubt that similar arrangements are being made in Northern Ireland, and the figures released on Thursday showing a sharp fall in the number of pensioners living below the poverty line, just in the year following the introduction of pension credit, show how successful the policy has been.

**Michael Jabez Foster** (Hastings and Rye) (Lab): Scaremongering reports in the press recently suggested that as a result of mistakes that have happened in the system, pensioners will be asked to pay back money. Does my hon. Friend agree that, if they have not made mistakes in their submissions, no one will be made to pay back money as the result of official error?

**Mr. Timms:** Nobody can be compelled to pay back money as the result of official error. As my hon. Friend rightly suggests, the Conservative party, I am afraid, has been guilty of irresponsible scaremongering, and I hope that we will hear the Conservatives make an apology today to pensioners who have been unduly alarmed. Based on what Conservative Members said, it was reported on Friday that millions of pensioners were being written to, whereas the actual number last year was 76. If it is now Tory policy to frighten pensioners with false claims of that kind, it is just as well that we have found out.

**Mr. Philip Hammond** (Runnymede and Weybridge) (Con): In the hon. Gentleman's judgment, would a long, complicated and intrusive application form, low levels

of take-up, poor understanding of entitlement by claimants and high levels of error in payment constitute the elements of a well-designed benefit?

**Mr. Timms:** The hon. Gentleman will have seen the figures on Thursday, showing a further sharp reduction in pensioner poverty as a direct result of pension credit. I am pleased that he has not sought to defend the hon. Member for Bury St. Edmunds (Mr. Ruffley), whose claims were indefensible, but there is no doubt that we have seen a very sharp reduction in pensioner poverty as a direct result of pension credit. That is what it is for, and that is what it is successfully delivering.

**Mr. Hammond:** I am interested to hear the Minister of State's response. Lord Turner has calculated that 70 per cent. of pensioners will come within the pension credit means test by 2050 if nothing changes. Does the Minister agree that a halt to the spread of means-testing is an essential prerequisite to an effective reform of the pension system—and if so, can he tell the House whether, as far as he is aware, his right hon. Friend the Chancellor now shares that analysis?

**Mr. Timms:** Of course, Lord Turner drew attention in his report to the success of pension credit in reducing pensioner poverty. He also said that a large future expansion of means-testing could have a damaging effect on incentives to save. My view is that he made a strong case, and the hon. Gentleman will see the Government's response to those points in our White Paper in the spring.

**Asbestos**

4. **Mr. Stephen Hepburn** (Jarrow) (Lab): If he will make a statement on asbestos exposure in the workplace. [57319]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire):** The use, importation and supply of asbestos has been banned since 1999. However, building and maintenance workers are still at risk, as they are often unaware that asbestos is present in the fabric of buildings. Consequently, a duty was introduced in 2002 to require employers to identify and manage asbestos. Any work with asbestos must be carefully assessed and planned. Employees carrying out work must be properly trained and work in accordance with plans of work. The Health and Safety Commission has recently consulted on proposals to strengthen worker protection further and implement amendments to the asbestos worker protection directive.

**Mr. Hepburn:** Is it not a disgrace that employers are yet again trying to renege on their obligations to their ex-employees who worked with asbestos? Will the Minister confirm whether, if the Law Lords up the corridor determine against common decency and fairness, and against the welfare of workers, in a case over the next few days, we will intervene?

**Mrs. McGuire:** Although I understand my hon. Friend's concerns, it would be inappropriate for me to make any comment on the case now before the Law Lords.

**Mark Pritchard** (The Wrekin) (Con): Does the Minister agree with the hon. Member for Jarrow (Mr. Hepburn) that another disgrace is what is happening now with regard to asbestos-related diseases in the workplace—not least with those thousands of personnel who served with the Royal Navy pre-1986 who are unable to get compensation? Is it not a strange idea of fairness when the Royal Navy and the Ministry of Defence will pay people compensation for what happened post-1986, but not for exposure to asbestos pre-1986?

**Mrs. McGuire:** The hon. Gentleman will be aware that the Ministry of Defence has previously considered some of the issues that he raises—but I will, of course, draw his concerns to the attention of my colleagues in the MOD.

**Mr. Michael Clapham** (Barnsley, West and Penistone) (Lab): I can tell my hon. Friend that before coming into the Chamber, I joined a demonstration of people outside the Lords involving asbestos groups and widows from all over the country who have lost husbands as a result of mesothelioma. Her Department is to undertake a review of the industrial injuries scheme later this summer. Will she make it part of that review to look at the possibility of introducing a scheme, financed by insurance companies, to pay compensation to mesothelioma sufferers and their widows?

**Mrs. McGuire:** I know of my hon. Friend's deep concerns. Only a few weeks ago we had a debate in Westminster Hall highlighting some of the concerns that he has raised again today, which other hon. Members on both sides of the House share. The Health and Safety Commission is consulting on new guidance. I appreciate the fact that my hon. Friend will work to ensure that every effort is made to secure justice for asbestos workers and their families. I assure him that we will look at all ways in which we can make that happen.

**Benefit Payment Methods**

5. **Andrew Selous** (South-West Bedfordshire) (Con): If he will make a statement on the future arrangements for paying pensions and benefits at post offices. [57320]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt):** The Government are committed to ensuring that benefits and pensions are paid in the most secure and efficient way. That is why we made the successful switch from order books to direct payment. The Government have always said that we will make it possible for anyone who wishes to collect their benefit from the post office to do so. We will fund the Post Office card account until 2010, as was always planned. Anticipating what should happen thereafter, we have been having discussions with Post Office Ltd. for a number of months. I understand that Post Office Ltd. is developing new banking and savings products.

**Andrew Selous:** In 2004, the Prime Minister said that direct payment customers would still be able to collect their cash from the post office. Given that the Post Office card account is to be scrapped, that high street banks are threatening to kill off the basic bank account, and that

not all banks allow their customers to withdraw cash from the post office, will that continue to be the case, and what effect will the current changes have on post offices?

**Mr. Plaskitt:** As I said, we stand by our commitment to enable those in receipt of benefits or pensions who wish to collect them from the post office to continue to do so. The Post Office card account is one way to do that, but there are 25 other accounts that are also accessible at post offices. As I have said, we understand that the Post Office is developing new products, which may well serve as successors to the POCA when it expires in 2010.

**Huw Irranca-Davies** (Ogmore) (Lab): The Minister will recall that when the POCA was introduced, it was much derided; however, it has served a useful purpose through its simplicity as an in-and-out account in the post office. Does he share my frustration at the slow speed of development of alternative products that will not only allow in-and-out cash transactions of benefits and pensions but, for example, give people the benefit of standing orders, thus making their bills cheaper? What can we do to put more pressure on Post Office Ltd. and the banks to introduce a far better product when POCA is phased out?

**Mr. Plaskitt:** My hon. Friend makes an important point. He is right to say not only that POCA has served a useful purpose, but that its functionality is limited. One cannot, for example, attach a direct debit to the account. All of us have pensioner constituents expressing concern about increasing bills for gas and electricity, and one way to reduce that cost is to pay those bills by direct debit, but that cannot be done through a POCA.

**Mr. Philip Dunne** (Ludlow) (Con): Is the Minister aware of the Post Office's reaction to the Government's unilateral decision? I have a letter from Mr. Alan Cook, the managing director of the Post Office—a letter that I believe several other hon. Members have received today—in which he points out that the Post Office is "disappointed" at the decision and that the Post Office currently loses £2 million a year, after a £200 million revenue contribution, from the POCA. The consequences will be extremely damaging, especially in rural areas. Last week I surveyed the 42 post offices in my constituency, and 100 per cent. of those who responded said that the change either would or probably would jeopardise the viability of their business. Will the Minister respond to that?

**Mr. Plaskitt:** The Government have not made a unilateral change. I draw the hon. Gentleman's attention to the jointly signed contract between the Government and the Post Office, the introduction to which says:

"A POCA will complement the range of Bank Accounts available to customers; in particular, to promote a service to those who do not have or cannot otherwise obtain a Bank Account."

It goes on to say:

"The POCA is intended to be an interim step for Account Holders who will be encouraged by both Parties to migrate to Bank Accounts which provide services and opportunities not available through the POCA."

The Post Office and the Government have both honoured that contract. If the hon. Gentleman is concerned about rural post office closures he should note that the Government have made available £700 million to support the rural network, and the rate of rural post office closures has slowed considerably from the rate under the previous Administration.

### Contracted-out Rebates

6. **Mr. Andrew Slaughter** (Ealing, Acton and Shepherd's Bush) (Lab): What his proposals are for contracted-out rebates from April 2007. [57322]

**The Minister for Pensions Reform (Mr. Stephen Timms):** The proposals are set out in the draft order laid before Parliament on 1 March. They include an increase in the flat-rate rebate for defined benefit schemes from 5.1 per cent. to 5.3 per cent., and an increase in the rebates for defined contribution schemes together with a reduction in the cap.

**Mr. Slaughter:** I am grateful to my hon. Friend for that reply, but as he knows, the contracted-out rebate that he has announced is less than the sum recommended by the Government Actuary. Many of us have received representations from the pensions industry and others about that sum. Is that my hon. Friend's final offer, or is he prepared to look at it again?

**Mr. Timms:** The proposals keep the cash value of the contracted-out rebate broadly unchanged. We are required to review the rebate at least every five years, so we had to make an announcement this month to take effect from April next year. However, we need to look at the rebate again, as my hon. Friend suggested, in the light of the pensions White Paper. We would not need to wait another five years if we decided to make a further change, as it would be possible to change rates again from April 2008 if we thought that it was right to do so.

### Benefits System

7. **Greg Clark** (Tunbridge Wells) (Con): If he will make a statement on the complexity of the benefits system. [57323]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt):** We recognise that over time successive piecemeal changes to benefits have led to undue complexity in the system, but unlike previous Administrations we are addressing that. We have already introduced major design reforms such as easements for the poorest pensioners to claim housing and council tax benefits and the piloting of the local housing allowance. From this April, we will simplify the social fund budgeting loans scheme, making it easier to access, more transparent and more responsive. Longer-term proposals for more radical simplification were set out in the welfare reform Green Paper published in January.

**Greg Clark:** Is the Minister aware that the National Audit Office says that the complexity of the benefits system has deterred people from saving for retirement? That was illustrated graphically to me on Saturday, when a constituent told me that for 15 years he had saved 10 per cent. of his modest salary for retirement, but has now stopped doing so, because he understands

that the impact on his income in retirement will scarcely be worth while. Does that not illustrate that the real problem is the message sent out to our constituents across the country, and is the Minister happy to preside over a system that causes people to behave in that way?

**Mr. Plaskitt:** First, we should put the record straight about what the National Audit Office said about the Department's record on tackling complexity in the benefits system. It recently published a report on the matter, in which it said:

"Overall, the Department has made some progress in tackling the complexity of the system and in designing ways of managing it to protect staff and customers, but it recognises that there is considerably more to be done."

We accept that there is more to be done. That was addressed in the White Paper, and of course there will be more to say when we respond to Lord Turner's report.

**Mr. David Ruffley** (Bury St. Edmunds) (Con): Because of the Government's confused and confusing benefits system up to 340,000 vulnerable people who are entitled to income support do not receive it, and up to 500,000 people entitled to jobseeker's allowance do not receive it. At the same time, however, existing claimants are overpaid those benefits by nearly a third of a billion pounds a year because of official error, fraud and incompetence. Are not vulnerable people and the British taxpayer the victims of simple ministerial incompetence?

**Mr. Plaskitt:** Levels of error and fraud in the system are falling. The Conservative Government did not even attempt to measure fraud and error, but this Government do. I do not know why the hon. Gentleman continues to scaremonger and dig away at the issue. He needs to explain matters to the pensioners he has frightened over the weekend with his stories. He is trying to suggest that, because of overpayments, somehow hundreds of thousands, or millions, of pensioners will have to hand money back. That is not the case. As was explained in answer to an earlier question, we are not clawing the money back. We have contacted only the small number of pensioners—76—to whom duplicate payments of pensions were made. He really should desist from scaremongering.

## Unemployment

8. **Helen Goodman** (Bishop Auckland) (Lab): What steps his Department is taking to assist unemployed people over 50 back into work. [57324]

**The Minister for Employment and Welfare Reform (Margaret Hodge):** New deal 50-plus provides help and support for people aged 50 and over who have been out of work for six months or more. That successful programme has helped more than 150,000 people into jobs and, as a result, we have helped to increase the employment rate for older workers to more than 70 per cent. Older workers who take up employment can also receive financial support through the 50-plus element of the working tax credit. We have also set out a number of further proposals designed to help older jobseekers into work in our welfare reform Green Paper.

**Helen Goodman:** I am grateful to the Minister for her response. This is a problem that I have to address in my constituency surgeries from time to time. It is a problem when people are not just capable of working, but enthusiastic about it. Will she explain what the Government are doing to combat age discrimination in the workplace?

**Margaret Hodge:** The Government have introduced legislation. I think that regulations were laid before the House last week to take further our steps to combat age discrimination. If they are approved by the House, they will come into force this October. We also run a range of campaigns, from the age positive campaign, for which the Department for Work and Pensions has responsibility, to a campaign that we run in partnership with all stakeholders—trade unions, businesses and particular interest groups—to ensure that employers recognise the benefits of employing older workers.

**Tony Baldry** (Banbury) (Con): Who gives advice to people over 50 about those various schemes? Jobcentre Plus in Bicester has closed altogether. Jobcentre Plus in Banbury seems to have become a call centre somewhere in Hampshire that no one can get through to. It is all very well having such schemes, but it is no good if no one knows about them. In days gone by, the jobcentre did two things: it gave people advice on benefits and helped them into work. Jobcentre Plus no longer seems to perform that second function of helping people into work. If the Minister is simply relying on newspaper campaigns, such things are not going to work.

**Margaret Hodge:** I am happy to correspond with and talk to the hon. Gentleman about the problems that his constituents are experiencing, but I do not recognise the picture that he paints. Jobcentre Plus innovatively brings together support and access to benefits with advice for employment. People access that advice in a variety of ways. Some will access it through the internet and the telephone and those sorts of mechanisms, hence the development of a number of call centres that people can ring. Others will access it by walking into their local Jobcentre Plus office.

In pursuing efficiency, which I hope the hon. Gentleman supports, we have ensured that our network of offices is such that everybody can access an office within a reasonable distance. It is better that we put our money not into offices but into advisers, who are there and capable of helping people. We are also providing outreach services in places such as local town halls and libraries to support people if they want advice about getting back into work.

**Keith Vaz** (Leicester, East) (Lab): May I congratulate my right hon. Friend on last year reaching the Lisbon agenda target for older workers in employment? The Government reached that target six years before they should have done. However, one of the main issues is how we will ensure that older workers can be retrained in new technologies. The challenge of globalisation is to use the full potential of those workers for the benefit of the country as a whole.

**Margaret Hodge:** I thank my hon. Friend for his congratulations. Our record on getting people into work is now the best not only among many of our European colleagues, but among any of the G8 countries. He is right to draw the attention of the House to ensuring that older workers get skills in new technology. So far, to be honest with him, the training grant available in the new deal 50-plus has not been effective in attracting older workers to undertake further training. We are therefore talking to our colleagues in the Department for Education and Skills to find out whether we can better reach older people through the new deal for skills so that they can take up the skills that will enable them to stay in work, or return to work.

## Carers

9. **Mr. Peter Bone** (Wellingborough) (Con): What steps his Department has taken to support carers of people with disabilities through the benefits system. [57325]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire):** Depending on their personal circumstances, carers have access to the full range of social security benefits. Those who provide regular and substantial care for at least 35 hours a week for a severely disabled person receiving attendance allowance, or the highest or middle rate of the disability living allowance care component, can be entitled to carer's allowance and, if on a low income, to the carer's premium in income-related benefits such as income support, housing benefit and council tax benefit, or the carer's additional amount in the pension credit.

**Mr. Bone:** Does the Minister agree that respite care is both important for carers and cost-effective? Will she consider making respite care a statutory responsibility for local authorities?

**Mrs. McGuire:** I suspect that that might fall under the responsibility of the Department of Health, but, across Government, we are constantly looking at how we can improve the lot of carers. The Government have a proud record of trying to improve the situation of carers, not least by ensuring that women—they are mainly women—who look after people are entitled to class 1 national insurance. We have increased the earnings limit and are constantly seeking ways in which we can help carers who undertake substantial work on behalf of the whole community.

**Miss Anne Begg** (Aberdeen, South) (Lab): Will my hon. Friend examine the level of the carer's allowance? On Friday, I met a constituent who looks after a severely disabled daughter. The money that the daughter receives through the disability living allowance goes to buy in respite and extra care, but the mother still spends a lot of time looking after her daughter, so obviously the main household income is the carer's allowance. That is really not a supplement to what someone who was in full-time work would get.

**Mrs. McGuire:** I fear that my answer might be a bit disappointing to my hon. Friend inasmuch as we are not looking at increasing the level of the carer's allowance. However, we must realise that that allowance can be supplemented by accessing other benefits. We are constantly working with the representatives of carers organisations and carers to examine ways in which we can improve the general support network for carers, several of which have already been indicated, and I hope that in the circumstances that my hon. Friend has highlighted her constituent would be able to look for other ways in which she could, as an individual, increase her income.

**Mr. Jeremy Hunt** (South-West Surrey) (Con): Given the vital role that the parents of severely disabled children play as carers, is the Minister worried that, according to a Mencap survey, 37 per cent. of such families have to deal with eight or more professionals from different services? Will she considering introducing a simpler system similar to that used in parts of Austria whereby families can be assessed and supported by a single integrated mobile support unit consisting of child doctors, physiotherapists, psychologists and information specialists, thus greatly reducing both bureaucracy and stress?

**Mrs. McGuire:** I welcome the hon. Gentleman to the Dispatch Box for his first contribution. I see that his Front-Bench colleagues also welcome him. The Austrian experience is particular to the Austrian environment, and I am always reluctant to assume that one can necessarily import a system from another country, because circumstances are different. The hon. Gentleman knows, I trust, that the Government are examining ways in which we can provide joined-up support for disabled people and reviewing our policies across the piece, to try to break down some of the silos created by local and national Government. That is why we have established the Office for Disability Issues, and why the Prime Minister's strategy unit report, which recommended a more cohesive and coherent approach to support for disabled people—children and adults—was so widely welcomed among the disability lobby.

## Disability Living Allowance

10. **Mr. Mark Harper** (Forest of Dean) (Con): What assessment his Department has made of the effectiveness of its policy on paying disability living allowance to parents of children with disabilities. [57326]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire):** Disability living allowance provides the families of disabled children with some £900 million a year, and up to £102.90 per week in individual cases, to help with the extra costs of their children's disabilities. Some 284,000 children, including 300 in the hon. Gentleman's constituency, are receiving the benefit—an increase of 11 per cent. in the past three years.

**Mr. Harper:** The Minister will know that there is a 12-week waiting period for disability living allowance. In cases of cancer in children, it is often clear from diagnosis whether they face a long period of chemotherapy or radiotherapy. Will the Minister consider whether, in those specific cases of childhood cancer, it would be possible to waive the 12-week wait, if they face that long period of treatment?

**Mrs. McGuire:** There are issues about when a benefit can come into force following a diagnosis, but I will reflect on what the hon. Gentleman says. We appreciate that in cases involving children we must try to develop a system that responds sensitively to children's disabilities or health conditions. There is always some disconnect between the point of diagnosis and the commencement of the benefit, but I will consider the hon. Gentleman's comments.

## Pensions

11. **Mark Tami** (Alyn and Deeside) (Lab): If he will review the criteria for entitlement to back payment of pensions. [57327]

**The Minister for Pensions Reform (Mr. Stephen Timms):** The rules were changed in July 2005 to permit state pensions to be backdated for up to 12 months. People who defer claiming their state pension now receive a larger increase in its value than used to be the case, and there is a lump sum option for those who defer for at least a year, so nobody should now lose out if they do not claim their state pension as soon as they reach state pension age.

**Mark Tami:** As my hon. Friend knows, I have written to the Department on many occasions regarding the case of Mrs. Lalek, who was underpaid pension for almost 10 years. Under Department for Work and Pension rules, she could receive only a small amount in back payment, despite the fact that she is sure she never received any notification or correspondence from the Department about her entitlement. Should the system not be more flexible, to take account of such cases?

**Mr. Timms:** I have had the chance to look at some of the correspondence that my hon. Friend sent the Department. I understand that for a number of years his constituent has been receiving the full amount due. The issue in this case was adult dependency increases, which provide additional income-related financial support to the household. The support is income related, so it is not appropriate to encourage deferral, as it is in the case of the basic state pension and state second pension. According to the Department's records, forms were sent out, but in the end it is for people to check what their entitlement is and to submit a claim for benefits to which they are entitled. That appears not to have happened in this case.

## Incapacity Benefit

12. **Mr. Ian Davidson** (Glasgow, South-West) (Lab/Co-op): When he next plans to visit Glasgow to discuss incapacity benefit reform. [57328]

**The Secretary of State for Work and Pensions (Mr. John Hutton):** At the invitation of my hon. Friend, I visited Glasgow last Friday to discuss the Government's proposals for welfare reform.

**Mr. Davidson:** I am grateful that the Secretary of State visited Glasgow on Thursday, when he met some 60 people for a two-hour discussion. On Friday, he met the city council, around 70 people from the voluntary sector and around 80 employers. Then he went to my constituency, where he met a host of other people, but that was last week: what has he done for me recently? In particular, when does he expect to announce that Glasgow will be one of the pilots for new invalidity benefit roll-out proposals?

**Mr. Hutton:** My hon. Friend is obviously a hard man to please, so I shall have to return to Glasgow, if he will have me.

**Mr. Davidson:** Thursday?

**Mr. Hutton:** I had better bring my cheque book this time.

My hon. Friend has raised a serious point about the city strategy, which is outlined in the Green Paper. We will organise a subsequent event in London later this spring, when we hope to set out further details of our proposals for taking forward that important and innovative part of the welfare reform Green Paper. I hope that that will provide another way to make further progress on getting people off benefit and back into work, which is where they want to be not only in Glasgow, but in all parts of the country.

13. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): If he will make a statement on his Department's plans to reduce the number of people claiming incapacity benefit. [57330]

**The Minister for Employment and Welfare Reform (Margaret Hodge):** Our successful pathways to work pilots have shown that many people on incapacity benefit can move back into work with the right help and support, which has reinforced our view that labelling people on incapacity benefits as "incapable of work" is wrong and damaging. Our reforms will focus as much on how we can help people back into work as ensuring their entitlement to benefit.

**Mr. Goodwill:** In the Yorkshire region, there are three times as many people out of work and claiming incapacity benefit as there are people claiming unemployment benefit. In the borough of Scarborough alone, more than 5,600 people are on the sick, which is more than 9 per cent. of the work force. Why does the Minister think that, despite record health spending, there are record levels of incapacity in Yorkshire?

**Margaret Hodge:** I think that I know the answer to that one: the numbers started rocketing upwards when the hon. Gentleman's party was in government, and the unemployment figures appear to have been massaged during that period. In the nine years in which we have been in government, the number of people starting to claim incapacity benefit has decreased by one third, and, for the first time ever, the total number of people on incapacity benefit has started to fall—the total has decreased by 58,000 in the past year, which is a move in the right direction. Our further reform proposals will provide many people in the hon. Gentleman's

constituency with the opportunity to work, which is an opportunity that they did not have under the Conservative Government.

15. **Mr. Graham Allen** (Nottingham, North) (Lab): whether he plans to permit those on incapacity benefit to undertake voluntary work; and if he will make a statement. [57332]

**The Minister for Employment and Welfare Reform (Margaret Hodge):** People receiving incapacity benefit are already able to undertake voluntary work without affecting their entitlement to benefits, and we do not intend to change the situation when we introduce the new employment and support allowance.

**Mr. Allen:** As the Minister knows, the city of Nottingham is keen to pursue a city strategy on invalidity and incapacity benefit to get some of the 18,000 people on incapacity benefit back into work. Many people who have been provided with cognitive behaviour therapy, which gives people the morale boost that they need to try to get into work, find their first bridge into work through voluntary work. Will the Minister ensure that people continue not to lose benefit for engaging in voluntary work? Will she also consider giving people who engage in voluntary work a small amount of extra money to encourage them to take the first step on the long road to getting full-time work?

**Margaret Hodge:** I congratulate my hon. Friend on his work as chair of One Nottingham in tackling some of the issues raised by worklessness in his constituency. My right hon. Friend the Secretary of State, who gets around the country, visited Nottingham on a previous Thursday and Friday, when he was impressed by the ongoing work. My hon. Friend the Member for Nottingham, North (Mr. Allen) is right to stress that undertaking voluntary work is central to building the confidence of people who are locked into dependency on incapacity benefit. The rules are flexible, which enables incapacity benefit claimants to earn some money—for one year, they can earn up to £81 a week—and we constantly reflect on how we can build people's confidence.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): As the Minister is probably aware, because she knows my constituency quite well, many voluntary groups there rely on volunteers who are on incapacity benefit. Is not there an argument that some of those volunteers should be paid expenses for the work that they do?

**Margaret Hodge:** I am slightly puzzled by the hon. Gentleman's question. If there is a problem with expenses being paid, he should write to me about it. As I understand it, under the current rules there is no cap at all on the number of hours of voluntary work that those on incapacity benefit can undertake. Clearly, they need to be covered for the expenses that they incur in undertaking that valuable work in their communities.

## Unemployment

16. **Mr. Robert Flello** (Stoke-on-Trent, South) (Lab): What progress he is making in supporting the hardest to help into employment. [57333]

**The Minister for Employment and Welfare Reform (Margaret Hodge):** We are committed to supporting the hardest to help into employment, including people on incapacity benefit, lone parents, older workers and people from black and minority ethnic communities. Many of our programmes are targeted at providing support for the most disadvantaged. Our new proposals in the welfare reform Green Paper suggest further radical measures to break down barriers and to enhance opportunities for those who find most difficulty in getting a job.

**Mr. Flello:** I am grateful to my right hon. Friend for that reply. She will be aware that industry in north Staffordshire has been particularly hard hit over the past 20 or 30 years. The pottery industry continues to be very hard hit. What steps does she intend to take to engage with city councils—for example Stoke-on-Trent city council—the voluntary sector and employers who are still in north Staffordshire to help those who are the hardest to help to get back into work?

**Margaret Hodge:** One of the propositions in the Green Paper on which we are consulting is that we must tackle the worklessness that often gets concentrated in cities. We are talking to, among others, the mayor of Stoke-on-Trent city council, who came down and joined a group of people at No. 10 Downing street in the run-up to the publication of the Green Paper. We wish to bring together, under the city strategy banner, all the players from the local authority, the voluntary sector and the statutory sector and its agencies, together with employers, to make a concerted effort to brigade all the resources that go into cities and to be effective in tackling the worklessness that too many of my hon. Friend's constituents have experienced over too many years.

## Mental Health (Employment)

17. **Alison Seabeck** (Plymouth, Devonport) (Lab): What steps are being taken to overcome employer resistance to employing people with mental health problems. [57334]

**The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire):** People with mental health conditions have much to offer, but we recognise that they often face a range of barriers preventing them from getting employment, one of which is employer resistance. That means that we must work in partnership with employers, employees, health professionals and insurers to develop a comprehensive package of support that develops healthy workplaces, retains employees in work, and maximises the effectiveness of health care in rehabilitating people.

**Alison Seabeck:** I thank the Minister for her response. She knows that mental illness can be very difficult to diagnose, not least because of its volatile nature. What discussions is she having with employers' organisations and the Department of Health on how we can reduce prejudice, improve early diagnosis, and facilitate and

fund more effective intervention and treatment, including cognitive therapies and counselling in and out of the workplace?

**Mrs. McGuire:** A great deal of what my hon. Friend says has an echo in the consultation that we are carrying out under the Green Paper on welfare reform. I hope that that reassures her that some of that work is already happening. There is a partnership between the health authorities and the Health and Safety Executive. We recently published a paper, "Health, work and well-being—Caring for our future", which is groundbreaking in the approach that it promotes. We also need to ensure that employees who develop a mental health condition are given the appropriate support and rehabilitation, recognising, as my hon. Friend says, that mental health conditions can fluctuate and that we need a greater understanding of some of the difficulties that those with such conditions face on a daily basis.

**Sir Patrick Cormack** (South Staffordshire) (Con): Does the Under-Secretary agree that those with mental health problems are not helped by ignorant gimmicks? Is not it appalling that, in Norwich, a statue in a straitjacket has been erected to the greatest Englishman of the past millennium? Is not that an insult to his memory and to those with genuine mental health problems?

**Mrs. McGuire:** I am not aware of the specific incident to which the hon. Gentleman refers. However, anything that denigrates people who have any form of disability cannot be condoned. I hope that that satisfies him.

## Iraq: Roulement

3.30 pm

**The Secretary of State for Defence (John Reid):** With permission, Mr. Deputy Speaker, I should like to make a statement about our operations and force levels in Iraq.

First, let me express my sincere condolences to the families of Captain Richard Holmes and Private Lee Ellis of 2nd Battalion the Parachute Regiment, killed in Iraq on 28 February, and to the family of Trooper Carl Smith, who died on 2 February. I am sure that the whole House wishes to be associated with those condolences.

We express our sympathy, too, for all those families of the forces of other nations and of the many innocent civilians who have died or been injured as a result of terrorist activity in Iraq in recent months.

Hon. Members will have followed the situation carefully, and will, like me, have been concerned about events, especially those following the disgraceful bombing of the al-Askari shrine in Samarra. Some commentators have suggested that that act of terror will lead to a slide into civil war. Those acts of terrorism are cruel and barbaric but they are not mindless. They have a purpose: to undermine the efforts of the vast majority of the Iraqi people who seek peace, stability and democracy in their country, and to try to break the will of the coalition forces supporting them in that quest.

Despite the ferocity of the terrorists, the Iraqi people will not be defeated and our will to see the job done will not be broken. Our analysis is that civil war is neither imminent nor inevitable. However, in some areas of Iraq, including in Baghdad, there has been an increase in sectarian violence. That is abhorrent and plays to the aim of the terrorists.

However, in the face of the cynical targeting of the Samarra attack, the aftermath has been characterised more by calls for restraint by Iraqi politicians and religious leaders, the calm reaction of the vast majority of Iraqis in all the circumstances, despite their natural revulsion and anger, and the mature response of Iraq's new security forces. In the middle of all the problems, those are encouraging signs in a very difficult and delicate situation.

Our respect and admiration for the men and women of our armed forces remains undiminished. The truly magnificent work that they are doing there is having a positive effect and they have played a vital role in helping Iraq come a long way in a short time. Suffice it to say that the Iraqis have clearly shown us what they want, and it is not a return to fear and oppression. They showed us that most impressively in December when, despite the threats of death and destruction, some 12 million of them voted in free and fair elections. That represents a turnout of about 75 per cent. of the electorate.

The present political wrangling over the formation of a new coalition Government is perhaps natural, but it is also contributing to uncertainty and fuelling speculation. As that process moves forward, the Iraqi politicians must not forget the commitment of the Iraqi people who voted in large numbers to bring order and fair government to a unified Iraq. However, there has been a continual and considerable advance in the numbers, capability and morale of the Iraqi security forces, which have developed as democracy has developed. It is in that context that I turn to our United Kingdom troop presence.

When I announced the last changeover in October last year, 190,000 members of the Iraqi security forces were already trained, capable and equipped. Today there are about 235,000—which is 45,000 more than when I announced the last roulement deployment—and others are joining them at the rate of about 5,000 every month. It is against that background that we assess our own force levels. I can therefore tell the House that, as a result of this roulement changeover, there will be a reduction of British forces in Iraq of about 800 personnel. That reflects the completion of our security sector reform tasks to develop the capability of the Iraqi forces, including training the trainers and those involved in guarding their own institutions. The reduction also reflects improvements in the way we configure our own forces. Our force levels reflect the in-theatre assessments in the south-east of Iraq. Today's announcement marks a reduction from the high point of some 10,000 UK personnel in October 2003 to just over 7,000 from May this year.

The lead formation in Iraq, currently 7th Armoured Brigade, will be replaced in early May by 20th Armoured Brigade. The following major units will be deployed to replace those in theatre today: 1st The Queen's Dragoon Guards; The Queen's Royal Hussars; 12th Regiment Royal Artillery; 33 and 35 Engineer Regiments; 1st Battalion Grenadier Guards; 1st Battalion The Princess of Wales's Royal Regiment; 2nd Battalion The Royal Regiment of Fusiliers (Reserve-Cyprus); 2nd Battalion The Royal Anglian Regiment; 1st Battalion The Devon and Dorset Light Infantry; 1st Battalion The Light Infantry; and 3 Logistic Support Regiment, Royal Logistic Corps.

A number of reserve personnel will accompany this deployment, including soldiers from The Lancastrian and Cumbrian Volunteers, and The King's and Cheshire Regiment. Aviation support will continue to be provided by five Merlin, eight Sea King support helicopters, and four Lynx. In May, there will be a reduction of two Sea King helicopters. Our support to the Iraqi navy and our contribution to the coalition taskforce in the north Arabian gulf will continue unchanged.

Let me stress that the reductions that I have announced today are not part of a handover of security responsibility at operational level. They have not been caused by, nor are they the cause of, changes in troop levels of other coalition allies. In the next few weeks, the joint committee to transfer security responsibility—a body made up of Iraqi ministers, military staff and senior coalition figures—will start the assessment phase to determine whether conditions have been met for some provinces in Iraq to begin the handover process. Today is not that stage of handover. When the committee has reached conclusions, I will of course come back and update the House on the implications of that assessment.

In closing, I would like to reiterate that we continue, amid the struggle in Iraq, to make progress. Of course, much remains to be done there, but let me stress again today that the significant reductions that I have announced are not part of a handover of security

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responsibility to the Iraqis themselves, although they do reflect the completion of some of the security sector reform tasks that we set ourselves some time ago in developing the capability of the Iraqi forces—in particular, training the trainers and guarding institutions.

Our commitment to the Iraqi people and their Government remains total and steadfast. Our commitment to the coalition is certain. We will stay as long as we are needed, and wanted, and until the job is done. Today marks another significant step in that direction.

**Mr. Gerald Howarth** (Aldershot) (Con): I thank the Secretary of State for letting me have advanced sight of his statement, although I note that the BBC had some knowledge of it before noon today.

I am responding on behalf of Her Majesty's Opposition because my hon. Friend the Member for Woodspring (Dr. Fox), the shadow Secretary of State for Defence, is, as we speak, en route to Washington to give evidence to the Senate inquiry on the joint strike fighter, where he will be making common cause with Her Majesty's Government on the vital issue of technology transfer.

First, may I associate those on the Conservative Benches with the condolences expressed by the Secretary of State to the families of those servicemen recently killed in Iraq? It is important that the lives of those and the other members of Her Majesty's armed forces are not to be given in vain. To that end, the transformation of Iraq into a functioning democracy must be the goal before us.

Having been in Basra last week, I can readily join the Secretary of State in congratulating the armed forces on the magnificent job they are doing. It is, unfortunately, one of our national scandals that, while the media accord page after page to any failures, real or invented, they give so little coverage to the hard work our troops carry out on our behalf in the process of reconstructing Iraq.

While we welcome any reduction in Britain's military presence in Iraq, if the military conditions so dictate, we take the view that it would be folly to withdraw hastily, before the Iraqi forces can provide adequate security in place of British troops.

Will the Secretary of State confirm that the reductions he now proposes are not dictated by the need to find extra forces for Afghanistan? When does he expect the Iraqi police and army to be sufficiently trained, in number and competence, to enable them to assume control across Multinational Division South-East? What impact will the troop reduction have on the ability of UK forces to deliver essential training to the Iraqis?

Towards the end of the statement, the Secretary of State referred to an assessment process due to get under way shortly "to determine whether conditions have been met for some provinces ... to begin the handover process." Is it Government policy, if conditions are right, to hand over parts of MND South-East in advance of the Americans so doing in central Iraq? What discussions has he had with Washington about that process?

Finally, the Secretary of State referred to aviation support. He will know that our helicopter and transport aircraft fleets are operating at a frenetic tempo, well beyond what was expected. How on earth can he justify the withdrawal in May of two Sea King helicopters? I was in a Sea King helicopter on Thursday, flying out to HMS Bulwark, and heard from the Royal Navy the difficulties it is having in getting hold of aircraft today. He well knows that helicopters are the preferred means of transport.

What is the Secretary of State doing to address the critical problem of inadequate lift across the board? Does he not accept that the TriStar and VC10 fleets are past their sell-by dates, that some of them cannot be used in theatre because they lack the requisite defensive aids and that the C-130 Hercules fleet is so overworked that it has no capacity to train paratroopers? As a result of all that, the Secretary of State must rely on chartering holiday airliners which are simply not designed to transport troops.

Is the Secretary of State aware that it is utterly demoralising for our troops to have their leave cut thanks to delays in the availability of the transport fleet for which the Royal Air Force is unjustly blamed? In the early hours of Friday morning, I was with 300 soldiers who were delayed by three and a half hours following an engine malfunction on a C-130. We then flew for eight hours from Qatar in a chartered airliner with a seat pitch designed to take holidaymakers on a two-hour trip to Ibiza. Soldiers had to endure intolerable cramped conditions because no TriStars were available.

This is an issue that the Secretary of State can and should address now. I hope that he will have some answers to give the House today.

**John Reid:** I thank the hon. Gentleman for the condolences that he sent to our troops and I thank the shadow Secretary of State, the hon. Member for Woodspring (Dr. Fox), for his support on technology transfer. It seems that those are matters on which we can agree across the party spectrum, and in so far as we can do that in relation to defence, I think it is worth doing.

I also thank the hon. Gentleman for his accolade for the troops, and for his lack of accolade for sections of the media. To be fair, I think that there are exceptions. I think that there are people who are judicious in what they print, and there are newspapers that give consistent support to our troops in Iraq. Nevertheless, the hon. Gentleman is right: there is a tendency in many quarters of our media to illustrate only that which goes wrong, rather than remembering the marvellous work done by our troops in the most difficult conditions imaginable.

Let me now deal with the questions that the hon. Gentleman asked about the reductions in our forces that were announced today. He asked for an assurance that they were based on the merits of the case for an in-theatre assessment, and not on any obligations to find troops for other areas such as Afghanistan. I can give him that guarantee. Indeed, one of the prerequisites that I specified before deciding to deploy troops to Afghanistan was that we would not become dependent on troop reductions in Iraq. We have made it plain all along that our troop deployments there will be based on conditions on the ground, and on the assessments of our commanders in theatre. I can confirm that that applies in this case, and that there is no connection with Afghanistan.

The hon. Gentleman asked about the timing of the operational handover. I have been careful today to insist that this does not mark a decision on operational handover—the handing over to the Iraqis of lead political and operational responsibility for whole swathes or provinces. What it does mark is an indication of the incremental and increasing participation of Iraqi forces in counter-terrorism in our operations, which at this stage has allowed us to reduce the number of our troops. The assessment of when the process will have reached a point at which a province, or more than one province, could be handed over to the Iraqis will be made when the conditions have been met. The conditions have been publicised, and I think that the hon. Gentleman is well aware of them.

The method of assessing the conditions will be specified by the joint committee that is led by the Iraqis themselves, although it includes coalition forces. That too has been made public. The process will start in April. It may or may not start in any areas over which we have control, but there will be a province-by-province assessment throughout Iraq. The decision will be made following the assessments in April of the conditions on the ground, as was today's announcement.

We have been able to implement the reductions because many of the trainers for the Iraqi forces, themselves Iraqis, have now been trained. Some training capacity will be left, however, and if there are gaps, we will fill them.

As for the Sea Kings and air transport, we do whatever we can. The reductions that have been announced here, and the configuration, are a result of the in-theatre assessment. I note the hon. Gentleman's statement that the Sea Kings are very hard pressed and short of flying hours. I also note that they were flying him around during his visit, but I will examine the position as he requests.

The hon. Gentleman rightly observed that it was prejudicial to good morale when, because of engine breakdowns and so on, the rest and recreation or short periods out of theatre enjoyed by troops, in particular, were reduced. I agree with him entirely, and that is one reason why we tried to ensure that where necessary, we purchased, leased or in some way hired aircraft from outside. It is not possible to guarantee that such things will never happen—as the Prime Minister found only three weeks ago, engines can go wrong in even the best hired planes—but we do what we can. Finally, the hon. Gentleman mentioned demoralisation but the morale of troops in theatre is very high.

**Mr. Michael Moore** (Berwickshire, Roxburgh and Selkirk) (LD): I echo the condolences expressed by the Secretary of State and the hon. Member for Aldershot (Mr. Howarth) to the families and friends who have lost loved ones in Iraq. I also endorse the tributes paid to the bravery and professionalism of our armed forces, who continue to operate in Iraq in very difficult circumstances indeed.

Today's statement has mixed elements. On the one hand, the Secretary of State acknowledges the danger of civil war, although he says that it is not imminent or inevitable; on the other, the planned reduction in personnel is due to the completion of some security sector reform tasks. Nearly three years on from the invasion and with things so finely balanced, is he saying that there is now to be a reduced British focus on training Iraqi forces? Is he confident about full co-operation from the Iraqis, particularly in the Basra and Maysan provinces? How many troops from other countries are currently assigned to Multinational Division South-East under British command, and does he expect that number to fall over the coming weeks and months? Finally, given his clear frustration with Iraq's politicians, how confident is he that the joint committee will be able to make proper plans that will allow the coalition to form a clear exit strategy from Iraq?

**John Reid:** I thank the hon. Gentleman for his remarks about our troops. I should make it clear that my frustration with Iraqi politicians is no greater and no less than my frustration with British politicians. It is the nature of democracy that we do not always agree, but in the midst of the coalition negotiations, all of us should remember the risks that the Iraqi people themselves have taken in coming out to vote in these elections. Ultimately, the salvation of the Iraqi people and their democracy, stability and peace will lie in the hands of Iraqis themselves. It has never been our intention to stay there indefinitely through some imperialist presence. We have said that we will stay until the job is done, that the job will be done when the Iraqis themselves are capable of defending their own democracy and of defending themselves against terrorist activity, and that that will be a process.

Today, I have announced another part of that process—not the end of it by any means. In a sense, this is not even the beginning of the end, but, to quote our most famous politician, it is perhaps the "end of the beginning." This is a significant reduction based largely on the ability of the Iraqis themselves to participate, and to defend themselves against counter-terrorism. There is a very long way to go, and I have been absolutely clear that we are not yet at the stage where the Iraqi security forces can take responsibility for whole provinces. We will continue to assess the situation and when the conditions are met, I will make another announcement to the House.

As far as other coalition troops are concerned, nothing that I have said today about the British disposition of troops—as part of the normal six-monthly announcement of roulement deployment—causes, or is caused by, troop dispositions, reductions or increases among any of our allies in the coalition. So the announcement stands on its own, but we have of course informed our Japanese, Italian and Australian partners in Multinational Division South-East—I spoke to the Australian Minister this morning—and we have informed our other allies, including the Americans.

**Dr. Gavin Strang** (Edinburgh, East) (Lab): Is my right hon. Friend aware that the Brookings Institution estimates that between 12,000 and 21,000 Iraqi civilians have died in the violence since the start of the war, in addition to the deaths of more than 1,800 coalition troops and more than 4,000 Iraqi police and military personnel? Does he agree that our most important objective in Iraq should be bringing about an end to the killings, whether of civilians or of service personnel?

**John Reid:** When discussing deaths in Iraq, we should recall that in history the price of establishing, fighting

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for, maintaining and struggling for democracy has sometimes involved sacrifice. It is nothing compared to the hundreds of thousands of deaths under the tyrant Saddam Hussein. I agree entirely that a benchmark of our progress is in the treatment of civilians. I regret whenever civilians suffer as a result of actions that fall beneath civilised standards, whether performed by our troops, anyone else's troops or the Iraqis themselves. But I would point out the watershed of difference between what happens now and what happened 10 years ago in Iraq. Now, if there is maltreatment of civilians, it is exposed, whereas under Saddam it was covered up. It is exceptional now, and under Saddam it was institutionalised. The perpetrators are penalised, prosecuted and—I hope—incarcerated, but under Saddam they were honoured and promoted. That is not an insignificant difference.

**Mr. James Arbuthnot** (North-East Hampshire) (Con): What the Secretary of State has told us about the training of an extra 45,000 security forces in Iraq is very good news. The achievements of our British forces there have been very significant indeed. Was the reduction of 800 troops that he has announced discussed with the Iraqi authorities, and what is the general state of discussions between them and British troop commanders, especially in Basra?

**John Reid:** In answer to the first question, it was discussed with the Iraqi authorities insofar as it could be, given that there is no national Government formed at present. We keep in touch with our Iraqi colleagues inside the security forces and so on. As regards the second question, the short answer is that they are better than they were a few weeks ago. As the hon. Gentleman knows, several events—not just the video, which was wrongly portrayed as the main reason for the breakdown in communications in several areas—including in the Basra area, our arrest of certain policemen whom we regarded as being involved in nefarious activities, led to a breakdown in communication in that area, but in all of the areas where there was non-co-operation we have either re-established co-operation or are moving towards doing so.

**Paul Flynn** (Newport, West) (Lab): Would not the best way to pay tribute to the 103 bereaved families and to those still serving so splendidly in Iraq be to have a proper inquiry into the reasons why we involved ourselves in the war in the first place? We have had four inquiries, all based on out-of-date information, two of them conducted by committees that were well disposed towards the war anyway, and two that considered only partial aspects of the war. Is it not now time for an inquiry that would be comprehensive, rigorous and genuinely independent?

**John Reid:** Well, the facts of the matter are that there have already been four inquiries. Notwithstanding what I thought was a rather misleading slur—I hope that my hon. Friend was not referring to Members of Parliament when he referred to two of the committees as being prejudiced—

**Paul Flynn:** I did not say that.

**John Reid:** I did not say that he said that: I said that I hoped he was not saying that. However, two of the committees that conducted inquiries were Committees of this House and I accept their opinion and that they were not prejudiced in their approach. I do not know whether the other two, one of which took place under Lord Hutton, can be regarded as prejudiced, but if I were my hon. Friend, I would be careful about what I said. All of the committees approached their specific task with a commendable degree of open-mindedness and scrutiny. The fact that we have had four inquiries and they have not reached the conclusion that my hon. Friend wanted them to reach may be unfortunate, but perhaps it is statistically relevant. I can only suggest that what he is actually asking for is an inquiry that agrees with him, rather than one that discovers the truth.

**Sir Malcolm Rifkind** (Kensington and Chelsea) (Con): I declare an interest in a company that works in Iraq. The House will have noticed the Secretary of State's very careful words that the slide towards civil war is neither imminent nor inevitable. However, he did not say that it was unlikely. Does the Secretary of State agree that Donald Rumsfeld's remark that if there is a slide into civil war it must be dealt with by Iraqi security forces conceals a fundamental problem in the whole of coalition policy, because a very high proportion of those security forces is drawn from the Shi'a and Kurdish communities, and it has been elements of the security forces, particularly the police, that have been responsible for many of the killings and atrocities that have been committed against Iraqi civilians? Can the Secretary of State say what Her Majesty's Government are doing to impress upon the Iraqi Government that not only must the armed forces be drawn substantially from the Sunni as well as other communities, but much more must be done than is being done to prevent atrocities by rogue elements within the security forces themselves?

**John Reid:** I hope that the right hon. and learned Gentleman will accept that, without necessarily agreeing with all his premises, I entirely agree with both his conclusions. First, not only must there be a competent Government in Iraq but it must be non-sectarian in character and must reach out to the Sunni section of the population as well as to the majority Shi'a or the Kurd section. That means that the analysis of the violence must be more sophisticated than it sometimes is in some quarters. It is not the case that everyone who is opposed to the Government or to our troops is on the other side of the international war on terrorism. Many young Sunnis are dispossessed, unemployed and alienated—there are 200,000 of them in the Euphrates valley—and may drift in and out of violence for reasons unconnected with fanaticism or extremist ideology. I agree that if they are to be brought into ownership of Iraq, the Government have to reach out to them. Secondly, where there is evidence of bias, ranging from a natural bias towards one's own community through to the intentional infiltration of the security forces by militias, it has to be rooted out in practice, ideology and theory as well as in operational terms. Both of those things are essential if Iraq is to build national unity.

**Mr. David Winnick** (Walsall, North) (Lab): If commentators are right that the Milosevic regime should have been dealt with earlier, is there not a strong argument for what happened over Saddam Hussein's

tyranny, because he was a far worse tyrant in every way? While deploring the horrifying killings that are committed daily, is there not a responsibility on everyone, including those who opposed the war, to condemn the gangsters and criminals who are responsible for such actions and who have no concern to bring about democracy in that country? The sooner such condemnation comes from the critics, the better.

**John Reid:** That is the second consecutive question that I can answer by saying that I entirely agree with the conclusions and with many of the premises on which those conclusions were based. I hope that everyone in the House, even those who disagreed with the original decision to intervene, now understand that we are operating in Iraq with the full support of the Iraqi democratic majority, the sanction of the United Nations and under United Nations Security Council resolutions. That is the status of what we are doing in Iraq at present. It ill behoves those who normally demand that we adhere to every aspect of United Nations resolutions to say that on this occasion in Iraq, because they did not agree with the position several years ago, they will depart from the United Nations at present. Whatever views we took in the beginning, it is now our job to help the Iraqi people build their democratic Government through their own democratic processes, build their economy, build their security forces and ultimately rule their own lives.

**Mr. Nicholas Soames** (Mid-Sussex) (Con): I declare an interest—*[Interruption.]*

While entirely endorsing the Secretary of State's tribute to the work of British forces of all three services in Iraq—*[Interruption.]*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I am sorry to interrupt the hon. Gentleman but the remarks being made from a sedentary position by the hon. Member for Leyton and Wanstead (Harry Cohen) are offensive. I suggest that he withdraw them.

**Harry Cohen** (Leyton and Wanstead) (Lab): They are true, but I withdraw them, Mr. Deputy Speaker.

**Mr. Soames:** Given the astonishing skill and triumph of British troops on the ground in Iraq, and in welcoming back the 7th Armoured Brigade when it returns and noting the powerful deployment of the 20th Armoured Brigade, will the Secretary of State nevertheless consider the point made by my hon. Friend the Member for Aldershot (Mr. Howarth) about the increased efforts that need to be made so that people understand the breadth and scale of the work of British troops on the ground in Iraq, and what a tremendous contribution they have made in the most difficult circumstances in a harsh and unforgiving environment? Will the Secretary of State consider what more can be done to ensure that greater opportunities are made available for the press to see the great scale of what is being done and not just to report on the inevitable disasters in a deployment of that type?

**John Reid:** Yes, but first the hon. Gentleman should have given us the full truth about his interests. I do not know what he declared, but he should also declare that he served this country both as a Defence Minister and as a member of Her Majesty's armed forces, so he truly has an interest in the conduct and safety of our armed forces that we should respect.

Secondly, the hon. Gentleman is absolutely correct in saying that sometimes there is a complete lack of understanding of the difficulties under which our troops now operate. It is almost as though they are fighting a 21st-century war in which people expect them to apply 20th-century regulations, international laws and conventions. We may not have all the answers on those matters, but we should certainly face the fact that they create huge problems. Our enemy is less constrained by international conventions, legality, morality or anything else than ever, yet the scrutiny that we constantly place on our soldiers and the international conventions and laws that we expect them to maintain mean that they are more constrained than ever. I do not complain about that, but I ask the public to be a little slower to condemn, a little quicker to support and not to believe everything as represented by the commentariat, because at the end of the day published opinion is not always public opinion.

**Jeremy Corbyn** (Islington, North) (Lab): I do not think that the Secretary of State fully answered the point raised by the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) about provincial governments in Iraq who are refusing to have any contact whatever with British occupying forces. Will the Secretary of State tell us what the current situation is in relation to those provincial governments? Is he aware that a large number of Iraqi people, including those who voted in the election, actually want British and American troops withdrawn, and that this weekend the Basra oil workers union will be organising a demonstration in Basra calling for the withdrawal of all occupying forces from Iraq the better to bring about peace there?

**John Reid:** I think they probably also wanted Saddam removed as well. I do not remember my hon. Friend expressing his fraternal solidarity—

**Jeremy Corbyn:** Yes I did.

**John Reid:** —when the troops went in to achieve that objective.

On the position of local government, to be serious, it is not true, as my hon. Friend inadvertently seemed to suggest, that local government in areas of the Multinational Division South-East wanted a complete and total boycott of relations with the British authorities there. At various times recently, two of them wanted a temporary boycott—on one occasion in one province when the governor was out of the province—for a period of between a week and two weeks. That is not to diminish the seriousness of the situation, but nor should we exaggerate such things as some of the anti-war press do.

My hon. Friend said that there were people who wanted the coalition forces out of Iraq. I want the coalition forces out of Iraq, and as soon as the conditions are met they will come out. We have no long-term imperialist ambitions in Iraq, but when people have given their lives for democracy in Iraq it would be an absolute tragedy if we were to leave before people

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were ready. If British troops are helping Iraqi democrats establish democratic control over their own lives we should be proud to stay in Iraq until the Iraqi people decide in their democratic opinion that it is time for us to go. When they say that, we will go.

**Bob Russell** (Colchester) (LD): I join the Secretary of State in expressing condolences to the members of the 2nd Battalion of the Parachute Regiment who lost their lives a fortnight ago. Colchester is their home base.

I endorse the comments made by the hon. Member for Aldershot (Mr. Howarth). Like him, I was in Iraq last week as a member of the Armed Forces Bill Committee and found that the flights returning our brave men and women home to the UK were not of the quality to which they are entitled. I ask the Secretary of State to give that serious consideration.

Will the right hon. Gentleman also clarify the reduction of 800 troops? Will that bring the total down to 7,000, or will the 800 come from the 7,000, bringing the figure down to 6,200?

**John Reid:** On the first point, I will look into the specific case. I know that there have been general problems, and it is perfectly legitimate to raise them because that is in the interests of everyone in the House. I think that everyone here wants our troops to be given the conditions that they ought to have.

On the second point, the figure of 800 is approximately a 10 per cent. reduction on 8,000, which will reduce our total presence to 7,200. I hope that the 7,200 who are there will continue to do the job that they are doing, and in due course we will assess whether Iraqi security forces have the numbers and capability for a handover, in operational terms, of any of the provinces. At that stage, the official handover would begin.

**Harry Cohen:** The Defence Secretary still has not explained why the elected authorities of Basra and al-Amara do not support the British forces. Of course, the British presence has the support of the Americans—an SAS man this weekend described some of their forces as viewing the Iraqis as sub-human—of the Iranians, who have benefited from the mess that we have got into, and of the Ministry of the Interior, which has been running death squads and sees the British as too toothless to deal with that. If huge mortgages can be raised and paid off quickly, surely we can get out of Iraq quickly too.

**John Reid:** I quite like my hon. Friend so I will try to take him through the illogicality of what he is saying. On the one hand, he is saying that we must maintain a position in which the governor and authorities in Basra never fall out with the British, and on the other hand he is saying that the British have to take action against some in the police force in Basra who are corrupt, even if that means that the governor or the local authorities may break off relations with the British. The relationship between ourselves and the local authorities in Basra broke down, we suspect, precisely because we acted against and arrested several members of the local constabulary, exactly as my hon. Friend would have wanted us to do. That has implications because of course local politicians then say, "We're going to break off relations with you." However, I think that arresting those people was the right thing to do. We believe that they were involved in activities that resulted in people being attacked and killed.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. There has been a tendency to stray outside the strict terms of this statement. If I am to try to call as many as I can of the other right hon. and hon. Members standing, bearing in mind that there is important business to follow, may I ask for brevity, both in question and in answer?

**Robert Key** (Salisbury) (Con): Much of the remarkable reconstruction work in Iraq, of which we have heard so little for one reason or another, is carried out by the civilian contractors and non-governmental organisations who rely on British forces for protection to do their work. Has the Secretary of State made an assessment of the impact on such reconstruction work of the downsizing of the British commitment?

**John Reid:** I can assure the hon. Gentleman that in general terms we have taken into account the very points that he raises. Perhaps I can write to him in detailed terms, but I reassure him that the reduction in the forces that I have announced today does not mean a withdrawal and handover to the Iraqis in this or that province. That may or may not come, depending on the assessment of their capability, on their willingness and on their decision to take on the overall control of various provinces, at which stage we would withdraw from them. Today's announcement is not of that nature. Today's announcement reflects the increasing participation of the Iraqi security forces across the board and the completion of a number of our tasks across the board, which means an across-the-board reduction, but not a withdrawal for this or that area.

**Rev. Ian Paisley** (North Antrim) (DUP): I associate myself and my colleagues with the condolences that the Secretary of State for Defence has passed to the families of those who laid down their lives in Iraq. I and my colleagues agree with the praise that has been rightly passed on the gallantry and bravery of the members of the British Army, in which the Royal Irish Regiment has a part. The right hon. Gentleman is aware of what they did when they served there, and I just ask him one question: how will they be affected by some of the announcements about south Iraq that he has made today?

**John Reid:** To the best of my knowledge, there is no direct effect on the Royal Irish Regiment. If that position is incorrect, I will, of course, write to the right hon. Gentleman, but I think that the regiment is not affected by the statement. Of course, he, among others, has recently discussed with us the future of the Royal Irish Regiment and so on. I understand that, by and large, the announcement about redundancy terms that we made last week has been found acceptable to a cross-section of the Royal Irish Regiment and the people of

Northern Ireland, and I am very glad about that because, given all their sacrifices and hardships, they are entitled to be treated with fairness, dignity and honour.

**Mr. Douglas Hogg** (Sleaford and North Hykeham) (Con): The right hon. Gentleman has spoken about a reduction in personnel of 800 individuals. Would he be kind enough to tell the House more about the nature of those reductions? It is clear that there will be a reduction in the number of personnel associated with the training of Iraqi forces, but it is not clear from the right hon. Gentleman's statement where else the reductions will fall. Will he please tell us?

**John Reid:** Let me give an example that will have quite a big impact on the numbers that we need to send to Iraq. As the right hon. and learned Gentleman suggests, not only do we have a diminished number of and need for trainers, but in the guarding of installations, which is quite an onerous task that takes up quite a number of infantry right across all the battalions that we have sent there, the Iraqis are now able in terms of training, capability, weaponry and morale to defend their own barracks, installations, arsenals or police stations, for instance. That has quite a significant effect on the numbers that we are able to draw down.

**Mr. Crispin Blunt** (Reigate) (Con): The Secretary of State may recall the evidence that the Chief of the General Staff gave to the Defence Committee at an earlier stage of our deployment in Iraq, when he said that, although we may operate with the Americans, we do not operate as the Americans. The potential full import of those words seemed to bear out the account of former SAS trooper, Ben Griffin, in *The Sunday Telegraph* yesterday, which I am sure that the Secretary of State will have read. That would imply that the mistreatment of civilians and operations towards the civil population in the American areas appear to be somewhat institutionalised to a degree. Has he seen any evidence of a change in the manner of American operations in his time as Secretary of State?

**John Reid:** The remarks made by General Jackson took into account the fact that the Americans were dealing with different conditions and circumstances in different parts of Iraq, and with different ethnic groups, from those circumstances, environments and groups with which the British had to deal. It was therefore not just a matter of a will on the part of the British to act differently from our United States colleagues, but circumstances permitted that to be the case. Nothing that he said would suggest, nor have I heard anything to suggest, that wrongful behaviour on the part of the Americans is institutionalised. Certainly, whenever any wrongful behaviour is identified, to the best of my knowledge it is dealt with in a pretty quick and robust fashion.

**Angus Robertson** (Moray) (SNP): I associate myself and my hon. Friends with the condolences that have been expressed and with the praise for the service personnel serving in Iraq.

On behalf of the Scottish National party and Plaid Cymru, I welcome the troop reductions and hope that they are the first step in complete withdrawal from Iraq. Has the Secretary of State had a look yet at the online discussion board used by service personnel to see their comments on today's announcement? The first reaction is:

"Great, get them all home."

When will that happen?

**John Reid:** I have not been able to have a look at that discussion board this morning, although I look at it from time to time. If the hon. Gentleman is in correspondence with those who run it, will he thank them for the many plaudits they gave me for the speech that I made a couple of weeks ago defending our troops? I have not seen such a defence made by or plaudits given to his own party, but I am sure that they will come. I have not seen the piece of correspondence that he quotes, but perhaps if he sends it to me in the form of a letter, I shall reply to it.

**Mike Penning** (Hemel Hempstead) (Con): May I ask the Secretary of State to convey to the commanders of all our troops in Iraq how proud we are of them? They should never be described as toothless, because the last person who described a Grenadier as toothless lost his teeth. I am proud that the 1st Battalion Grenadier Guards, in which I served, is going to Iraq. Can we make sure that we look after the returning troops as much as possible, so that they do not come back, become disillusioned and leave the armed forces, and so that we do not lose the skills that we so desperately need?

**John Reid:** The hon. Gentleman speaks with some authority, having served his country with the Guards. We are working on housing—single housing accommodation is a disgrace in many areas and we are trying, through a long-term project, to improve that. There is an above-inflation pay increase—slightly bigger for the lower ranks than for others—and we are working to improve the welfare package. I hope that all of that will encourage people to stay in the British armed forces, which offer a fantastic career to young men and women and in which we have vacancies every single year.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): Given that there is no connection to the deployment in Afghanistan, presumably the Secretary of State will be able to assure the House that the 800 troops who are coming back will be allowed to have their 24 months back at home, as outlined in the harmony guidelines, before being sent to Afghanistan.

**John Reid:** I am probably over-sensitive, but I noticed a hint of cynicism there. All I can tell the hon. Gentleman is that there is no connection between the deployments. *[Interruption.]* Actually, to jump from the first to the second is a non sequitur, because, as the hon. Gentleman knows, even before Afghanistan, the harmony level was 21.4 months, rather than 24. However, I repeat what I said at the beginning: the drawdown in Iraq is not dependent on the deployment to Afghanistan, or vice versa. In the next few years, as ever, we shall strive to make sure that we approximate as closely as possible the satisfactory harmony levels for all our troops—not just those coming back from deployment in Iraq, but those coming back from deployment anywhere.

## Points of Order

4.23 pm

**Jeremy Corbyn** (Islington, North) (Lab): On a point of order, Mr. Deputy Speaker. During questions on the statement, two Members—the hon. Member for Mid-Sussex (Mr. Soames) and the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind)—mentioned that they had interests to declare. I have just been to look at the Register of Members' Interests, and it is extremely unclear what interest the hon. Member for Mid-Sussex has in Iraq, because he claims to be a director of a restaurant company and of an investment company. If hon. Members say that they have an interest in a subject of such importance as the presence of British troops in Iraq, we need to know what it is and how much money they are making from it.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** The requirement is that hon. Members make as clear as possible to the House the relevance of their interest to the matter on which they are seeking to address the House. The hon. Gentleman has made that point and I am sure that it will be noted. I suspect that one of the difficulties is that a great many hon. Members have interests that they feel obliged to declare and we could spend a lot of the day on prefaces to questions making such interests known. However, it is helpful to be as specific as possible, so that the House is properly informed.

**Pete Wishart** (Perth and North Perthshire) (SNP): On a point of order, Mr. Deputy Speaker. Have you received a request from the Secretary of State for Defence to come to the House to make a further statement in response to the results of the inquest into the death of Private James Collinson at Deepcut barracks? One of Her Majesty's coroners has called for a public inquiry into the unexplained deaths of four young recruits, saying that we must

"restore . . . confidence in the recruitment and training of young soldiers whether at Deepcut or elsewhere."

Surely, therefore, we are entitled to hear the Secretary of State's views.

**Mr. Deputy Speaker:** I have not received such a request from the Secretary of State, although I did receive a request from the hon. Gentleman to accept an urgent question. Under the rules on such questions and given today's business, however, I felt unable to grant his request.

**The Secretary of State for Defence (John Reid):** May I respond to that point of order, Mr. Deputy Speaker? At our request, the coroner clarified the fact that he was not calling for a public inquiry, nor was that what he said. We all sympathise with the feelings of the family in this case and the other cases, but we have already set in motion an independent inquiry led by Nicholas Blake QC, which should report in the not-too-distant future. It behoves us all to await the outcome of that inquiry before we start to run across Nicholas Blake's decisions by announcing or seeking another inquiry.

**Mr. Deputy Speaker:** I am grateful to the Secretary of State for amplifying my response.

# Orders of the Day

## Northern Ireland (Miscellaneous Provisions) Bill

*Order for Second Reading read.*

4.26 pm

**The Secretary of State for Northern Ireland (Mr. Peter Hain):** I beg to move, That the Bill be now read a Second time.

It is in the nature of adversarial politics that the emphasis is on difference and the focus on disagreement and division. Few places have been more adversarial than Northern Ireland since the latter third of the last century, but finding consensus does not mean losing integrity, and moving forward towards accommodation does not mean turning away from principle. It is my firm conviction that we can find that consensus and reach that accommodation—not an impossibly naive hope, given the years of experience since the peace process began in Northern Ireland. There is agreement on the principle of consent. There is agreement that Northern Ireland is served best when governed locally. There is agreement that Northern Ireland is served best when governed on the basis of fair and equitable power-sharing. There is agreement that Northern Ireland is served best when the police service has the whole community behind it because the whole community is in it. There is agreement that Northern Ireland must be free from the fear of paramilitary activity and criminality and that the rule of law must apply. There is agreement that common-sense north-south co-operation is of great mutual benefit. There is agreement that the current political impasse cannot continue.

It is crucial for Northern Ireland that 2006 be the year of progress in which Northern Ireland politicians, locally accountable and operating on an inclusive basis, once more take responsibility for the things that matter in people's daily lives. It is clear, too, that there cannot be elections to an Assembly that does not exist. Members of the Legislative Assembly cannot continue to be paid salaries and allowances while the Assembly stands idle and there is no prospect of its restoration. No one can seriously contest either assertion and, to be fair, no one has done so. As the House will know, both Prime Ministers are focused on the way forward. With the Minister of State, Northern Ireland Office, my hon. Friend the Member for Delyn (Mr. Hanson), and the Minister for Foreign Affairs in the Irish Government, I have been talking with the parties in a series of meetings. We are all determined that devolution should be restored to the people of Northern Ireland, and I know that that determination is shared by the House.

Before I move on to the detail of the Bill, I wish to inform the House that I have today announced the reconstitution of the Northern Ireland Policing Board with effect from 1 April 2006. The cross-community board is one of the great successes flowing from the Patten recommendations. I pay tribute to all the current members, particularly the hon. Members for East Antrim (Sammy Wilson) and for South Down (Mr. McGrady), for their considerable contribution to the Policing Board over the past four and half years. The Bill covers a number of policy objectives which, for the

most part, have a single unifying theme—preparing Northern Ireland for the many and various challenges that lie ahead, particularly the fact that there should be no legislative obstacles in the way of devolution. The Bill will chiefly allow maximum flexibility in the arrangements for the future devolution of policing and justice functions to the Assembly, as was envisaged at the time that the Northern Ireland Act 1998 was passed.

Ultimately, responsibility for policing and justice in Northern Ireland should lie with Northern Ireland Ministers, accountable to a local Assembly elected by the people of Northern Ireland. That was envisaged in the Belfast agreement and the structure of the devolution settlement set out in the Northern Ireland Act 1998. Our Government have repeated on many occasions their clear commitment to devolve those functions when the time is right. An effective, independent and impartial criminal justice system is fundamental to a properly functioning society. Before the Government can devolve their responsibilities, we must be satisfied that the system will function effectively and that arrangements are in place to ensure, for example, the continued independence of the judiciary and prosecution system and the effective administration of justice.

The independence and impartiality of the prosecution system and the judiciary are fundamental principles of the UK justice system. The existing legislation places a duty on Northern Ireland Ministers to uphold that. In addition, I intend to put forward concordats between our Government and the Northern Ireland Executive, to be agreed before the devolution of policing and justice, setting out the core principles of the independence and impartiality of the Northern Ireland judiciary and the public prosecution service.

The Bill does not devolve policing and justice. Instead, it supports the framework that we need to put in place to devolve policing and justice by order when—not before—the circumstances are right to do so. That was the intention of the 1998 Act. Section 4 of that Act gives me the power to transfer any reserved matter to make it the responsibility of the Assembly, subject to certain important safeguards. Those safeguards remain, and nothing in the Bill undermines them. Most importantly, the Assembly must agree that the time is right for policing and justice to be devolved and must vote for it on a cross-community basis. That is set out clearly in section 4 of the 1998 Act and nothing in the Bill alters that position. The Assembly must also agree what arrangements it wants to put in place to receive the new functions—whether to have one ministerial Department or two, for example. The Government must be convinced that the proposed arrangements are robust, workable and broadly supported by the parties.

Finally, when the time comes, the order that effects the transfer of functions will need to be agreed in Parliament. There is more work to be done before we reach that point. On 16 February, alongside the Bill, I published a discussion paper that set out what the Government believe is a sensible and pragmatic framework for policing and justice in Northern Ireland. As I said then, the document is not a blueprint, but a basis for discussion. We look forward to beginning those discussions, especially with all the Northern Ireland political parties.

In preparing for the devolution of policing and justice, it will be particularly important to ensure that the Assembly and Executive have all the tools that they need to manage the functions transferred to them. One of those tools is an arrangement whereby the Assembly will raise money specifically for policing. The policing precept in England, Scotland and Wales allows money for policing to be raised from council tax. In my constituency of Neath, for example, the precept is £126.42. We believe that it will be useful for the Assembly to have a similar power to raise additional money for policing in Northern Ireland from the regional rate. As that power can be created by an amendment to the Northern Ireland rates legislation, it does not require provision in the Bill. We will legislate for the detail of the precept in planned amendments to the Northern Ireland rates legislation. The power in clause 22 of the Bill will ensure that those changes to rates legislation cannot be amended by a future Assembly, although the level at which the precept is levied, or whether it should be zero-rated, will be matters for the Assembly. I emphasise that that will be additional money to provide enhanced levels of policing to meet Northern Ireland policing priorities and the Assembly will not have to use the power unless it wishes to do so. Equally, if it does not, there may be implications for other spending.

I know that some hon. Members have expressed concern that we will undermine national security by devolving responsibility for policing and justice. Others have suggested that the switch in primacy for national security matters from the Police Service of Northern Ireland to the Security Service represents a sinister plot to undermine policing in Northern Ireland. Both sets of fears are completely without foundation.

Constitutionally, central Government have responsibility for national security, whether relating to international or domestic terrorism. We cannot and will not abdicate that responsibility. Integrating the Security Service's lead and the police's operational response in the way proposed will bring Northern Ireland into line with the rest of the United Kingdom, where the Security Service has had lead responsibility since 1992.

Let us be clear about what this change will mean in practice. The Security Service has no executive policing responsibilities, even in countering threats to national security. Such responsibilities rest now and will remain with the police, under the oversight of the Policing Board and the police ombudsman. In future, although the Security Service will gather intelligence and provide the strategic direction, it will be the police's role to mount related policing operations.

The main reason is that we cannot address national security on a regional basis anywhere in the United Kingdom. Events have demonstrated that it is vital to provide a consistent and co-ordinated response right across the United Kingdom. International terrorists do not confine their activities to the mainland of the United Kingdom. The recent arrest in Belfast and subsequent conviction of Abbas Boutrab for terrorist-related offences of the kind associated mostly with al-Qaeda shows that. We should all be aware that modern terrorism is an international phenomenon from which Northern Ireland needs to be protected. The changes that will take place during 2007 constitute a part of the

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*[Mr. Peter Hain]*

fight against international terrorism, and they are another vital step in preparing Northern Ireland for the challenges ahead.

**Rev. Ian Paisley** (North Antrim) (DUP): I do not know whether I caught the Secretary of State's language. If I mistook what I thought he said, he will tell me. I thought he said that security rested with the police and the police ombudsman. Will he clarify that?

**Mr. Hain:** What I said, and it is helpful to clarify it for the right hon. Gentleman, is that security matters will remain with the Security Service, but operational matters that might or might not flow from intelligence, or advice from the Security Service, or a recommendation from the Security Service, will be for the Police Service of Northern Ireland. The Chief Constable has supported these arrangements and the integration of the two—that is, the operational matters carried out by the PSNI and the intelligence and security matters carried out by the Security Service. Those can work very effectively together, and that is indeed planned.

**Mr. Jeffrey M. Donaldson** (Lagan Valley) (DUP): We understand what the Secretary of State is saying in relation to the integration of national security and dealing with the terrorist threat in Northern Ireland. Nevertheless, the Security Service is already stretched by coping with the threat to national security from international terrorism. How will it manage to take on the additional role in Northern Ireland with its existing resources?

**Mr. Hain:** These are matters that have been worked through with the Security Service. It is a fair question, but I notice that the hon. Gentleman is not disputing the principle, which springs from the fact that we are dealing with an international terrorist phenomenon which knows no boundaries. That is demonstrated by the arrest of that individual in Belfast of all places, which was connected not with domestic terrorism, but with the international phenomenon. That is the key point.

**Lady Hermon** (North Down) (UUP): Can the Secretary of State clarify who will adjudicate on what is a matter of national security and what is strictly an operational matter for the Chief Constable? I know that the Chief Constable welcomes some of the proposed arrangements, but he is concerned about who makes that final decision? Will it be a tussle in public or in private? Who will adjudicate?

**Mr. Hain:** I do not envisage any tussles in public. I think that the situation will bed down quickly, as it has done in Great Britain, where there is a similar division of responsibility between the chief constable, the relevant police force and the Security Service. The change reflects the increasing normalisation of life, security and politics in Northern Ireland.

**Sammy Wilson** (East Antrim) (DUP): Does the Secretary of State accept that the relationship between the security services and the police in England will not necessarily be repeated in Northern Ireland, where much of the intelligence gathered will affect criminal investigations due to the close link between terrorists and criminality? How can we ensure that the flow of information about criminal activity from the intelligence services to the police in Northern Ireland is not hindered?

**Mr. Hain:** I have made sure that both the Police Service of Northern Ireland and the Security Service are satisfied that the overlap between pure gangsterism and paramilitarism can be tackled. If I use the phrase, "pure crime", I think that the hon. Gentleman knows what I mean, and it will continue to be combated effectively under the new arrangements.

**Mr. Eddie McGrady** (South Down) (SDLP): The Secretary of State has confused the issue. Given the complexity of intelligence gathering in Northern Ireland, intelligence gathering should surely be a unitary matter. Intelligence involves both criminal organisations and terrorist organisations, so it would be better to have one intelligence-gathering organisation, which should be the PSNI. The PSNI should communicate its intelligence on international terrorism and retain information on indigenous terrorism for prosecution. In the past, intelligence was not transferred from MI5 to the police, and people literally got away with murder as a result.

**Mr. Hain:** Due to the relationship between the PSNI and the Security Service, what might have happened in the past will not happen in the future other than for reasons of ordinary human failing, which could occur in any situation. When the hon. Gentleman examines the detail and discusses the matter with the Chief Constable—given his long experience on the Policing Board, where he played a valuable role, few people can do that better than him—he will be satisfied that that is the only way in which to proceed. As I have said, the measure concerns terrorism in its broadest context. In particular, we are dealing with the modern phenomenon of international terrorism of the kind which occurred in London on 7 July. Indeed, there were fingerprints—albeit isolated fingerprints—in Belfast, where the individual whom I have described was arrested.

**Lembit Öpik** (Montgomeryshire) (LD): I am sure that the Secretary of State agrees that we will return to many of those points in Committee. Returning to today's Second Reading debate, however, can he not see that he is doing exactly what many hon. Members have always warned the Government not to do, which is to categorise terrorism in two leagues—international terrorism, which is a threat to state security, and domestic terrorism, which seems to have a more benign status? Will he assure hon. Members that paramilitary terrorism in Northern Ireland will be treated in exactly the same context as international terrorism?

**Mr. Hain:** I do not disagree with that proposition. I know that the hon. Gentleman agrees that it is difficult to say whether one form of terrorism is better or worse than another, because all terrorism is equally bad. All I am saying is that the modern form of terrorism that was identified in the arrest of the individual in Belfast is of an international character, and that it is as vital that the

Security Service is able to tackle that if it surfaces in Northern Ireland as it is in the rest of the United Kingdom. I know that the hon. Gentleman will accept that.

**Sir Patrick Cormack** (South Staffordshire) (Con): A few moments ago, the Secretary of State used the phrase, "pure crime", which is slightly strange, but we all know what he meant. It is clear from the evidence that the Select Committee has received in its continuing inquiry into organised crime that there is very little that can be described as "pure crime" in Northern Ireland. I think that he has to take that on board.

**Mr. Hain:** The Select Committee very appropriately made that point. We have recently seen events in the Republic of Ireland which indicate that. All paramilitary groups have criminal tentacles. It is difficult to see that some of the loyalist paramilitary groups have any political objective any more—it seems to be pure gangsterism—although it is not quite the same in the case of the dissident republicans. In answer to the question of whether dealing with day-to-day crime unrelated to paramilitary activity of the kind identified by the Select Committee would be hampered, I do not think that it would be at all. On the contrary, an enhanced capability could help in every respect.

**Mr. Ben Wallace** (Lancaster and Wyre) (Con): The Secretary of State said that no one had challenged the principle, but perhaps I may challenge the practicality. The strength of the Royal Ulster Constabulary special branch, and then the PSNI, was that it had intelligence-gathering networks and executive powers, and therefore worked in a joined-up way. In giving some of those powers to the security services, how does the Secretary of State hope to clarify the situation whereby very sensitive intelligence may be handed over to a police force when the Justice Minister in a Northern Ireland Assembly is from Sinn Fein? It is at those hand-over points that intelligence can sometimes break down. I urge him to consider whether, by losing executive powers in some of the intelligence network in Northern Ireland, he may be hampering counter-terrorism efforts.

**Mr. Hain:** I do not think that that will be the case; otherwise, neither the Chief Constable nor the Security Service would be satisfied, and neither would I. I remind the hon. Gentleman that the Patten report recommended that national security should not be devolved, and we are acting consistently with that. The Patten recommendations have been hugely successful in winning cross-community support for policing, so that in many respects the PSNI is now seen as a model for the rest of the world. The issue here is a switch in primacy, which should reside with the Security Service for the reasons that I have described.

**Mark Durkan** (Foyle) (SDLP): The Secretary of State said that the Patten report did not recommend that national security should be devolved. However, it clearly said that in areas of national security the PSNI would report to the Secretary of State, as opposed to reporting through the devolved mechanisms. It envisaged that issues of national security and intelligence policing at that level would be part of the responsibility of the PSNI. The Government are going against the grain of the Patten report in insisting that there should be ulterior policing and intelligence arrangements outside the PSNI—MI5.

**Mr. Hain:** I do not accept that interpretation. Paragraph 6.22 of the Patten report, although it did not go into as much detail as the Bill, made it clear that

"the Chief Constable remains fully accountable for the involvement of police in matters involving national security, even though his or her main accountability in such matters is to the Secretary of State rather than to the Policing Board."

There will therefore continue to be a direct line of accountability by the police for whatever they do, including about matters of national security, ultimately to the Policing Board and through the devolved Ministers.

I understand the concerns of the Social Democratic and Labour party about the matter, given its wider long-term political objectives. However, I hope that the hon. Gentleman will understand that there is no way that the Security Service could continue to do the important job that it has done for a long time, especially now and in the foreseeable future, without the changes being put in place and consistency with the rest of the United Kingdom. I believe that the result will be to strengthen the overall imposition of security and policing in Northern Ireland rather than to undermine it. If there were any danger of undermining it, the Chief Constable would have been the first to warn against that. He most emphatically has not done so—indeed, he supported the changes.

Several provisions deal with the democratic process. There are concerns about taking a power to bring forward the May 2007 election, but I need to be ready to move quickly if the circumstances are such that an early election is needed to cement success on the political front. That is necessary so that we do not face any obstacle.

**Lembit Öpik:** Will the Secretary of State respond to the concern of Liberal Democrats about the opportunity to change the date of the election quickly? We will set a dangerous precedent if a Secretary of State can alter the date of such a profoundly important event as an election, effectively by decree.

**Mr. Peter Robinson** (Belfast, East) (DUP): What does the hon. Gentleman think has happened on previous occasions?

**Lembit Öpik:** Does the Secretary of State accept that if he and the Government are acting reasonably, they will get the support of the lower and the upper Houses, but that both Houses should have the right to approve any such recommendation?

**Mr. Hain:** I note the outrage that the hon. Member for Belfast, East (Mr. Robinson) expressed when he said that Secretaries of State had adopted such a practice for some time. Rather than creating the obstacle of having to come back to both Houses of Parliament, it is better to get Parliament to agree now that, in such special circumstances, with the political process proceeding and the negotiations intensifying, we take a power, which may or may not have to be exercised, to bring forward

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the election date if, by agreement, we need to do that to make the progress that we all desire and that the hon. Member for Montgomeryshire (Lembit Öpik) has long supported.

**Sir Patrick Cormack:** Will the Secretary of State give an undertaking that he would not arbitrarily determine the date of an election if the democratically elected and participating parties in the House were all against it?

**Mr. Hain:** It is not something that I would want to do except with consent. The hon. Gentleman makes a reasonable point. We are not considering some diktat by the Secretary of State. It is crucial that that does not happen in the timing of elections, of all things. In practical terms, it is sensible to introduce the provision, whether or not it is exercised.

**Rev. Ian Paisley:** The Liberal Democrats previously supported the changes that were made to election dates. I do not remember any great tussle in the House, with a few Democratic Unionists fighting for their political lives and everybody else saying, "Yes. We mustn't let the Secretary of State change it." If it was changed before, I do not know why the Liberal Democrats have suddenly been converted. I would like to know the road that they travelled.

**Mr. Hain:** I shall leave the right hon. Member for North Antrim (Rev. Ian Paisley) to sort out his differences with the hon. Member for Montgomeryshire in his usual peaceful manner.

**John Bercow** (Buckingham) (Con): The assumption of an order-making power as a matter of prudent proportion is one thing, but the manner of its exercise is another. I was mildly perturbed—I put it no more strongly—by the Secretary of State's response to my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) when he challenged the right hon. Gentleman about circumstances of resolute opposition by Northern Ireland parties to the proposed exercise of the power. The provision does not make it explicit, so will the Secretary of State clarify whether the order-making power would be exercised by the negative procedure or its affirmative counterpart?

**Mr. Hain:** I am taking a power to do this because it is important to have that option available. I am not planning to make such a change; this would be unlikely to occur unless it was part of some political negotiation to get a power-sharing Executive up and running. Frankly, there would be no reason for doing it otherwise.

**John Bercow:** I am sure that the Secretary of State did not mean to glide over the specific point of my question. I am still seeking to ascertain whether, in the event that he decides that going ahead with his order-making power has become unavoidable as the least worst option, would it be debated in a delegated legislation Committee upstairs for an hour and a half or would it not?

**Mr. Hain:** I am sorry if the hon. Gentleman felt that I had not answered his question. Of course this would be done by affirmative resolution, but special emergency procedures might also apply, and those procedures are in the Bill in case they are needed. That is the point that I am making.

The provisions on electoral registration and political donations, which form a large part of the Bill, are also key to moving Northern Ireland forward. We want to modernise still further the registration arrangements in Northern Ireland, safeguarding the dramatic improvements in the accuracy of the register while ensuring that as many people as possible are registered to vote. In allowing us to do this, the registration clauses of the Bill go to the heart of increasing trust and engagement in the political and democratic process.

The Bill will remove the requirement for the Northern Ireland electorate to register annually to vote. The Northern Ireland Electoral Office will therefore no longer conduct an annual canvass. Instead, in order to ensure that the register is updated and expanded, the chief electoral officer will be given enhanced powers to access data from other public sector bodies to help him to track when individuals change address or become eligible to vote. These reforms will allow resources to be diverted towards raising the number of people registered and, in particular, to targeting groups that are currently under-represented on the register.

**Mr. Andrew Turner** (Isle of Wight) (Con): I understand the objective that the Secretary of State seeks to achieve, but I do not understand why a different registration mechanism from that of the rest of the United Kingdom should exist in Northern Ireland. Will he explain why it is not deemed necessary for the residents of Northern Ireland to register annually, as is required elsewhere?

**Mr. Hain:** This has arisen partly out of the consultation with the Northern Ireland political parties. It is designed to achieve the much more effective focusing of the electoral officers' resources on getting more people on to the register all through the year, including by accessing other databases, rather than putting all the resources into an annual canvass.

**Mr. Peter Robinson:** Is it not also the case that we are not comparing like with like? The registration process in Northern Ireland is different from that of the rest of the United Kingdom in that it is much more complex. There are many more questions to be filled in, for example, and applicants must supply their national insurance number. That makes the exercise much more difficult to repeat as part of an annual cycle.

**Mr. Hain:** Perhaps I should enlist the hon. Gentleman to help me on the Front Bench to answer these questions from his own political experience.

To underpin confidence in the register, the Bill gives the Secretary of State the power to conduct a canvass if the chief electoral officer thinks that it is necessary to refresh the register. A canvass is scheduled for 2010 as a safeguard, but it could be cancelled, with the consent of Parliament, if the chief electoral officer recommended that it was unnecessary. Otherwise, a full canvass will take place every 10 years.

In addition, the Bill provides for the introduction of an anonymous registration scheme and a new late registration window. The measures broadly mirror changes being introduced in the rest of the United Kingdom by the Electoral Administration Bill, as the Government believe that it is right that the citizens of Northern Ireland should enjoy the same rights as those of the rest of the UK. The measures will, however, reflect the differences in electoral law and practice between Northern Ireland and the rest of the UK, and the particular circumstances in Northern Ireland, including those highlighted by the hon. Member for Belfast, East.

The reforms to the rules on political donations will increase public confidence by injecting greater openness into party funding and setting Northern Ireland firmly on the road to complete transparency. It is right that donations to Northern Ireland parties should be subject to scrutiny, just as donations to other parties in the House are.

**Lorely Burt** (Solihull) (LD): Can the Secretary of State clarify the role of the Electoral Commission? Clarity would be appreciated on the extent to which the commission will be able to check political parties' compliance with the requirements on donations, whether it will be asked to give an opinion on the extent to which political parties are observing those requirements and what it is to do if it believes that one or more political parties have failed to comply with the law.

**Mr. Hain:** I can, as I will explain, give the hon. Lady a positive response to the questions she has asked. The Electoral Commission will be involved in detail on all that. Indeed, it plays a pivotal role. The chairman, Sam Younger, is content with the arrangements we have described.

For the reason I have just given, the Bill will require Northern Ireland parties, for the first time, to comply with the rules set out under the Political Parties, Elections and Referendums Act 2000, which require donations over a certain amount to be declared to the Electoral Commission. However, to take account of the continuing concerns about the possibility of donor intimidation in Northern Ireland, for a transitional period, donations to Northern Ireland parties will be checked privately by the Electoral Commission. If the commission discovers that a donation has been unlawfully accepted, the donation will be made public. That period will run from November 2007 and pave the way for full transition to complete transparency, as in the rest of the UK, in October 2010, which remains the Government's goal.

**Lady Hermon:** Will the Secretary of State kindly elaborate on where he thinks that intimidation of legitimate and proper donors will come from, given that the IRA has given up its criminality and its weapons and done all the business, as we were told repeatedly last year? How can he stand there and justify the fact that donations will be kept private and secret right up until 2010? Where will the intimidation come from?

**Mr. Hain:** Concerns were expressed to me—not particularly in relation to the IRA, but generally—about the climate in Northern Ireland's political culture, because there has not been the openness to which we have become accustomed since we legislated to change the matter after we came to power. There has not been such openness to the same extent in Northern Ireland, so there was therefore a concern, as part of the consultation, that we should allow a period of transition for normalisation to settle in. It was not any particular paramilitary organisation that was a particular concern; it could have been any party or any individual.

**Mr. Wallace:** Does the Secretary of State accept that there is a principle incorporated in the Bill that will change significantly our relationship in that the rules on donations will also reflect changes in Irish legislation? No matter what the Irish Dail does, that will kick into the rules affecting parties in Northern Ireland and we will be powerless to change that unless we introduce primary legislation to follow the Bill up.

**Mr. Hain:** Not for the first time in being generous in taking interventions, a point that I was about to deal with has been raised, but may I make another point in relation to intimidation and the transitional period in general? This will allow the political parties in Northern Ireland to adjust to the new arrangements and become accustomed to them, rather than them simply kicking in late next year. A period of transition will be allowed for that to occur. That is right, and it came out of the consultation period.

The other major effect of these reforms will be to apply to Northern Ireland parties the ban on foreign donations that operates under the 2000 Act. However, to recognise the special position of the Republic of Ireland in relation to Northern Ireland's political culture, Irish citizens and other bodies will continue to be able to donate to Northern Ireland political parties, as defined by Irish law. That is consistent with the principles of the Good Friday agreement and reflects the unique relationship between Northern Ireland and the Republic.

**Mr. Nigel Dodds** (Belfast, North) (DUP): Does the Secretary of State accept that that provision will be seen, and is seen widely in Northern Ireland, as simply a benefit clause for Sinn Fein? Will he think again before inserting an exemption for foreign donors that is aimed specifically at assisting the republican movement in its fundraising efforts in America and elsewhere?

**Mr. Hain:** That is not the only issue, if it is an issue at all. Not only Sinn Fein was concerned with the issue. I think that this is a sensible step and I am sure that everyone will agree.

Clause 23, the decommissioning clause, is intended to take the peace process a step further. The full decommissioning of IRA weapons, independently verified, was of course welcome and highly significant, but there is more to be done. We want to see all loyalist weapons decommissioned, and also those of dissident republicans. The Bill will ensure that the amnesty scheme stays in place for a further three years to facilitate that process.

The Bill is not just about the political process. It contains important provisions on energy that are designed to help to put Northern Ireland on a new footing by creating a single wholesale electricity market

*[Mr. Hain]*

on the island of Ireland. Compelling market-led arguments resulted in similar action in 2003 to enable the Scottish market to be integrated with the England-Wales wholesale electricity market. Now it is Northern Ireland's turn. The electricity industry and the business community in Northern Ireland support the move, for the simple reason that a single market makes sound economic sense. It will be both more sustainable and more liable to attract new investment. It is expected that the single market will bring consumer benefits by boosting economies of scale and creating fuel savings. Together with access to a larger marketplace, that should spur greater competition and provide for a more efficient pricing mechanism. Crucially, the new market will bring enhanced security and diversity of electricity supplies.

Renewable sources offer a further outstanding opportunity to secure our energy supply, while protecting our environment. That is particularly important for Northern Ireland, where more than 99 per cent. of our primary energy requirements come from imported fossil fuels. That is a worrying level of reliance in economic and environmental terms, and in terms of security of supply. Increasing sustainability is not just an option but an imperative. Developing renewable energy and renewable technologies offers us a way forward and we must grasp it with a sense of urgency.

Last month, I launched a £59 million package of assistance aimed at enhancing and accelerating the development and deployment of renewables in Northern Ireland. It is an initiative in which the public sector will lead by example and in which everyone will have a part to play, with the potential to lever in hundreds of millions of pounds in private investment. The Bill will enable that package of assistance to be effectively targeted at a wide range of renewable energy initiatives that will be critical to a more sustainable energy future for Northern Ireland.

Clause 24 increases the threshold on the amount that the Northern Ireland Executive can borrow from the national loans fund, in effect extending the Executive's overdraft limit. In particular, that will facilitate the massive increase in infrastructure investment that I announced in December.

Clause 27 and schedule 3 extend to Northern Ireland the provisions in the Serious Organised Crime and Police Act 2005 relating to the investigatory powers of the Director of Public Prosecutions. The purpose is to provide powers in investigations of serious offences that are undertaken in Northern Ireland equivalent to those available in the rest of the United Kingdom. The provisions will enable prosecutors and investigators to compel witnesses to provide information in serious organised investigations of matters that might otherwise have proved difficult to uncover. The creation of those new powers for Northern Ireland will give investigators and prosecutors additional weapons with which to tackle the major ongoing problem of serious organised crime on a UK-wide basis.

Clause 28 will provide corporation sole status to the office of the Chief Constable of the Police Service of Northern Ireland. It will extend to Northern Ireland arrangements similar to those that already exist for chief police officers in Great Britain, so that any prosecution relating to breaches of health and safety at work legislation will ordinarily be brought against the office of the Chief Constable, rather than against the individual office holder.

Clause 29 will place a duty on relevant Ministers to fill judicial vacancies in Northern Ireland, except where the Lord Chief Justice of Northern Ireland agrees that a particular vacancy may remain unfilled. That will bring Northern Ireland into line with the arrangements put in place for England and Wales in the Constitutional Reform Act 2005. The aim is to remove any perception that Ministers could use the filling of judicial vacancies to place pressure on the judiciary and influence its independence. The change does not disturb either the current arrangements for judicial appointments or the post-devolution arrangements already provided for in the Justice (Northern Ireland) Act 2002, as amended.

The Bill's reforms will help to sustain a different and welcome environment in Northern Ireland. The IRA's historic statement of 28 July last year—ordering an end to the armed campaign and the dumping of all arms, and instructing volunteers to engage in purely political and democratic programmes through exclusively peaceful means—has been the subject of independent verification. The Independent Monitoring Commission's reports of 19 October and 1 February show that the IRA has taken a strategic decision to turn its back on the ways of the past. In its most recent report, published on 8 March, the IMC said that, in its view, the IRA has taken a strategic decision to follow a political path, that it does not present a terrorist threat and that it is not a threat to members of the security forces.

**Mr. Peter Robinson:** I get the impression that the Secretary of State is bringing his remarks to a close, but he has not touched on an issue that I was expecting him to deal with. I know that, at one stage, he harboured the ambitious hope of introducing constitutional proposals on changing the way that the Assembly in Northern Ireland operates, by way of amendment to this legislation. Is that off the table or will it occur during the lifetime of this legislative process? If it will, can he assure us that there will be a proper debate on the key issues relating to how Northern Ireland is to be governed?

**Mr. Hain:** It certainly is not off the table and the Bill may well be a vehicle for addressing those issues, which we recently discussed with the hon. Gentleman's party and with the other parties concerned at Hillsborough castle and Stormont. They remain to be addressed and if we do decide to amend the Bill—as I have signalled that we might—we have provided adequate time for debate. There will be two full days of debate on the Floor of the House and if Government new clauses are tabled, they will be taken here and we will have adequate time to deal with them, as is obviously crucial. We would want to discuss such proposals with all the parties, including the hon. Gentleman's, before moving down that route.

The decommissioning of IRA weapons, which was independently verified and reported on by the Independent International Commission on Decommissioning and by witnesses, has also contributed positively to the new environment. The picture is not perfect but huge progress has been made: the situation in Northern Ireland is transformed from where we were. We need to step up to the

challenges and opportunities that the new environment presents. Political leaders in all walks of life need to show vision, courage and commitment to these goals. Restoration of the devolved institutions remains the aim, and Northern Ireland's politicians need to take the next step forward. We need to restore devolved government on a stable and lasting basis, and this legislation will help to prepare the way.

5.14 pm

**Mr. David Lidington** (Aylesbury) (Con): The heart of the Bill is the section dealing with the proposed devolution of policing and criminal justice. The Opposition agree with the Government that it is right that such matters should in due course be devolved to politicians directly accountable to the people of Northern Ireland, but we need to be clear about the basis on which that will happen. Several interventions in the Secretary of State's speech showed that there is concern among Members on both sides of the House about precisely how the Bill's order-making powers might be applied in future.

I think that the Government are right to transfer lead responsibility for national security from the police to the Security Service, but it will not be easy to define the boundary between strategic matters and operational matters. By the time policing is devolved, the House will need to have a clearer view than we are able to take at present about matters of accountability and, in particular, the extent to which the Northern Ireland Policing Board and the police ombudsman are to have jurisdiction over matters that touch on terrorism or national security.

The details of secondary legislation on the devolution of policing must make it clear that, in performing their daily responsibilities, the Chief Constable and the Policing Board will remain independent of Ministers in the Executive. That independence is critical if the police are to continue to make progress in gaining cross-community support throughout Northern Ireland. As both the Secretary of State and I know from visits to cities in Northern Ireland, it is very impressive to hear from local commanders how they are gradually extending what we would regard as normal policing to parts of Northern Ireland that have not had anything remotely like normal policing for the past 30 years or longer.

We need to accept a third point. The devolution of policing and criminal justice is a desirable objective, but it cannot occur until every political party that appoints Ministers to a devolved Executive has accepted the legitimacy of the police and the courts and is prepared to support those institutions. Support for the police, the courts and the criminal justice system is not an optional extra, nor is it some magnanimous concession that should entitle those offering it to a political reward.

I want devolution to be restored in Northern Ireland and I want it to extend in due course to policing and criminal justice, but that cannot happen while the republican movement in particular denies the legitimacy of the courts and the police and is willing to let vicious crime, even murder, go unpunished rather than encourage its supporters to give evidence to the proper authorities.

In case anybody thinks that I am interested only in the misdeeds of republican paramilitaries, I should make it clear that I make no moral distinction between republican paramilitaries and their loyalist counterparts. The Ulster Defence Association and the Ulster Volunteer Force are the bane of the communities whose interests they claim to defend. Loyalist communities need investment, jobs and better education and training, and they need to be rid of drug dealing and the protection rackets. The grip of paramilitary groups is the biggest single deterrent to economic revival and urban regeneration. I welcome the effort being made by some men within loyalism to get the paramilitary gangs to decommission their weapons and put themselves out of business, and I am sure that the Secretary of State and I agree that the sooner that happens the better for everybody concerned, especially people on loyalist estates in Northern Ireland's cities.

Although I do not make a moral distinction, there is a key political distinction between loyalist paramilitaries and the Provisional IRA. The parties linked to the UDA and the UVF have minimal electoral support; they have no chance of holding office in any devolved Government. By contrast, the provisional republican movement, through Sinn Fein, would be entitled to ministerial office including, as things stand, the position of Deputy First Minister and in time, in all probability, some responsibility for policing or criminal justice. We all have to accept that we cannot have Sinn Fein back in government with their Ministers sharing in the administration of justice while the provisional republican movement refuses to recognise the courts or the police. Such a state of affairs would be grotesque.

Before the devolution of policing and justice can occur, as proposed in the Bill, we need to see tangible evidence that republicans have made a practical and an ideological commitment to support the rule of law.

**Mark Durkan:** The hon. Gentleman made a number of points about the parties related to loyalist paramilitaries and their lack of potential for ministerial office, but has he any comment to make on the fact that the Secretary of State has appointed to the Policing Board for Northern Ireland the chairperson of the Progressive Unionist Party, which is linked to the UVF? Its ceasefire is not recognised, it is a paramilitary organisation that the Secretary of State specified and it has not engaged in any decommissioning, yet under the decision that the Secretary of State announced today it finds itself on the Policing Board. Will he address that issue as well as the issues he has raised about the republican movement?

**Mr. Lidington:** The hon. Gentleman makes an important point. I had not been aware of it before he gave me news of it in his intervention. It raises a number of legitimate questions that we will wish to pursue in due course.

**Mr. Hain:** The matter has been raised with the hon. Gentleman rather than with me, but I would have been happy to respond if it had been raised with me. Dawn Purvis, the individual concerned, performed extremely strongly in the interviewing process before the panel, which had an independent member. She came with a very high recommendation. I think she will add to the effectiveness of the Policing Board in performing the job it has done so effectively in recent years.

**Mr. Lidington:** I am grateful to the Secretary of State for his comments. We will have opportunities to pursue the matter across the Floor of the House, perhaps in Northern Ireland questions this Wednesday.

**Mr. Peter Robinson:** The issue raised in the question asked by the hon. Member for Foyle (Mark Durkan) is not whether a candidate performs well but the suitability of somebody from that background. As the Secretary of State seems to be willing to intervene on this, was the hon. Gentleman seeking an assurance from him that it was clarified that the candidate concerned fully supports the police and criminal justice in Northern Ireland and opposes paramilitary and criminal activity?

**Mr. Lidington:** Given the background of the lady who has been appointed, I would hope that inquiries of that type had been made.

**Mr. Hain:** The hon. Gentleman is very generous in giving way. Perhaps I can take of advantage of him to provide that assurance. It is an elementary pre-condition for any applicant for membership of the Policing Board, including Dawn Purvis, that he or she signs up to that. That was made clear throughout. The panel was satisfied that she came with a very strong recommendation from the interviewers.

**Mr. Lidington:** I am grateful to the Secretary of State.

**Rev. Ian Paisley:** I should like to bring the hon. Gentleman back to his point that people with connections to terrorism could not possibly be involved in certain matters relating to the police, the law and the courts. Would he go further and say that it would not be in the interests of Northern Ireland to have people in government in that part of the United Kingdom who were still connected to terrorists and to terrorist violence?

**Mr. Lidington:** Yes. I was about to make exactly that point. The Secretary of State referred to the events of last year—to the IRA statement announcing the end of its so-called armed struggle and to the act of decommissioning in September, which General de Chastelain reported involved a very large quantity of guns and explosives. Both those IRA actions were of major significance, and had they happened five or six years ago, when they should have happened—when democratic politicians from both traditions had every right to expect them to have been taken—they might have been of decisive importance in building trust. However, and in response to the right hon. Gentleman's point, it is not enough simply to take the events of last year as conclusive. They marked significant steps in the right direction, but we need evidence to convince us that the republican movement's commitment to exclusively democratic and peaceful means of attaining its political objectives is both permanent and irreversible.

The type of comment that police officers and others in Northern Ireland have made to me is that although matters have undoubtedly improved hugely on the security and policing front, they cannot yet be certain whether we have reached the definitive end of an IRA campaign that has been going on since at least the early 1920s; or whether it is another lull in that campaign, such as occurred in the 1950s.

**Mr. Dodds:** The hon. Gentleman's approach is absolutely right. Whether or not the IRA is on a permanent and irreversible path to peace, the crucial question for many people is whether its members are prepared to disband their military organisation. If they will not, does not that indicate that at some point they would be willing to reconsider the use of violence?

**Mr. Lidington:** At one stage, Ministers in the Irish Government called on the IRA to disband—the Justice Minister did so recently. I agree that an announcement about disbanding would probably send a more powerful signal to the Unionist community and to democratic nationalists in Northern Ireland than any other single gesture. Instead, too much of the debate about the future devolution of policing has centred on whether, and if so when, Sinn Fein will take up its seats on both the Policing Board and district policing partnerships. Taking seats risks being an empty gesture unless it is a clear demonstration that republicans will henceforward support the PSNI as an institution and work for its success.

Ideology is important. We cannot have on the Policing Board members of a political party that will not accept either the police or the courts as legitimate, but instead looks to the army council of the Provisional IRA as the supposed source of legitimate authority not just in the north but throughout the entire island of Ireland.

**Mr. Andrew Turner:** I agree with every word that my hon. Friend says, but does he agree that although stated ideology is important, what is most important is practical, on-the-ground peace, which includes peace from punishment beatings and assaults, as well as from assaults and the threat of assaults on peaceful marches?

**Mr. Lidington:** My hon. Friend is right. Ideology is important because we are talking about an organisation that takes pride in asserting that it acts in accordance with a consistent ideological position, and a visible shift in ideology would have a very important symbolic impact on republicanism's own followers. However, my hon. Friend is right to say that that ideological change needs to have clear practical expression. That should not only be in the form of a cessation of punishment beatings, or paramilitary assaults, as they are more properly described; it means the cessation of involvement in criminality of all types.

Let us hear Sinn Fein members urge those of their supporters who witnessed the murder of Robert McCartney to go to the police with their evidence. Let us see republicans working with the police and the other agencies of law and order to make restorative justice a reality of the kind that we have seen elsewhere in the United Kingdom, rather than trying to operate community restorative justice organisations as a private judicial system and an instrument of intimidation and social control. Let us hear Sinn Fein's leaders saying openly that young men and women who believe passionately and honestly in a united Ireland can still find a worthy career in the police service, and that there

is no contradiction in having that democratic political objective and having a clear civic duty to pursue criminals and enforce the law with rigour.

I hope that we can in due course look to the implementation of these clauses on the devolution of policing and criminal justice, but we still have quite a long way to go politically before that becomes a practical possibility.

I want briefly to touch on three of the other subjects included in the Bill, the first of which is electoral registration. I was concerned by the original Government proposal in the consultation paper to extend the deadline for electoral registration to just 11 days before the poll; and I noted the concerns of the chief electoral officer that such a tight deadline would make it difficult to carry out the checks that would be needed under the Northern Ireland system and might add to the risk of fraud. I therefore welcome the fact that the Government have now decided to introduce safeguards in response to those concerns. We will want to explore the adequacy of those safeguards in Committee.

That leads me to comment that the rigour not just of those safeguards but of the entire system for electoral registration and, indeed, the other changes in the Bill, such as doing away with the statutory annual canvass, depends critically on the integrity, authority and independence of the chief electoral officer. I have met the current office holder and was impressed by what he told me about how electoral registration is carried out in Northern Ireland. In the light of the importance of that office for the integrity of the entire registration system, I confess to being somewhat uneasy about the fact that the Bill makes the chief electoral officer's reappointment after five years subject to renewal by the Government, whereas at the moment, I understand, he is appointed indefinitely, subject only to good behaviour.

I am certainly not casting any adverse imputations at the Secretary of State or any of his Ministers if I say that I am uneasy about the prospect of any politician from any political party having it in his power to decide whether the chief electoral officer should or should not be reappointed after five years. One could see how the chief electoral officer might be subjected to a certain amount of political pressure in how he exercised his judgment because he would want to make sure that he got a second term in the job.

I cannot leave the subject of electoral registration, however, without expressing some regret—to take up a point made by my hon. Friend the Member for Isle of Wight (Mr. Turner)—that the Government are allowing a different system in Northern Ireland from that in the rest of the United Kingdom, or, more properly, that they are not applying the system of individual registration that is successfully guarding against fraud in Northern Ireland to the rest of the country. I am sorry that the Secretary of State was unable to persuade his Cabinet colleagues to benefit from the experience of Northern Ireland, and particularly sad that he was unable to persuade the Secretary of State for Wales to go down that route, and I still hope that, some day soon, the Government may understand that the Northern Ireland example is the one that England, Wales and Scotland should follow.

On the funding of political parties, my preference and that of my party is for Northern Ireland to be brought as soon as possible fully within the same system of checks and scrutiny as applies to any other part of the United Kingdom under the Political Parties, Elections and Referendums Act 2000. We have accepted reluctantly that the fear of intimidation in Northern Ireland makes that final move impossible for now, and I support the Bill's compromise on the reporting of donations in confidence to the Electoral Commission.

The Bill touches on a further issue to do with party donations. The fact that a large minority of people in Northern Ireland consider themselves to be Irish in terms of both nationality and citizenship clearly has implications for party donations, but we will want to look very closely, in Committee and on Report, at exactly how the United Kingdom and the Irish Republic arrangements for party donations will intersect in the legislation. During the Bill's future stages, we will want some further information about exactly how the Irish Republic defines both Irish citizenship and Irish companies for the purposes of party donations. We will want to be certain that the system of checks that we provide for Northern Ireland is suitably rigorous.

I wish to say a few words about the proposals for a single energy market. Whenever I talk to those in business or to business representative organisations in Northern Ireland, it soon becomes apparent that they are very clear that they now operate simultaneously in a Northern Ireland market, an island of Ireland market, a United Kingdom market, a British isles market, a European Union market and, indeed, in many cases, a global market. If the proposal for an island of Ireland wholesale energy market involves lower prices and greater choice for energy consumers in Northern Ireland—there might be a particular advantage for business consumers of energy—it should be supported. It strikes me as a sensible step in practical co-operation across the United Kingdom-Republic of Ireland border.

This country and the Republic of Ireland should have the same close, interdependent economic relationships as now exist between any other two neighbours in western Europe and, increasingly now, in central and eastern Europe. I hope that, in due course, we will not rule out integrating that all-Ireland market with the energy market in Great Britain or, for that matter, its inclusion in what I hope will eventually become a genuinely liberal energy market throughout the European Union.

We welcome many of the proposals in the Bill. We shall not seek to divide the House on Second Reading tonight, but we will want to explore and test the Government's arguments on certain aspects in Committee and on Report, and I invite my hon. Friends to respond to the Bill on that basis.

5.39 pm

**Mark Durkan** (Foyle) (SDLP): The Bill before us is an odd one. It is something of a dog's breakfast in that it contains all sorts of bits and scraps, some not particularly substantive. Yes, there are important provisions and some welcome ones, but as we will show, the most significant feature of the Bill is what is not in it, rather than what is.

It is interesting that, introducing the debate, the Secretary of State took a lot of time to deal with the subject of MI5 and there were many interventions on

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the future of intelligence policing, when there is nothing in the Bill that deals directly with that matter. If the Bill made direct provision for the enhanced and expanded role that appears to be envisaged for MI5, that would be good cause to vote against it, even on Second Reading; however, it does not.

That does not reassure those of us who are concerned about plans for the future of intelligence policing—a point that will be developed by my hon. Friends when they speak. We cannot accept the Secretary of State's assurance in relation to MI5 that what has happened in the past will not happen in the future. What basis do we have for accepting such an assurance from a Government who are in denial about what has happened in the past and who, through measures such as the Inquiries Act 2005, have acted precisely and deliberately to make sure that the truth cannot emerge about things that happened in the past, courtesy of MI5.

In their interventions, hon. Members referred to various paramilitary organisations and terrorist groups. All the terrorist organisations in Northern Ireland have comported themselves as paramilitary organisations, but the sad and shameful reality is that military interests in Northern Ireland—namely, MI5—have in the past comported themselves as para-terrorists in their handling of and engagement, involvement, collusion and complicity in all sorts of crimes committed by terrorists. They did not share intelligence that could have been used to apprehend people, to alert people, or to save lives. Such was the nature of its operations that MI5 literally, as my hon. Friend the Member for South Down (Mr. McGrady) said, conspired to allow people to get away with murder. When the Government seem content to cover up those aspects of the past, I find it hard to accept their assurances about the future.

The suggestion made was that MI5—with its record in Northern Ireland—is to be some new feature. Listening to the Secretary of State talk about trying to bring Northern Ireland into line with the rest of the United Kingdom, one might think that Northern Ireland had never had MI5 and its intelligence operatives before. Well, we have, and we have had far too many of them. Trusting the future of intelligence policing to MI5 is like making Herod the children's commissioner—it goes against the whole record of experience and legitimate interest.

MI5 has not shown respect for the rights of the citizens of Northern Ireland, it has not respected life and it has not respected the duties and responsibilities of other law enforcement agencies, and I have seen nothing to tell me that that will change in future. That is why we have fundamental concerns about the plans for the future of intelligence policing. It is all very well the Secretary of State saying that the police service will have operational responsibility when the Security Service advises the police of something: the big question is what about the circumstances in which the Security Service does not advise the police of something, or deliberately misadvises them? All that has happened in the past, and there is nothing to assure us that it will not happen in the future.

In addition, as the Secretary of State has indicated, intelligence policing in the hands of MI5 will not be subject to any of the scrutiny, challenge or accountability available in relation to the police service in the form of appeals to the Policing Board or the ombudsman's office and, in the context of devolution, challenge in the Assembly. Legitimate national security issues will still have to be addressed but, as I said in an intervention, the Patten report clearly recommended that the Chief Constable report to the Secretary of State on such matters, rather than to devolved bodies and the Policing Board. That is the way forward—stick to the Patten path.

**Mr. Hain:** It is not clear whether the hon. Gentleman accepts my basic point that the Security Service needs to be able to co-ordinate its activities in every part of the United Kingdom mainly to fight the modern problem of international terrorism. Surely, the hon. Gentleman is not disputing that.

**Mark Durkan:** I have already said that we should stick to what Patten recommended, and Patten clearly envisaged the need for continued intelligence policing. The report also made clear both the changes that had to be made to the police service to accommodate that capacity and the issues on which the Chief Constable would report to the Secretary of State. There would be some issues of national security on which it would be appropriate for the Secretary of State, rather than the devolved authorities, to receive reports. I therefore do not accept the case that the Secretary of State made for an enhanced and expanded role for MI5 in future.

**Mr. Hain:** Perhaps I am trying the hon. Gentleman's patience, but we all do so to one another in the House. It is a question of yes or no. Does he think that the Security Service should have primacy when fighting terrorism and doing its work? He spoke about the role of the Chief Constable and so on, but we have made that role clear. I am not certain whether he agrees or disagrees that the Security Service should be able to operate in such a way that it can combat the problems of terrorism, particularly international terrorism, and protect the national interest? Does he agree with that or not, particularly the point about national security?

**Mark Durkan:** I should have thought that a comparison with Herod as children's commissioner indicated that I do not accept that the Security Service should be trusted with a role of such primacy, particularly given its record. It is not as if we have a figmentary concern about the future conduct and performance of MI5 and the quality of its relationship with the police service, as history shows the true and ugly face of such matters.

The Bill makes a number of provisions in several different areas, and my hon. Friends will deal with political donations, electoral registration and the creation of a single energy market throughout the island of Ireland. Those are important provisions, but there are other things that the Government could have included in the legislation but which they have chosen not to include. As long ago as 2000, the British Government agreed to review whether the Human Rights Commission should be given powers to call for persons and papers, and to enter and inspect the premises of public authorities. Without those powers, the record shows that its investigations can be hampered and

impeded, as happened when it was denied entry to a prison that it wanted to inspect. Such powers are essential if the Northern Ireland Human Rights Commission is to comply with the UN Paris principles. Powers to call for persons and papers are possessed by human rights commissions throughout the world, including the one in the Republic of Ireland.

**The Minister of State, Northern Ireland Office (Mr. David Hanson):** The hon. Gentleman will be aware that a consultation on those very points was completed at the end of February. We are currently considering our response.

**Mark Durkan:** Given that the commitments were made as far back as 2000, that the response to the consultation is now available and that the Government have indicated that there are other amendments that they might be prepared to include in the Bill, they should indicate their willingness to use the Bill to make that provision. Rather than waiting until next year to legislate—as they may or may not plan to do—why not do so now? Fairly simple and straightforward amendments could be tabled to deal with the matter.

**Lady Hermon:** The hon. Gentleman referred to the Paris principles. Those principles set out the characteristics and powers of a national human rights commission. Does he accept that the Northern Ireland Human Rights Commission is a regional human rights commission, not a national one across the United Kingdom, and so should have lesser powers and different characteristics from those outlined in the Paris principles?

**Mark Durkan:** I do not accept that the commission should have lesser powers than those outlined in the Paris principles when it comes to carrying out its remit in respect of human rights in Northern Ireland. That remit should be significant and many people believed and assumed that it was as significant as what is covered in the Paris principles. That is what has to be rectified and remedied. We should remember that we are talking about a product of the Good Friday agreement. The human rights commission in the Republic is also a product of the Good Friday agreement. It is odd that one commission has those powers and the other does not, if we are talking about things being like for like and parity of approach.

In response to an intervention from the hon. Member for Belfast, East (Mr. Robinson), the Secretary of State entertained the possibility of a number of amendments being introduced to deal with what might be termed constitutional or institutional matters. I warn the Government that it would be a political misadventure to try to use the Bill as a vehicle for translating into legislation chunks of the so-called comprehensive agreement of December 2004, which was not an agreement and was not comprehensive. It emerged as a result of negotiations between the two Governments, the Democratic Unionist party and Sinn Fein. It came on the back of the two Governments aborting the review of the workings of the Good Friday agreement that was under way in 2004 and it contains a number of provisions that violate key principles of the Good Friday agreement.

I warn the Government against using the Bill to legislate for the comprehensive agreement. I know that they will be tempted to do so, because Sinn Fein very foolishly agreed all sorts of things that it apparently now disagrees with. In the comprehensive agreement, it agreed that legislation would be introduced in the House to create a shadow Assembly. Now Sinn Fein says that it is totally against a shadow Assembly. It also agreed that coming out of the shadow Assembly would depend on the reports of the Independent Monitoring Commission. It now says that it would not have the Independent Monitoring Commission about the place and that the commission should have no part in determining our political future. However, I hope that, although the temptation might be there in relation to Sinn Fein's mistakes in the comprehensive agreement, the Government will not try to lift chunks of the comprehensive agreement and legislate for that in the Bill.

**Mr. Hain:** It is not a question of importing the comprehensive agreement wholesale into legislation. The Minister of State, Northern Ireland Office, my hon. Friend the Member for Delyn (Mr. Hanson) and I have spent some time talking to the hon. Gentleman's party, the DUP, the Ulster Unionist party, Sinn Fein and the other parties about a consensus on the way forward, which remains our objective. We intend to try to achieve that, but I need his party to engage positively, rather than to pretend that everything should remain unchanged. The small tweaks, as it were, to the existing arrangements could easily be dealt with by common agreement if his party would focus on the detail, rather than simply saying on principle, "No, we'll never change anything."

**Mark Durkan:** I thank the Secretary of State for his intervention, but we have engaged very positively with all the detail. Like many other parties, we were engaged positively and constructively in the detail of such things in the review of the Good Friday agreement and then we found it aborted by the two Governments. We had put forward all sorts of proposals to improve the workings of the institutions, and effectiveness, efficiency, transparency and accountability, because people said that they were worried about those issues. All sorts of ideas were put forward, but the Government were not interested in that. They were interested simply in concentrating on the positions of Sinn Fein and the DUP, at the expense of the agreement.

Again contrary to what the Secretary of State has said, the comprehensive agreement does not provide for mere tweakings of parts of the Good Friday agreement. Central to the Good Friday agreement was the principle of democratic inclusion and key to the concept of inclusion in the agreement was respect for difference and for parties' mandates. Parties would go into Government according to the strength of their mandate, if they so chose. Nobody could vet or veto each other's appointments to Government. That principle of inclusion is torn up by the comprehensive agreement. Not only is there a possibility of people being able to prevent the appointment of Ministers, under the comprehensive agreement the Social Democratic and Labour party and the UUP are effectively threatened with automatic exclusion from ministerial office if we do not bend a knee to Sinn Fein and the DUP and vote

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confidence in them as First and Deputy First Minister. Annex B, strand one, paragraph 9 of the comprehensive agreement states that we will be automatically excluded from office if we abstain on a vote of which the only legal effect would be to elect the First and Deputy First Minister. Someone cannot be automatically excluded from office for committing a crime, misconduct in office or all sorts of other misdemeanours, but they would be automatically excluded under the comprehensive agreement for exercising a legitimate democratic right and expressing a legitimate democratic difference. That cannot be right and that is no mere tweaking.

**Mr. Hain:** I agree that it would be wholly wrong if the SDLP or the UUP found themselves excluded in those circumstances. I do not intend to legislate in relation to that small part of the consequences, as I think that the hon. Gentleman knows.

**Mark Durkan:** I welcome that commitment from the Secretary of State. I hope that there will be nothing like what I have described. I made the point to emphasise that the comprehensive agreement involves changes and is pregnant with implications and complications that the Government have not admitted to date.

**Lembit Öpik:** I am sure that, like me, the hon. Gentleman is encouraged by the Secretary of State's reassurance, but does he agree that, many times, there are unintended consequences in the legislation such that one cannot trust the word of the existing Secretary of State to bind future Secretaries of State for Northern Ireland? Is it not the case that, on innumerable occasions in the past nine or 10 years, we have had those kinds of assurances, which have eventually counted for nothing? In the end Ministers have said, "Well, that was then and this is now."

**Mark Durkan:** I accept fully what the hon. Gentleman has said. It reminds me of a conversation that I tried to have with him a few weeks ago in the context of the debate on the Short money about the folly of accepting shallow sweeping assurances from Secretaries of State about what may or may not happen in the future.

There are other aspects of the comprehensive agreement that would mean that in restored institutions, we would find it hard to get decisions taken and there could be gridlock. The content of the comprehensive agreement is wrong and flawed. Fundamentally, parties need to remember that all the issues relating to the workings of the institutions and the agreement did not bring about suspension. They did not bring the institutions down. The institutions were brought down because of other things happening or not happening completely outside them. Resolving those issues should not be a precondition for restoring the institutions. We can address the issues, as we were addressing them constructively, in the context of a review. The best circumstances for a review to take place would be in the context of working restored institutions, because then every party would have a lot more confidence in the real willingness of other parties to engage in such institutions and processes. It is that lack of confidence that is at the root of the deadlock and stand-off at the moment.

Of course, it is not just what is in the comprehensive agreement that has worried those of us who stand fully by the Good Friday agreement, but the fact that we were told in a statement by the hon. Member for Belfast, East that the comprehensive agreement had alongside it 100 side deals and secret understandings in the form of more than 100 clarifying answers, notes and letters. We were told that about the comprehensive agreement at a time when the Government were still telling us that there would be no more side deals and we had seen the last of them. In a while, we will probably be told that there has not been a side deal in two months. The fact is that we can trust neither what is in the comprehensive agreement, nor what we have not been shown outside of it. Again, I warn the Government against the misadventure of turning to the comprehensive agreement and things like it for new material for legislation, because that will not give us a platform for progress, but just create a political tug of war in a dead end, which will not take anything forward.

The hon. Member for Aylesbury (Mr. Lidington) mentioned that provisions on the devolution of policing and justice are at the heart of the Bill. We need to remember that the power to devolve policing and justice already exists—it is not created by the Bill. The Bill does not do much one way or another in respect of that basic power, which is in section 4(2) of the Northern Ireland Act 1998.

The Bill contains provisions that are somewhere between a figment and a fig leaf. It contains provisions that may or may not operate or be called upon, such as the power to appoint a Minister of Justice in a way other than by d'Hondt. There may or may not be a joint Ministry and rotating junior and senior Ministers. The Bill provides for all sorts of things that might not happen. We know, as my earlier remarks and the Secretary of State's comments have shown, that much of the more serious stuff that will happen regarding future policing, such as that involving MI5, lies outside the Bill. We have been given a figment, or fig leaf, so that some people can pretend that the big outstanding issue that kept them off the Policing Board and prevented them from supporting the policing arrangements has been resolved and that their demand for the devolution of justice and policing has been met.

The scale on which some devolution has already taken place should not be underestimated. The Policing Board already has quite a number of the powers and functions that were formerly exercised by the Secretary of State and the Northern Ireland Office. That was shown graphically when the Secretary of State and the NIO tried to intervene on and influence the Policing Board on the position of the then Chief Constable, Ronnie Flanagan. A similar thing happened in response to the police ombudsman's report on Omagh. It cannot be emphasised enough that the Policing Board proved that it had devolved powers and independence. Sinn Fein has refused to be part of the devolution that has already taken place.

There is a paradox about Sinn Fein's position on the outstanding issues of devolution. The DUP must be delighted—its members must be grinning like horses chewing thistles—whenever Sinn Fein effectively gives it a veto on the position on policing. Sinn Fein's big macho position is that it will not move on policing until the DUP agrees a date for the devolution of justice and

policing. I do not detect any great hurry on the part of the DUP to see Sinn Fein on the Policing Board and entering into the arrangements. The DUP will pocket that veto and say, "That will do nicely, thank you very much." It is quite happy that Sinn Fein's position has given it a veto on the future of policing, the devolution of justice and policing, and devolution. People need to understand that there is a ruse going on and that the Bill is somewhere between a figment and a fig leaf.

We want the full devolution of justice and policing and the full outworking of the agreement and the Patten report. That is why we want progress to be made on the restoration of the institutions. We want the Governments to show real intent with regard to the talk of determination and the talk of time lines in which they have engaged. They should set a date for restoring the political institutions, put it to the parties and flush out where the parties stand on all the institutions of the agreement. They should, not least, flush out where the parties stand on the democratic policing arrangements.

6.5 pm

**Lembit Öpik** (Montgomeryshire) (LD): As you will know, Madam Deputy Speaker, since the last time that we had a debate on Northern Ireland, the Liberal Democrats have elected a new leader. There is a new shadow Cabinet, but I am still here. My right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell), in his benevolence, has granted me the opportunity to continue to speak on Northern Ireland and, indeed, Wales, which proves that he is far from Ming the merciless, but Ming the merciful. Since the last Ming dynasty lasted 275 years, I am both relieved and delighted to have found favour with the new emperor.

I thank the Secretary of State for introducing the Bill and explaining its various provisions. On the whole, Liberal Democrats support the motivation behind them, but, once again, we have several serious concerns. We will therefore try to improve the Bill as it progresses through the House.

The hon. Member for Foyle (Mark Durkan) correctly pointed out that we had a debate on the possible unintended consequences of the Short money for Sinn Fein. I remind him and the House that the problem with that debate was not the sincere intent of the Secretary of State for Northern Ireland, but the confused attempt by the Leader of the House to explain what was going on, which led many Liberal Democrat Members to vote as the hon. Gentleman would have liked: against the proposal. I say to the Minister of State, Northern Ireland Office, the hon. Member for Delyn (Mr. Hanson), who is likely to wind up today's debate, that it is important that a lesson be learned from that debate. Individuals have become cynical and think that while the Government might intend to do one thing today, a future Secretary of State or Minister may do another thing tomorrow. In Committee, I intend—I hope that hon. Members of all parties will do this—to ensure that we really understand the consequences of such a wide-ranging Bill. The hon. Member for Foyle described the Bill as a dog's breakfast, but I would more charitably describe it as a catch-all Bill that covers many matters. The worst thing that could happen would be that the Bill had precisely the opposite outcome to that intended by the Government, but that is more than possible, given the history of other legislation.

Let me turn to the details of the Bill. We have little worry about the intention in clause 1 of introducing anonymous registration in Northern Ireland to mirror clause 10 of the Electoral Administration Bill. As the Secretary of State indicated, the power would allow individuals to register anonymously if they feared that their safety, or that of any person in their home, would be at risk if they could be identified from the electoral register. Given the changing threat of terrorism in Northern Ireland, I can only say that I hope that the number of people for whom the provision might be necessary will be small and decrease over time.

I am curious about how the Government will achieve anonymous registration. The clause allows the Secretary of State to lay an Order in Council to achieve such registration. However, will the Minister explain why such a measure is not simply in the Bill? Why, once again, do we have to go through the increasingly unsatisfactory Order-in-Council process? Why is it not possible to extend the provisions on electoral administration to Northern Ireland now, because the Government could thus achieve their aim earlier than they would by using the Bill? Perhaps there is a procedural explanation, but I have not heard it, so I hope that the Minister will deal with my point.

We are disappointed that the Government intend to abolish the annual canvass that was introduced by the Electoral Fraud (Northern Ireland) Act 2002. The annual canvass has proved to be pretty successful in Northern Ireland. The introduction of individual registration, with personal identifiers, has been a matter for debate throughout the whole of the United Kingdom. In Northern Ireland it has led to a much more accurate and robust electoral register than those compiled under the system of household registration. There are roughly 1.2 million people on the register, which is an estimated 91 per cent. of the voting age population.

I understand the Government's concern at the continued decline in numbers of people registering, and we must make sure that the procedures are not so onerous that we are discouraging registration. That is a fair point, but I fear that by extending the period of time between canvasses to 10 years, the Government have back-pedalled far too far and will, as an unintended consequence, achieve the exact opposite of what they seek to achieve. Can the Minister, in his summation, explain why a period of 10 years was chosen? Would not a shorter period be more sensible—if not an annual canvass, then a canvass every four years to ensure that the registers are comprehensive in advance of Assembly elections?

There is a logic to tying the registration of individual voters to the timing of Assembly elections. It is not clear to me why the Government would choose a period—10 years—which will necessarily alter the synchronisation of the electoral registration process with the elections, which should be on a fixed time scale once the situation normalises.

**Rev. Ian Paisley:** Does the hon. Gentleman agree that the fact that people can register up to a few days before the voting date leaves them no excuse for not being on the register?

**Lembit Öpik:** The right hon. Gentleman is correct. In theory, there is every opportunity for people to register,

*[Lembit Öpik]*

but it takes some proactivity from the individual elector to do that, whereas the suggested process of registration, if I understand it correctly, produces some back pressure to encourage individual registration. If there is to be a formalised period between registrations, the Government should seriously consider synchronising that process with elections that happen on a fixed time scale.

The Secretary of State and the Minister may want to consider another suggestion. Would it be possible for the chief electoral officer to send to every household every 12 months a sheet of paper containing the details of members of the household who are on the register? Perhaps the Minister intends that to happen anyway, in which case I would be delighted to hear that reassurance. It would allow people to confirm that their details were correct, or to ask for certain different people living in that household to be registered. It would mean that every individual did not have to re-register every year, which is what the Government want to change, but we would still have a more accurate picture every year of the state of the register. The system of individual registration has worked in Northern Ireland, and it would be wrong to undermine it.

I turn briefly to clause 8 and the changes that it makes to the tenure of the chief electoral officer. I understand that the current chief electoral officer is due to retire shortly, and that the process to appoint a successor is well under way. Can the Minister confirm to me that the candidates for the position were aware of the impending changes to tenure? That does not relate directly to the Bill, but if the Minister could clear that up in his comments or by way of intervention, that would be helpful.

Clause 10 deals with a more important issue. The power to change the date of an election by statutory instrument is a proposal with which we fundamentally disagree. The House may recall that in 2003, the Government postponed the date of elections to the Northern Ireland Assembly, not once, but twice. Contrary to the concerns of the right hon. Member for North Antrim (Rev. Ian Paisley), I remind him that on both occasions we criticised the Government for interfering with the date of the elections. I realise of course that the provision would not allow the Secretary of State to postpone elections, just to bring them forward. Nevertheless, this is a fundamental constitutional issue and should not be decided by way of secondary legislation.

In reply to an intervention, the Secretary of State said something that worried me even more. Asked whether he would insist on proceeding with an alteration to the date of an election even if the parties in the House opposed it, he said, "It is not something I would want to do." The inference was that it was something that he would be willing to do, regardless.

To take a salient example of a democratic deficit, let us remember that the Government were elected with roughly one third of the vote. That means that two thirds of the vote was for parties that opposed the Government's manifesto, yet the Secretary of State for Northern Ireland said that he would be willing to force through a change to the date of an election even if the parties representing two thirds of the electorate opposed it. The position is worse than that. If the Secretary of State is willing to do that, there is every expectation that he would be willing to ignore the overwhelming view of the parties in Northern Ireland. That is why I am so concerned, and it is to some extent why we were opposed to the change on 17 March 2003, the first change to the date of the elections at that time, and once again we criticised the change on 12 May 2003.

I am not satisfied that the Secretary of State has resolved our concern. More than that, Members of the House and of another place should have the opportunity to debate fully the merits of such a move, and to propose such amendments as Parliament considers necessary. I cannot see why a Secretary of State would be so unwilling to countenance a reasonable debate on the Floor of the House and in another place, if he was so sure of his ground.

Despite the contrary claims, I recall that I and others thought that the Government were trying to help one particular party at the time—the Ulster Unionist party—by changing the date on at least one of those occasions. I remember predicting that that would only have a beneficial effect for the Democratic Unionist party, which at the time did not seem to be a particularly close friend of the Government. We know that that relationship has since been mended, and that the DUP and others are a little worried about the notional nature of the friendships that the Government develop with parties from Northern Ireland.

Let me be clear that there is much to commend the members of the Democratic Unionist party. They are fine and pleasant people one and all, but it is the vicarious way in which one party finds favour, and then another, that causes us concern about legislation that seems to be framed in order to allow Ministers to alter election dates for what we might call reasons of expediency. In any event, we cannot allow democracy and its routine operation to be reduced to a short debate on the Committee corridor, which would deny a vast number of Members the opportunity to discuss such an important issue. We cannot accept the inclusion of the clause in the Bill.

I am also disappointed by the provisions in part 4. Although this part aligns donation controls in Northern Ireland more closely with those in England, Scotland and Wales, it does not achieve full transparency. Northern Ireland political parties and regulated donees will continue to be exempt from the full donation controls until October 2007, after which they will be required to comply with most, but not all, of part IV of the Political Parties, Elections and Referendums Act 2000. From November 2007 until 2010 the new measures will require Northern Ireland parties only to submit donation returns to the Electoral Commission on a confidential basis. I fully appreciate that concerns still exist about the publication of donors in Northern Ireland, because of fears for their safety. The new measures are a step in the right direction, but can the Secretary of State guarantee that full disclosure will be achieved by 2010?

Let us be realistic. Even if the Government think that the process must be opaque in order to get everybody to buy into it, they need to take a reality check. For example, I doubt whether, even under those more generous arrangements, Sinn Fein would put on its list of donors the Northern bank, which has been more than generous in making a recent donation to that organisation and its

paramilitary colleagues. Paramilitarism and illegal action will continue whether or not we require transparency, and I therefore counsel the Minister that we can achieve that objective a lot more quickly. We are likely to have elections in that period of time, and various parties could benefit from the opaqueness that will guarantee them greater funds than would otherwise be the case.

I also have concerns about extending the categories of permissible donors. When the Political Parties, Elections and Referendums Act 2000 was progressing through Parliament, Liberal Democrat Members recognised, in the absence of any similar legislation in the Republic of Ireland, that it would be useful to include Northern Ireland in the ban on receiving foreign donations, because parties that operate on an all-Ireland basis would be able to receive such donations through their offices in the Republic. If the DUP were to put its political headquarters in Dublin, it would have no trouble in obtaining international funds. That point applies to every party, a number of which already do exactly that. *[Interruption.]* There are, as the right hon. Member for North Antrim has suggested, other, more exotic solutions to the problem, and I look forward to his proposing them in Committee.

The Liberal Democrats agreed to the exemption of Northern Ireland from those provisions on the express condition that the Government would urgently seek to persuade the Government of southern Ireland to introduce similar legislation, or at least to find some way of excluding parties that also operate in Northern Ireland from their own funding arrangements. Will the Minister tell me whether such discussions have taken place? If they have taken place, the Government have been coy about them. Have the Government actively pursued that matter with the Irish Government? If not, will the Minister explain why we should take seriously the Government's implicit intention of normalising that important element of funding arrangements for political parties in a part of the United Kingdom, namely the north of Ireland?

The Electoral Commission also has concerns about those provisions. In its view:

"it is difficult to achieve openness and transparency with such a regime."

The commission has stated that it would like the regime to be clarified on the face of the Bill, and it has accordingly asked for a clear definition of the acceptable tests of Irish citizenship in order for the recipients of donations to check the permissibility of donors. Will the Minister take on board those concerns and table amendments accordingly in Committee? If he is unsure about taking that step, will he make a commitment to hold cross-party talks before the Bill enters Committee, because we would be happy to draft amendments that the Government could then accept?

Finally, I shall turn to a matter that other hon. Members have already mentioned—the arrangements for the devolution of policing and justice to the Assembly. The Liberal Democrats are a devolutionist party, and it has been party policy for many years to devolve those functions to the Assembly, and I therefore welcome the sections of the Bill that will enable policing and justice arrangements to be devolved in any form chosen by the Assembly. However, given the importance of policing to society, we must be careful about when the functions are devolved, and I support much of what the hon. Member for Aylesbury (Mr. Lidington) has said about policing in Northern Ireland and the insightful points made by the hon. Member for Foyle.

We all agree that Sinn Fein should come in from the cold on the devolution of policing and justice and that it must take its place on the Policing Board and accept the current policing arrangements. With some justification, the SDLP and the DUP have criticised Sinn Fein for always asking for more on policing, because Sinn Fein has got quite a lot of what it has asked for from this Government but still says that that is not enough, which is a practice that has tried the patience of us all. The Bill includes arrangements for the full devolution of policing, which can happen only when we are sure that Sinn Fein will not act as the dog-in-the-manger party by bleating that there has not been sufficient change to policing in Northern Ireland. Compromises have been made in response to Sinn Fein's requirements, and Sinn Fein now needs to compromise in return.

The Northern Ireland Assembly has been suspended for almost five years. From the Assembly elections in 1998 until the beginning of the current suspension in October 2002, the Assembly went through a start-stop process in which there were various periods of suspension. Even when the Assembly was functioning, there were various crises and resignations involving the First Minister and the Deputy First Minister, and I accept that it would have been quite wrong to devolve policing and justice functions to the Assembly in such an unstable situation. We cannot allow something as important as policing to be devolved to an institution which does not look durable, because it would be disastrous if policing were in the hands of an Assembly Minister one week and a Minister at Westminster the next. Of all the areas in life for which Parliament is responsible, policing is surely one of the most fundamental. There are some hurdles to overcome, some of which relate to political buy-in, primarily by Sinn Fein.

Ministers must be careful what they say about crime. For the Secretary of State to discuss "pure crime" implies a certain naivety about the difference between "proper terrorism" and "proper crime". In recent debates in this Chamber, I have become annoyed, because Ministers appear sincerely to think that Northern Ireland terrorism should be treated differently from international terrorism. Although the Secretary of State claims to see those things equally, as DUP Members have rightly pointed out, they are treated differently. If anyone thinks that a large proportion of organised crime in Northern Ireland is not directly related to organised paramilitarism in Northern Ireland and that money gained from organised crime does not seep across into organised terrorism, they are dreaming and do not understand how paramilitary funding has taken place in the Province.

I counsel Ministers to take a more insightful and circumspect view of how they define crime in Northern Ireland and of how they seek to differentiate it from terrorism. The Government have created that problem by repeatedly describing international terrorism as motiveless, while stating that Northern Irish terrorism has motives that we can understand and negotiate away.

*[Lembit Öpik]*

Although I am tempted to go further down that path, I shall simply say that in Committee we must ensure that what is put into the legislation does not utterly contradict the reality on the ground in Northern Ireland.

Ministers must be able to answer the questions put by the hon. Gentleman. If they cannot do so, I will be concerned that once again we are creating unintended consequences, overlaps and ricochet effects that will come back to bite not the Government, but security and policing in Northern Ireland. When the time comes to give those powers to the Assembly, we must be sure that we are devolving them to a secure and stable institution and that the legislation is also secure and stable.

The Bill contains much of merit, but we are concerned by the changes, one or two of which are in principle, that will serve to create instability. We want to see a proper debate and a willingness to modify the canvassing period for electoral registration, more robust consideration of the principles at stake on altering the date of an Assembly election by an Order in Council alone, and greater transparency when it comes to donations to parties. All those matters require proper attention and debate.

As ever, Liberal Democrats will seek to be as constructive as we can. We will not oppose the Bill's Second Reading, nor the programme motion, which, as ever on Northern Ireland matters these days, provides sufficient time for consideration. However, we will be eager to have informal debates with the Government, if they find that easier, or formal Divisions with them if they fail to listen, in order to try to make the changes that we wish to see in a Bill that covers a great deal and serves potentially to destabilise quite a lot.

6.30 pm

**Mr. Eddie McGrady** (South Down) (SDLP): My hon. Friend the Member for Foyle (Mark Durkan) strongly outlined the problem that we have with clauses 19 to 22, which deal with the devolution of justice and policing. Interventions on the Secretary of State were numerous and perceptive in that respect. These four clauses are mainly technical in nature and, one could argue, cosmetic in purpose. They may prove almost irrelevant to what is actually achieved.

It is right to stress that the devolution of justice powers has already been partly achieved. Many of the functions that were formerly exercised by the Northern Ireland Office are now being handled by the Policing Board, at times in opposition to the attitude of the Northern Ireland Office, be it in dealing with the huge challenges of the Omagh report, ensuring proper handling of intelligence by the police, or creating, for the first time ever, a human resource strategy for the police. Patten's recommendations have been at least 75 to 80 per cent. implemented.

The powers that are being sought already exist. Section 4(2) of the Northern Ireland Act 1998 gives the Secretary of State the power to devolve justice. All that the Bill does is make some technical provisions to facilitate that. Only one of those has any real political significance—it allows the Secretary of State to make provision that d'Hondt is not to apply to filling the justice portfolio in the event that the parties decide to adopt some other method of choosing heads of Departments, such as electing joint Ministers. However, when negotiations on the devolution of justice get under way, the parties might well decide to apply d'Hondt. The provision might therefore be completely unnecessary.

As many Members have said, it would perhaps have made more sense to consider whether legislation was needed after the parties had agreed the shape of devolution, when the full legislative implications could have been properly and fully assessed. It seems to me and my party that the only reason why it is being done beforehand is to help Sinn Fein to change its position on policing on the ground that it has won some wonderful new legislation on the devolution of policing, despite the fact that devolved policing powers are already in the existing legislation. I do not think that that will succeed, because Sinn Fein has no intention of joining the Policing Board. The Secretary of State's announcement of a new membership clearly indicates that even the Northern Ireland Office recognises that the probability of Sinn Fein joining in on policing lies at some point in the distant future, if ever.

Sinn Fein says that it needs to take control of the "securocrats"—its term—in the police through the devolution of justice. Yet again, it has missed the point, because at the same time as the Government are legislating on the devolution of justice in the Bill, they are taking away responsibility for intelligence gathering on national security from the PSNI and giving it to MI5. That has been a focal point of contention throughout several Members' contributions. The whispered justification for this is that when one has devolved justice one cannot have a devolved Justice Minister who may be of a particular political party. However, that is not the argument. The issue of who gets intelligence information—the devolved Justice Minister or the Secretary of State—is a separate issue from that of who gathers it—the PSNI or MI5. Clearly, as Patten envisaged, the PSNI will not report to the devolved Justice Minister on national security, but rather to the Secretary of State. However, also as Patten envisaged, the Chief Constable should do the reporting, not MI5.

There are several reasons for that. First, the PSNI has undergone the Patten reforms; MI5 has not. Much of the community in Northern Ireland, be it nationalist or Unionist, has no confidence in MI5 and does not identify with it. That is why it would be destabilising for it to have such an enlarged role. Secondly, as the hon. Member for Montgomeryshire (Lembit Öpik) said, in Northern Ireland organised crime and subversive activity go hand in hand. Reference was made to the Northern bank robbery. That is why one organisation should be in the lead in monitoring the situation—the PSNI. Giving that over to MI5 carries with it the huge risk that it, like the old RUC special branch, will hog the intelligence and not share it, where it does not suit it, with the police who are responsible for prosecutions. People have got away with murder in the past as a result of that.

Thirdly, Northern Ireland has a much more accountable informer-handling regime under the PSNI following the Patten report, the Stevens report into collusion with the security forces and other activities, and the Omagh report. Taking intelligence gathering from the PSNI diminishes those changes. Moreover,

how can we have confidence that MI5 will operate by the same standards? How can we have confidence, for instance, that Torrens Knight, a convicted sectarian mass murderer, will not again be recruited by MI5? Fourthly, the Patten report explicitly stated that

"the police service must remain equipped to detect and deal with terrorist activity, and for this they will need good intelligence capability."

The regime proposed by the NIO means that Patten is being broken.

All that is being proposed at a time when it has been recently revealed that MI5 failed to pass on warnings about the Omagh bombing. Who knows whether that tragedy could have been averted had that warning been passed on? Now, I see that the head of MI5, in whom we are meant to have great confidence, has refused to meet the Omagh families, who suffered such a tragedy at that time. Is that accountability? Is that transparency? Is that Patten?

Just when we have overcome the old RUC concept of the force within a force that was the special branch, the Government seem determined to create a force outside a force. Just when nationalist confidence in the police is growing, the Government are creating a new force that will detract from and perhaps destroy that new confidence. The Government need to reconsider their proposal on MI5's role in Northern Ireland intelligence gathering. If they continue along this path, our community and the prosecution of crime will be greatly diminished.

I should like briefly to deal with some of the comments that were made in the context of the legislation on fundraising for political parties. Disapplying part 4 of the Political Parties, Elections and Referendums Act 2000 in Northern Ireland was a logical approach to a specific local problem and circumstances. I hope that hon. Members appreciate that political fundraising in Northern Ireland presents distinct challenges, different from those in England, Wales or even the Republic of Ireland.

We have not advanced far enough down the road of confidence. Members of my political party could not and would not make donations to the party if their names were published. They would be fearful for their lives and those of their families and for their businesses. There is no doubt about that—and I am talking about the present day, not past history. Circumstances are changing and Northern Ireland has moved on substantially nearly eight years after the Good Friday agreement, but the residue of a problem remains: sectarianism continues to fester and intimidation persists. In the past, individuals have been intimidated, attacked and ostracised because they are donors to and supporters of a specific political party, not only mine. I could give specific examples, but not on the Floor of the House and not to the embarrassment of the people concerned.

For those legitimate reasons, many people seek certainty that their personal details will be kept private if they donate to a political party. Given the experiences of the past, that is not too much to ask. The contributions are made to a political party and to democracy.

**Lady Hermon:** I know that the hon. Gentleman will not disclose the names of constituents who have been intimidated—I would not ask him to do that. However, will he identify the source of the intimidation?

**Mr. McGrady:** The intimidation comes from the paramilitaries attached to political parties other than those represented in the House. The hon. Lady's constituency is more benign than those that most of us have the joy of representing. However, I am sure that she could find examples of such intimidation, because it is not unknown in North Down, where sectarianism has raised its head on many occasions. I make my comments in that context.

We want to acknowledge the Government's efforts to tackle the problems. I recognise that Northern Ireland cannot be given exceptional treatment for ever, but I fear that the proposal to register donors' details with the Electoral Commission when donations of more than £5,000 are made will, even with privacy provisions, deter many people from making donations. There is a further lead-in period to full compliance with the 2000 Act and we welcome that. However, we should like to believe that it was not set in stone and that, beyond October 2007 and 2010, the position would be re-examined in a practical way.

We should consider how things have developed and changed in Northern Ireland to make it safe for people who want to support democracy through democratic political parties. We should ensure that they are given the protection that they need so that they, their families and their businesses will not be danger. We have not reached that point yet. I should like to believe that before my time is over we will reach it, but it has not yet happened. We acknowledge what the Government have done and what they have taken on board. We hope that the position will be re-examined in future.

6.44 pm

**Sir Patrick Cormack** (South Staffordshire) (Con): This is a sobering moment, because the words that the hon. Member for South Down (Mr. McGrady) just uttered should be in all our minds throughout the debate. He told the House that people in his constituency and others would be afraid for their lives, their families, their property and their businesses if it were known that they made a donation to his party, or the party that the right hon. Member for North Antrim (Rev. Ian Paisley) represents or the party that the hon. Member for North Down (Lady Hermon) represents.

We must be careful to acknowledge that what the hon. Gentleman said is a fact. He is an honourable man and I believe implicitly all that he said. Having heard the evidence to our Select Committee in the past few weeks, we must recognise that, sadly, we are not yet dealing with a normal part of the United Kingdom. That should inform all our discussions and decisions. I shall therefore go along with the hon. Gentleman's plea for anonymity for an indefinite period, because it is made with great personal knowledge and we should respect that. I am sure that all members of legitimate parties from the Province recognise that.

The Bill was described as a dog's breakfast by the hon. Member for Foyle (Mark Durkan), who leads the SDLP. It is not made up entirely, as I said to the right

*[Sir Patrick Cormack]*

hon. Member for North Antrim, of Pedigree Chum, but has several other ingredients. We should concentrate on two specific aspects of it. First, we should consider the pro-consular powers that it grants the Secretary of State. I do not impugn his integrity or good intentions, but it is not only the road to hell that is paved with good intentions. I am nervous about giving pro-consular powers to a Secretary of State over such an important issue as determining the dates of elections.

My misgivings were reinforced by the answer that the Secretary of State gave to my intervention, to which the hon. Member for Foyle referred. I asked the right hon. Gentleman whether, if the legitimate Northern Ireland parties that are represented here today—the DUP, the SDLP and the UUP, perhaps together with the Alliance party, which is also fully democratic—had misgivings about the timing of an election, he would heed them. The answer was not reassuring. He said that he would be reluctant to proceed, but he did not say that he would take notice of such misgivings.

We have to be conscious that the Bill gives power to the Secretary of State to determine the crucial issue of the date of elections. The hon. Member for Montgomeryshire (Lembit Öpik)—I am glad that he has retained his portfolio—also referred to the order-making powers for which the measure paves the way. I know that the Minister will agree that that is an unsatisfactory way of legislating and it applies only to the Province, because we do not deal with matters in Scotland, Wales or England through order-making powers exclusively in the House. However, it is increasingly the pattern for Northern Ireland and will remain so until we have devolution.

**Lembit Öpik:** Is the hon. Gentleman aware that the creeping erosion of our democracy is going even further than he suggests? A piece of legislation relating to the government of Wales is introducing the Order-in-Council process wholesale. I have little doubt that that is in large part because the Government have already got away with using it in Northern Ireland. Our contention that these precedents are serious—although the Government say that they are not—is being borne out by their promotion to higher status for other parts of the UK.

**Sir Patrick Cormack:** You would probably rebuke me, Madam Deputy Speaker, if I went off on a long excursion into Wales. However, I take the point, made with knowledge and feeling, by the hon. Gentleman, who speaks for his party on Northern Ireland and Wales.

On devolution, which is central to all our concerns, I was impressed by the speech made by my hon. Friend the Member for Aylesbury (Mr. Lidington), the shadow Secretary of State. He spoke powerfully of the need to have an Assembly—*[Interruption.]* It would be good to have an audience here, too. He talked—*[Interruption.]* Hon. Members should not say those things. I did not call myself to speak; I was called by the occupant of the Chair, as other hon. Members may or may not be. It is important that we all recognise that and listen to each other accordingly in this place.

Let me go back to the points made by my hon. Friend the Member for Aylesbury, who speaks from the Front Bench and who made some powerful observations about policing. I am strongly opposed to devolving power over policing to any Executive who have Ministers from a party that refuses to take any part in the Policing Board. If we move towards devolution and a power-sharing Executive, and if we have a Deputy First Minister from Sinn Fein—as the arithmetic suggests that we might—it would be preposterous to give devolved powers for policing to an Executive that included Sinn Fein, if Sinn Fein were boycotting the Policing Board and playing no part in returning Northern Ireland to the normality to which we aspire.

It is incumbent on Sinn Fein to pause for a moment. If it is really anxious to have devolution and to play a part as a constructive democratic force, it must do two things. First, it must totally repudiate any connection with organised crime and urge any of its number still involved with organised crime to disgorge their gains. The same goes for the so-called loyalist paramilitaries—I hate to use that term in this context—although they do not have the political muscle that Sinn Fein has. Secondly, Sinn Fein must co-operate with the Assets Recovery Agency and with the police, and play its proper part in making Northern Ireland a law-abiding community again.

If Sinn Fein did all that and, having done so, played a part in the Policing Board, it would not be giving up its nationalist aspirations or its desire for a united Ireland. If, some day, the people of Northern Ireland vote for a united Ireland, so be it. I would not do so because I do not want that. I am a Unionist and I support Unionism. However, I wholly honour the way in which the hon. Members for Belfast, South (Dr. McDonnell), for Foyle and for South Down approach their parliamentary duties and advance legitimately their proper cause. Their party has joined the Policing Board and striven to bring a degree of normality to Northern Ireland. If Sinn Fein would do the same, it would not be necessary for the hon. Member for South Down to make the kind of chilling speech that he made, with his customary charm and great moderation, a few minutes ago. As long as it is possible for such chilling speeches to be repeated and echoed, we shall remain a long way from the state that we wish to be in.

I say to the Minister that I hope that the Government, in their legitimate desire to see devolution restored, will not treat with any degree of preference, or perceived preference, a party that does not play by the democratic rules. I hope that they will not seek to rush things, or to impose or over-use the powers of Orders in Council. I hope, above all, that they will not seek, arbitrarily and against the wishes of those who have been democratically elected and who play by the democratic rules, to force a date for an election, as that would be perceived as yet another concession to those who are not prepared to come in.

Those who are not prepared to come in are not here in the Chamber, but I wish that they were. They will be able to read the report of this debate, and I hope that they will do so. I say to them that the door is open for them to come in. If they want a truly peaceful Northern Ireland for their sons, daughters and grandchildren to grow up in, they must take away the system that obliged the hon. Member for South Down to make the speech that he did this afternoon, and they can do that.

6.57 pm

**Rev. Ian Paisley** (North Antrim) (DUP): The Northern Ireland (Miscellaneous Provisions) Bill has certainly been well named. The "miscellaneous provisions" seem to be a smokescreen to hide what the Bill is really about. Its main thrust, and the Government's main motivation in introducing it at this time, is to deal with policing and justice under devolution.

The hon. Member for Aylesbury (Mr. Lidington) admitted tonight that it is all very well to talk about having Sinn Fein on the Policing Board, and about its members taking part in policing and justice, but there should be no place on the Policing Board for anyone associated with terrorism and with the crime that follows hard on the heels of the terrorist organisations, whether they are the UVF's nominee, who is now on the Policing Board, or not. Of course, if that had happened to be a DUP man, he would have been kicked off. He would not have seen daylight. He would not have been allowed to eat his bread. I myself, even while a Member of this House, was not permitted to enter Downing street for two years. I was looked upon as a leper and was not allowed in through the door. It did not do me any harm—actually, it did me good. But I am used to the knocks of the House. I am a democrat and I believe that, in the end, democracy will win this battle.

There is another thing that I must say, which is that we cannot have in the Government of Northern Ireland those who are still in terrorist organisations, and in fact control, run and dictate those terrorist organisations. I did not lock the door at Stormont. I had nothing to do with it. Who brought down Stormont? The representatives of the Government and the Secretary of State—he brought down the Stormont Administration. They are the people who brought Stormont down. Why did they do it? Because the terrorist activities of Sinn Fein were quite open and people saw what it was doing.

I never voted for the Executive when I was at Stormont—neither did my party and neither did many others—but others voted for them, including the Social Democratic and Labour party. They voted into power those who were active in terrorist work and they sat down with them. They talk about excluding people. It is a terrible thing to be excluded. The Minister got up and said that those people will not be excluded. I hope he gets up now and says that we will not be excluded either.

Let us be very fair about it—we were excluded, but we did not argue about that. In fact, we were referred to as Ministers who should not be allowed to be Ministers, but under the terms of the agreement the law said that we could be Ministers. Still people tried to exclude us, but what good did it do? Did it convert Sinn Fein? Did the leopard change its spots or the Ethiopian his skin? Not likely. They became more and more aggressive, and, even today, Sinn Fein has only one word to say, which is that the Democratic Unionist party is calling the shots and keeping it out of government.

The majority of people in Northern Ireland, whether Protestant or Roman Catholic, do not want terrorists in the Government of Northern Ireland. That is the opinion of the vast majority of people, and the House needs to learn that. We cannot tolerate terrorists in any Government of Northern Ireland. Of course, if the Bill goes through, the Government seem to think that eventually we could have a Sinn Feiner as the head of the police and the head of the Department. They are arguing now that we could have two people involved—this matter of having twos is popular. We could have a Sinn Feiner and someone else in charge of the police.

I wonder when Sinn Fein and the IRA will come with their millions of pounds that they stole from the Northern bank. When will they put that on the table and say, "We are going to finish with our terrorism"? We do not see repentance, and it should be a repentance not to be repented of, but it has not come. Therefore, the Bill looks away into the distant future. It is nothing to do with today, tomorrow, next week or Christmas. Does anybody believe that, with the standing of Sinn Fein today in Northern Ireland, it will give up its violence and its terrorism?

The House, in its wisdom, set up independent commissions. Those independent commissions have met and looked at the situation. They have told in their reports that terrorism is not over. I heard the Secretary of State at the Dispatch Box today telling us it was all settled and all over. It is not all over. The Government's own commissions said that the police had informed them that the IRA still had guns. We were told all the guns were gone, but no one could say that all the guns were gone because no one knew how many guns it had. There was no inventory and no proper challenge.

We wanted something that could be seen and that people could depend on. That did not come about. The clergymen who were involved admitted to my party when they met us that they had been brought to the place not by the British Government—they were not appointed by the British Government—but by the IRA. One of them then said that the IRA never was engaged in violence anyway, such is the credibility of the people who were supposed to verify whether the arms were done away with.

Now we have this Bill. I have sat as a Member of the House for a long time, and I have heard Government after Government—Tory and Labour—say, "We would like to pass legislation, but there is a lack of parliamentary time." How is it that we are getting time tonight for something that cannot and will not be accomplished by passing the Bill? The House can pass as many Bills as it likes. That will not accomplish the doing away with terrorism, nor will it alter the fact that there will not be devolution in Northern Ireland until the terrorists are exiled—put out of business. We need to recognise that.

We are called here to waste our time and to argue about points that are not really in the debating Chamber, because they are not going to be dealt with. SDLP Members are worrying about the election of a First Minister and a Deputy First Minister. They need not worry in any way whatever. They can enjoy 17 March and even drink green beer, because that is not going to come about.

Here we are in the House, which is the signal to the world of democracy, and parliamentary democracy at that. We have been called here by the Government to hear their spokesman going on and on in a long speech, but this is like a canary in a cage: plenty of activity, but no progress. There cannot be progress until the House opens its eyes wide and says, "We cannot have terrorists in the Government of any part of this United Kingdom."

*[Rev. Ian Paisley]*

When the Government and the House come to do that, there will be a move—a move in the right direction for democracy. I hope it comes sooner rather than later, but I think it will be later—maybe much later, after we have done what we are doing in the House tonight.

7.8 pm

**Mr. David Anderson** (Blaydon) (Lab): I apologise to Members for having had to leave the Chamber for a short time earlier.

Everyone in the House should welcome the Bill and if there is a real argument here, it is that the Bill is long overdue. The blame for that can be laid at many doors, and we have heard some of that already tonight. We have spent far too many years being involved in the blame game. The time is right to move forward and those who can shift the roadblocks to peace and progress should get on with the job now.

**Lembit Öpik:** Will the hon. Gentleman give way?

**Mr. Anderson:** Already?

**Lembit Öpik:** I am sorry to interrupt the hon. Gentleman at such an early stage, but I think that he said that the Bill is overdue. Which parts are overdue?

**Mr. Anderson:** Any part that relates to the impasse that we have been in for the past seven years or to anything that prevents us from moving forward and giving people a sense of control over their own destiny, which they voted for seven years ago.

There is no doubt that the Bill is a challenge to the right hon. Member for North Antrim (Rev. Ian Paisley)—indeed, the devolution process has been a challenge from day one—but the people of Ireland and their politicians have shown in recent years that they can rise to that challenge when given the opportunity to do so. The fact that at times the process has stalled and, worse, gone into reverse, must not stop us making progress now. This is not just about Northern Ireland. It is about everyone in Great Britain: everyone who wants to see progress, everyone who wants to see peace and security, everyone who wants to see a massive reduction in the number of troops in Northern Ireland, and everyone who wants to see the people of Northern Ireland moving together in a positive and modern manner. The Bill lays the foundations for such progress. There is a long way to go, but it lays those foundations.

Once again, the people of Northern Ireland will be represented by people who are directly accountable to them, with real control over things that really matter to them. Once again education, health, social services and transport will be part of the local remit. Local people and their representatives will control economic development, agriculture and regeneration. Culture, arts, leisure and planning matters will all be the responsibility of an Assembly with real links to the people who matter.

As one who is involved in the whole devolution process in every part of these islands, I believe that this is a real chance for us to deliver what people really want and need. As one who was sadly disappointed when the people of my part of the country rejected devolution, I can only say that I believe the result would have been different there had we been given the range of powers and responsibilities that are once again within the grasp of the people of Northern Ireland. The Bill goes further, however. I have heard what has been said today and I understand all the issues, but if the Assembly agrees and if the people give the Executive the right to proceed, it will be possible to run the police and criminal justice system on the ground in Northern Ireland.

**Mr. Wallace:** Does the hon. Gentleman think it wise to provide for Martin McGuinness, for example, possibly to be responsible for policing firearms and explosives as a result of the devolution settlement?

**Dr. Alasdair McDonnell** (Belfast, South) (SDLP): He is an expert.

**Mr. Anderson:** He may well be. Besides, it is called democracy. If the people decide that Martin McGuinness is the man to do the job, that will be the will of the people. The right to control the police and criminal justice system should be given to the people on the ground. The problems that have been raised so far should be seen as problems, but not as problems that cannot be overcome.

**Mr. Hanson:** Can my hon. Friend confirm my understanding that again there is a triple lock on the devolution of policing? First, the Assembly must want it; secondly, the Government must support it; and thirdly, the political parties themselves need to take it forward. There will be a vote on the Floor of the House or in Committee. There is a triple lock to ensure that the matter is resolved by all parties in the interests of devolution.

**Mr. Anderson:** That is what I meant when I said there might be discussions to establish how the devolution of policing would take place. But the principle is that, once all the hoops have been jumped through, the people on the ground will have control. That is what is important, and what our debate is about.

It is clear from the discussions mentioned by the hon. Member for South Staffordshire (Sir Patrick Cormack) that the Northern Ireland Affairs Committee's inquiry into organised crime has shown that any improvements in the criminal justice system should be welcomed. It is true that, as Sir Hugh Orde told us recently,

"Northern Ireland is not the 'Wild West'",

but organised criminal activity is still far too common, and the police and other bodies involved in the fight to defeat crime must be given all possible support.

There is a clear demand that the House must make unanimously. If any political party is involved in any way with criminal activity, organised, paramilitary or—that curious word—pure, it must cease immediately. If it does not do so, its members should not be recognised as democratic politicians. It is all well and good for the leaders of Sinn Fein to demand the reinstatement of the devolved Assembly, and to insist that failure to reinstate it should result in the withdrawal of Assembly Members' salaries. That party must convince us all that the loss of its members' salaries will not be cushioned by

a backhander from the paramilitary branch of the Northern bank. We need deeds as well as words if we can ever hope to move forward. I agree with the right hon. Member for North Antrim (Rev. Ian Paisley) that it is not possible to be a terrorist and a democratic politician at the same time. You must take your pick: you are one or the other.

It is right and proper for us to welcome transparent election processes that will give confidence to all involved. The old concept of "Vote early and vote often" will not wash in the 21st century. It is also right for us to institute legislation that allows people to vote safely, without fear of threat or reprisal. We should therefore welcome a limited use of anonymous registration for those who are genuinely in need of such protection, and we should want to reach, as quickly as possible, a stage at which such safeguards are no longer needed.Other changes to the electoral system, including the process of donations to parties, should also be welcomed. All our people, throughout the country, need to be assured that our political processes are as transparent as possible, and the Bill takes us a long way in that direction.

We hope that the energy market will become more open and produce efficiencies and savings in the cost of energy to people on the ground. I would have loved to stand here and say that we have a nationalised energy market controlled by our country and our people, but sadly that is not the case. Thanks to the efforts of the Conservative party when it was in power, we have a market-based energy system under which people struggle to supply energy. I can see the potential for our lights to go out over the next few days because we have put our faith in the market. However, the market may well work in this context if it allows people throughout Ireland access to cheaper energy supplies than they have had in the past, and that must be welcome.

**Mr. Laurence Robertson** (Tewkesbury) (Con): Is the hon. Gentleman aware that an action taken by his own party—the creation of the new electricity trading arrangements—further liberalised the market, causing energy prices to fall even more? That was not just due to our good work, but also due to his party's good work.

**Mr. Anderson:** We can all learn from our mistakes. I have learnt from mine. That is why I am here: otherwise I would still be digging coal to keep the lights on.

Since I came to the House, I have been closely involved in most of the debates on issues involving Northern Ireland. I lobbied hard to become a member of both the Northern Ireland Affairs Committee and the Northern Ireland Grand Committee. I did that because for many years I had worked with people on the ground in Northern Ireland—good, hard-working people who were trying to find a resolution to end years of misery and strife that, as always, hit the least well-off worst. I am talking about public sector workers, great folk, people who were on the front line in every sense, people who really knew what the word "interface" meant.

During many of the debates that we have had over the past 10 months, I have continued to observe and understand the deep-seated feelings that have been expressed today by Members throughout the Chamber. I also understand that we must try to move forward, and the Bill may well constitute a big step in that direction. We cannot pull back at this stage. The Bill removes many legislative barriers to progress. It introduces a more transparent and accountable electoral process; it gives people and politicians the tools with which to do the job; it gives us a chance once again to give direct control of day-to-day life to the people who really matter; it gives us a chance to build on the process that was apparent during the short time in which the Assembly sat during the final days of the last millennium; and it gives us a chance to show the good work that was done when the Assembly reconvened after the suspension in 2000.

One of the things that kept me going throughout the debates when the devolution process broke down was being told by colleagues that, during the time when the Assembly sat, they were amazed at how well people worked across community and cultural barriers. I believe that that was because people were directly accountable. No longer were they dealing with representatives who were remote; their representatives could stand up and speak on their behalf, and affect their lives in a way that had not been possible before. That is the pressure that real accountability puts on politicians. If they are one step removed, they can always blame someone else, but when they have the power, the responsibility and the means to deliver for people, it certainly focuses their minds.

The time has come for us to re-engage with that accountability. We owe it to the people of Northern Ireland and to the people of Great Britain. Any ideological or structural objections need to be sorted out and removed. This is the way forward, and we can move forward by supporting the Bill.

7.19 pm

**Mr. Nigel Dodds** (Belfast, North) (DUP): I listened carefully to the hon. Member for Blaydon (Mr. Anderson) and I have to say that some of his comments about the Bill do not really match the current situation. Passing the Bill will not necessarily have all the consequences for the future of Northern Ireland that he described, and, as many Members have already said, it is a hotch-potch.

It is surreal to be here today debating the enabling framework for the devolution of policing and justice, at a time when devolution of all the other, much less contentious powers is still proving extremely problematic. Not many people in Northern Ireland think that the devolution of policing and justice to politicians in the Northern Ireland Assembly is going to happen any time soon, and nor will anyone in this House who examines the situation realistically and sensibly. People take the view that any devolution that involves Sinn Fein-IRA in the administration of crucial matters such as policing and justice is out of the question.

**Mr. Jim Devine** (Livingston) (Lab): Is it not fair to say that 20 years ago, the hon. Gentleman would have described Nelson Mandela and the African National Congress in exactly the same terms? However, has not South Africa proved a very good example of learning, working together and forgetting the past?

**Mr. Dodds:** Others too have tried comparing Northern Ireland to South Africa, but it is not very

*[Mr. Dodds]*

helpful because such comparisons are not at all accurate. We are talking about people associated with a terrorist organisation that is illegal under the law—people whom the Dublin Government indicated they would not have in their Cabinet in any capacity, let alone in policing and justice capacities. The International Monitoring Commission report pointed out that such organisations are still actively involved in intelligence gathering and criminality. Surely the hon. Gentleman is not seriously suggesting that the people of Northern Ireland would accept for one minute that such organisations should have some involvement in the administration of policing and justice.

The hon. Member for Blaydon said that he regretted the fact that his constituents rejected devolution. One reason that he ventured for such rejection was that insufficient powers were offered, and that, had they been offered the same powers locally that we in Northern Ireland are being offered, they might have grabbed the opportunity. Well, if his constituents had been offered the prospect of gangsters connected with the Mafia and other criminals running the local police force, they might have been even more opposed to devolution than they were when they rejected it.

**Mr. David Anderson:** The hon. Gentleman will accept that I made it clear that terrorists and criminals should not have a role in the political process.

**Mr. Dodds:** I accept that entirely, and it was clear from the hon. Gentleman's speech that, although he is a strong advocate of devolution, he recognises that there can be no place in a devolved democratic government for those linked to criminality and gangsterism. I hope that that view is widespread within his party, although some contributions make me doubt whether it is.

I want to discuss devolution of policing and justice, the electoral registration process and political donations. The Secretary of State said in his opening speech that there is still a considerable amount of work to be done on the devolution of policing and justice. That has to be the understatement of the year. As the hon. Member for Montgomeryshire (Lembit Öpik) said, there are considerable hurdles still to be overcome, and we have to face reality. It amazes many of us who represent Northern Ireland constituencies that although we are told time and again that slots cannot be found in the parliamentary timetable for consideration of all manner of important legislation, time can be found to debate the devolution of policing and justice. Indeed, we are told that two days will be made available to debate this Bill in Committee on the Floor of the House.

**Lady Hermon:** I know that the right hon. Member for North Antrim (Rev. Ian Paisley) described the Bill as something of a smokescreen, but will the hon. Gentleman kindly agree with the only Ulster Unionist in the House on one little point—that the beauty of the Bill is that it simply devolves the decision about the devolution of policing and justice to the Assembly? That means that Unionist Members of the Assembly will have a complete veto over any future devolution of policing and justice that might otherwise have been foisted on the Assembly by this Government.

**Mr. Dodds:** Of course, the triple lock that the Secretary of State referred to means that it is not just the Government who must agree to the devolution of policing and justice; the Assembly must agree to it by a cross-community vote, and the First Minister and Deputy First Minister must initially agree to it before proposing it to the Assembly. I should be grateful if the Minister indicated when he winds up that the latter element of the triple lock is still in his thinking. I am very happy to say to the hon. Lady that I agree that it is absolutely essential that there be a veto in respect of the Assembly's cross-community provisions, but my point is that that hardly requires a Bill at this stage. Neither now nor in the foreseeable future is there any prospect of the Assembly voting for such an eventuality, so we are spending a lot of time debating something that is unlikely to happen, as my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) said earlier.

**Mr. Peter Robinson:** Does my hon. Friend recall that it was actually the Democratic Unionist party that, during discussions leading up to December 2004, included such a provision in proposals for the comprehensive agreement, despite the fact that the Ulster Unionists—according to their secret document, which they have never published—wanted the devolution of policing and justice to be time-limited, and to have all-Ireland policing of various kinds as well?

**Mr. Dodds:** My hon. Friend is absolutely right, and this issue, which was fully debated during the election campaign for this House not so long ago, doubtless contributed to the success of our party. We made sure that the devolution of policing and justice could happen only with the agreement of Unionists in Northern Ireland via a cross-community vote in the Assembly.

I agree entirely with the hon. Member for Aylesbury (Mr. Lidington) on the attitude that Sinn Fein and any party that aspires not just to run policing and justice, but to be in government, must adopt. They must support the forces of law and order and the administration of justice, and demonstrate such support not just by taking seats on the Policing Board or in the district policing partnerships. We must remember that members of Sinn Fein took their places in the Northern Ireland Executive and still went about their criminality—drug dealing, racketeering, intimidation, murder and all the rest—so that they could be in government and undermine everything that good government stands for. Simply taking one's seat on the Policing Board or in a DPP is not sufficient in itself. Sinn Fein have to make it clear that they support policing on the ground in practical ways, and that they are giving a lead in their local communities. Anything short of that disqualifies that party and any other party that takes the same view from being in government and from ruling over people in any democracy.

The recent IMC report—the eighth report—was clear, despite the efforts of some to spin it for their own purposes, about the extent of ongoing criminality and of ongoing intelligence gathering about subversive activity by the Provisional IRA. The Provisional IRA was not alone, because there were references to loyalist organisations and dissidents. We do not wish to gloss over that or set it to one side. We accept that such activity also has to end, but—as has already been made

clear—we are talking about the Provisional IRA because Sinn Fein has the political numbers and the votes to enable it to aspire to government. That is why we are concentrating today and in other debates on the role of the Provisional IRA.

From the IMC report, our own sources, the Chief Constable's remarks and other information, there is no doubt that the Provisional republican movement has a long way to travel before anyone can be certain that it has moved to a permanent and irreversible position and foresworn violence and illegal activity for good. As I said in an earlier intervention, as long as it maintains an illegal terrorist organisation, that will be a strong indication to many people that it cannot yet be described as being exclusively committed to peaceful and democratic means. Why would one need an illegal terrorist organisation, even if it is silent, if one were truly and permanently committed to peaceful and democratic methods? That point has been well made, over and over again, by Michael McDowell, the Minister for Justice in the Irish Republic, and by other political parties there.

Our party backs the changes in the Bill to the electoral registration process. The decision to move the registration deadline nearer to polling day—11 working days before—is to be welcomed. It is a positive move and brings us into line with the position in the rest of the United Kingdom. It will also encourage greater voter participation and involvement in elections. Many people in many of the communities that I represent in north Belfast turn their attention to the issue of whether they are on the electoral register only when an election is announced. By then, it is too late, and I hope that the change will help to ensure that people who want to vote and are entitled to vote can do so.

I accept that we need safeguards, one of which is that people who register so late will not be able to apply for a postal or absentee vote. There will be other restrictions, but I make a plea that they should not be too burdensome. If they are, they would negate the change. One of the problems that we had with rolling registration and getting people on to the register after the annual canvass was completed was that some people were called to interview in the electoral office. Some of those interviews were set for the middle of the day when people were at work or had other commitments. They were unable to attend and therefore did not bother to proceed with their application to be registered outside the normal annual canvass. I hope that the Minister will accept that any safeguards should be commensurate with the objective of getting as many people on to the register as possible.

The abolition of the annual canvass will save considerable expenditure and it will also mean less chance of people falling off the register by accident, simply through neglecting to renew their application. Provided the electoral office is given the resources to ensure, through the proper use of databases and so on, that those who should be on the register are on it and those who should not are removed, we should end up with a much more accurate register.

On the issue of political donations, we have no objection in principle to the Bill, which will bring Northern Ireland into line with the rest of the United Kingdom. We accept entirely the concerns that have been voiced by the hon. Member for South Down (Mr. McGrady), and that is one reason why the current provisions will be extended until at least 2010. I am sure that the Minister will confirm that if, come 2010, the parties in Northern Ireland are agreed that intimidation is still an issue, he will look carefully at whether to extend those provisions. That is a matter for the future.

The hon. Gentleman was right about the concerns on this issue, but one thing strikes me as odd. In answer to a question from the hon. Member for North Down (Lady Hermon), he said that it would be paramilitaries linked to political parties in Northern Ireland who would be guilty of intimidation of donors to his party. At the same time as the hon. Gentleman makes that point strongly here today, the leader of his party—and others in his party—call for parties linked to those paramilitaries to take their place in government. Indeed, we are told that we should rush ahead and call the Assembly together in six weeks. No doubt the hon. Gentleman's party would want us to vote into government those same parties with the paramilitary friends who would try to intimidate donors to his party. Sometimes, people need to take a reality check. I have no doubt that what the hon. Gentleman said was right. As the Chairman of the Select Committee said, he is an honourable man, but how can we admit those parties into government? Surely we need to be certain that all the criminal and illegal activity is finished for good.

**Mark Durkan:** I remind the hon. Gentleman that it was his party that agreed with Sinn Fein and the two Governments in the comprehensive agreement not only to go into government with Sinn Fein but potentially to be in government alone with Sinn Fein, because the exclusion principle would have meant that no other party would have been included. It would essentially have been a voluntary coalition between Sinn Fein and the DUP.

**Mr. Dodds:** The hon. Gentleman has repeated that line so often that he is beginning to believe it. If he reads the comprehensive agreement, he will find that we made sure, through the provisions that we enunciated and the safeguards that we introduced, that the criminality and paramilitarism had to be over for good. However, his party was prepared to vote terrorists into government at a time when no decommissioning was taking place and criminality was ongoing. That was not even mentioned by his party. He voted for that, so it does not behove him to lecture the DUP on such matters.

We have concerns about political donations that are permissible under Irish law. That opens up the possibility that what is permissible and legal is defined not by debate, discussion and vote in this House and in the other place but by what is decided in Dail Eireann. Laws could be made that apply to parties in Northern Ireland over which we would have no control. The clause that allows that needs careful consideration in Committee. It is far too wide-ranging; it opens up possibilities whereby we are handing over power in this matter to another jurisdiction without any real safeguards at all and without any opportunity to curtail it or to revisit the issue, even within the Bill. That needs to be looked at.

Finally, I allude to the point I raised when the Secretary of State opened this debate: the exemption for foreign donors when they are Irish or Irish corporations. The Secretary of State indicated that it is not just

*[Mr. Dodds]*

Sinn Fein that will benefit and which had made representations. He said that there were others, but he did not elaborate on that. It would be useful to know who else he was referring to in that regard—

**Mark Durkan:** Guess.

**Mr. Dodds:** The hon. Gentleman invites me to guess, so I presume that he invites me to look in his direction on this matter. If he is holding up his hand and admitting guilt in this matter, I think he is rather short-sighted. He is providing cover to Sinn Fein, which will be by far the main beneficiary of this provision. Far from helping his own party, he will disadvantage it vis-à-vis Sinn Fein in the long run. Many people in Northern Ireland regard this as being designed purely and only to benefit republicans and nationalists. It will give them an unfair advantage and should be looked at carefully.

In Committee, we will want to look at many matters, not least that raised by my hon. Friend the Member for Belfast, East (Mr. Robinson) when he mentioned the changes to the institutional arrangements for the working of the Assembly. We might yet have to deal with those arrangements in Committee. It seems bizarre that during this Second Reading we are not able to discuss that matter, but we may spend a considerable amount of time in Committee on provisions that have not been proposed. Nevertheless, we will await developments on that and see what transpires.

7.42 pm

**Dr. Alasdair McDonnell** (Belfast, South) (SDLP): I wish to confine myself to the miscellaneous aspects of the miscellaneous provisions in the Bill. The slightly more main aspects have been discussed at length. Before I get into the detail of what I want to say, I wish to emphasise to my hon. Friend the Member for Belfast, North (Mr. Dodds) that the SDLP has been consistent since Leeds castle and before about the criminal activity of paramilitary organisations; as they moved away from more lethal operations they were diverting their energies into crime and associated matters. The SDLP has no need to apologise to anyone for that.

I shall take a brief look at the all-Ireland energy provisions, the renewable energy provisions and electoral registrations, and I may say a word about political funding. I welcome the parts of the Bill that refer to the all-Ireland energy market and congratulate the Secretary of State on the move towards the creation of a single electricity market for the island of Ireland. That is something that the SDLP has long campaigned for. The Bill acknowledges our argument that we cannot operate efficiently with two small energy markets on a small island. The creation of an all-Ireland electricity market creates better value energy and power through economies of scale and provides security and diversity of supply, making the island of Ireland, north and south, a better place to do business. I compliment the hon. Member for Aylesbury (Mr. Lidington) who, during his contribution earlier, raised the issue of wider connectivity within the British Isles and to Europe. In modern energy markets we need a minimum market of 10 million to 12 million people and the all-Ireland market needs to be better opened up to Wales and Scotland.

The energy sector in Northern Ireland faces many challenges. We are far too heavily dependent on fossil fuels, and we need to do much more to encourage the development of diversity and more sustainable energy supply. We need to tackle our global warming commitments more sincerely and genuinely through the reduction of carbon emissions. For many years we have been lumbered with—indeed, if I dare use the term, murdered by—badly negotiated contracts for electricity generation. We pay an overcharge of 40 or 50 per cent on the normal market rates. We have that millstone around our necks until 2010, 2012 or 2014 when various guarantees to suppliers come to an end. In recent months, gas and electricity costs have increased substantially throughout these islands, but these price increases are particularly severe in Northern Ireland because they come alongside a draconian 19 per cent. rise in the regional rate and the prospect of water charges. They threaten poverty. Far from poverty being reduced, particularly fuel poverty, we are now faced with an increase, and increased fuel poverty in particular.

While the development in energy markets is welcome, obstacles of many other kinds continue to impede useful, pragmatic and practical north-south co-operation and partnerships, commonsense partnerships that should carry no political burden or baggage whatsoever. It is my understanding that they are as useful and beneficial to those who see themselves as Unionists as to those who see themselves as nationalists. These partnerships are necessary across a wide range of matters. Some of them are minor, others substantial. They include double-charging—particularly roaming telephone charges where people are charged an arm and a leg to make mobile telephone calls over a distance of a mile or two—and taxation anomalies arising from being resident in one jurisdiction and working in another, which create further difficulties. All these matters need to be tackled with a commitment to resolving the problems and removing barriers so that people, goods and services can move throughout the island for the benefit of all.

That is why the SDLP has published detailed proposals, including plans for transport and infrastructure, suggestions of an all-Ireland research alliance, marketing and investment co-operation and a public safety body. We could perhaps go as far as a joined-up anti-poverty strategy across the island. I could go into other issues, but it would unfair of me to drag on now. I have made the point.

In Northern Ireland, we have some of the best renewable energy resources in Europe, yet, according to the Carbon Trust, only 0.2 per cent. of the north's primary energy requirement comes from renewable sources. That is a scandal. The threat of global climate change ensures that we must quickly change the way that we source and use energy. Financial assistance is required. There is some around, but it is not massive and we need to extend it further. There is a desperate need to develop, initiate and innovate around the renewable energy sector on a major scale to ensure that we are not as dependent on fossil fuels and the traditional electricity-based fuels of the past. That would allow Northern Ireland to meet its global commitment by increasing the energy available from renewable sources, reduce carbon emissions, improve air quality and

ultimately improve health. While I am pleased to see the commitment to renewable energy, legislation should be in place by now for a sustainable development strategy for Northern Ireland. Such a strategy would have broader implications to ensure that all areas of Government policy would meet the needs of today's society while protecting resources for future generations.

The SDLP welcomes the decision to review arrangements for electoral registration and elections in Northern Ireland. In the past, electoral fraud has been widespread and in some areas it has skewed or affected election results. Proper regulation of the electoral process is crucial to ensure that as many as possible of those eligible to vote are registered, that elections are fair and that the democratic will of the people is reflected as accurately as possible. More than 91 per cent. of those eligible should be registered; I should like the figure to be 97, 98, 99 or even 100 per cent.

In the past, my party has campaigned vigorously for measures to combat electoral fraud and we welcomed the Electoral Fraud (Northern Ireland) Act 2002. We argued that any measure to target fraud must be carefully monitored to ensure that the citizen's right to vote and the need to guard against fraud were upheld. The three elections since the introduction of the Act were cleaner and fairer than those held previously. The requirement for individual registration, with personal identifiers, has significantly tightened the electoral register and closed down the fraud that had been ongoing over many elections.

We welcome the high level of public support for measures to combat electoral fraud. According to recent research, 72 per cent. of people endorsed the changes. However, the SDLP believes that although the proposal to allow some individuals to be registered anonymously because of concerns for their safety is sensible, it should be monitored closely. The Order in Council that will define criteria for qualification for anonymous registration needs to be strict to ensure that it is not open to abuse. The criteria must be robustly applied, so that the process protects only those who are genuinely vulnerable.

Although public support for clearer, cleaner and fairer electoral registration is high, the requirement for people to register annually has led to a decrease in the number of people registering; as I said earlier, research indicates that only 91 per cent. of eligible people make it on to the register. Although we believe that individual registration should continue on the current basis, using identifiers, as the strongest safeguard against fraud, annual registration is not required and we support its relaxation.

The carry forward of people already on the 2004 register was extremely useful, and allowed many people to vote in elections in 2005 who would otherwise have been denied a vote. It was a sensible move that encouraged significantly higher electoral participation.

Withdrawing the annual canvass should enable the electoral office to focus better on groups that tend not to register, especially people living in disadvantaged areas and young people, as well as people who have difficulty in completing forms—of whom there are many more than we realise. That is where resources are needed and can best be put to good use to ensure maximum participation. In the context of the abolition of the annual canvass, the necessary resources must be delivered and allocated to registration.

I am a little worried by the suggestion that a blanket canvass be carried out every 10 years. It should be held every three or four years, or there should be a rotational canvass that covered different areas every year. I am worried that relaxing the requirement would mean a reduction in district or regional electoral offices.

I welcome the proposal for greater data sharing between the chief electoral office and other Departments and public sector bodies. That enhanced sharing of information will ensure greater accuracy and will help in identifying correct addresses and responding quickly. I welcome the proposal for easier registration before an election, but I am concerned that 11 days before polling would not give the electoral office enough time to verify applications properly and could lead to a degree of fraud. A slightly longer period—perhaps 18 days—might be more realistic and responsible, to ensure that only those people genuinely entitled to a vote received one.

I want to address political funding, about which my hon. Friend the Member for South Down (Mr. McGrady) put some well-made points. There is no suggestion that there is a grand orchestrated plan for intimidation. For example, a donation may be demanded of a decent honest person in the public eye—of whom there are many in my constituency—such as a publican, the owner of a small building firm or a small business man or woman; they are not subject to direct intimidation, but a parallel donation can sometimes be demanded for a paramilitary organisation, with the suggestion that it be treated as a business investment. However, if they do not make the donation, their building site or bar can be wrecked or the business can be interfered with or undermined in some way.

My colleagues and I are making a genuine plea for sensitivity about that issue. Our party is the most vulnerable. We have fought and stood our ground for 30 years for sanity, democracy, peace and progress in Northern Ireland. We are extremely vulnerable. We do not want those who stand alongside us in support of democracy to be subjected to threats. We have no objection to lists if they are treated as confidential, but their publication is extremely dangerous and exposes people.

The Chairman of the Select Committee is fully aware of the implications of the investigation that the Committee is undertaking at present. It is not a great leap from the organised crime that we are talking about in the Select Committee to organised pressure and threat in respect of elections.

I thank the House for the opportunity to speak and urge Members to take the electoral and fund-raising provisions seriously. I should like an undertaking that, as my hon. Friend the Member for Belfast, North said, we reconsider the provisions in 2007 or 2010 to ensure that people who want to support democracy and donate to a democratic party are allowed to do so without fear of intimidation.

7.57 pm

**Mr. Ben Wallace** (Lancaster and Wyre) (Con): I understand why the Government have introduced the Bill and I understand their justification that we must

*[Mr. Ben Wallace]*

maintain the momentum of the peace process so that there is lasting peace, but we must be careful that the momentum does not become a rush. Far too often recently, the Government have used maintaining that momentum as an excuse to overlook some of the failures of parties such as Sinn Fein in the peace process. The Government could implement some of the measures in the Bill quickly, but that may not ensure that justice is done and that the process is thorough. I urge the Minister to take that on board. Momentum is one thing, rush is another.

One of the main issues that has been raised throughout the debate is the devolving of policing and justice, which is important. The background is that following the Patten report, certain elements in Northern Ireland were keen to get their hands on parts of the policing service. We should not kid ourselves: the jewel in the crown for Sinn Fein has always been to try to get hold of elements of special branch and the informer network, which decimated the party and helped to force it to the negotiating table. Sinn Fein constantly pushes for that, but it is extremely important that we protect the men and women who gave information that led to the conviction of many men and women who had committed mass murder.

The Government's solution, and their stated aim, is to remove those elements from the policing service and include them in the security services. One of their justifications for the proposal to remove those people from under the umbrella of the PSNI is that it would reflect uniformity across the United Kingdom. That is not technically correct. Obviously, SO12 in the Metropolitan police is involved in informer and agent handling. The security services have primacy, but they do not necessarily carry out operational actions.

The uniformity argument is also undermined by the fact that on the mainland the two organisations report to two Ministers in the same Government. We could end up with the security services reporting to a UK Minister and the Police Service of Northern Ireland reporting to a Justice Minister in the Northern Ireland Assembly, with conflict between the two lines of responsibility. I am sure that whoever the Justice Minister was, they would like to be informed of security service operations, especially when they entered the realm of police executive action. Therein lies a problem: when would members of the security service want to tell the justice Minister about an operation that involved somebody of their own political persuasion—for example, Sinn Fein?

I urge the Minister to work out the details. One option is, as in the Patten report, to keep the security services in the PSNI, but have them reporting to the Secretary of State. Another option is to consider special provision to allow the security services to have some form of executive power in Northern Ireland. Those are just off-the-cuff suggestions, but these are important details. The strength of the RUC and PSNI special branch was the fact that cases went from intelligence to evidence to conviction in the same organisation. That is one reason those cases were successful.

**Mr. Hanson:** For the benefit of the hon. Gentleman and the rest of the House, I refer him to the discussion paper that we published on devolving policing and criminal justice in Northern Ireland. It sets out a range of issues about some of the questions that he is raising. We want debate; we want discussion; we want continued engagement on how to proceed in the event of the triple lock of the Assembly, the Government and this House supporting such devolution.

**Mr. Wallace:** I am grateful to the Minister for his reply, but some of the answers given by the Secretary of State, such as the uniformity argument, could be defeated in debate. We are often in danger of creating two-tier terrorism: there is international terrorism and there is little, local Irish terrorism, with the IRA as a bunch of boyos who throw a few petrol bombs and are very different from al-Qaeda or the Islamic community. The IRA raised funds and entered into arrangements with Mr. Gaddafi. He is now Mr. Blair's friend, but certainly when I was in Northern Ireland he was helping to supply the IRA with weapons. The IRA has international reach—it trained with the Palestine Liberation Organisation and even managed a bird-watching tour to Colombia only a couple of years ago—and it is more sophisticated than some other terrorists.

The idea that we can treat one group of terrorists differently from another is wrong. The Liberal Democrat Front-Bench spokesman was very clear on that. Many of us, including the party of government, have always accepted that a crime is a crime is a crime. It is not a little local difficulty with a terrorist or a prisoner of war; it is a crime. My worry is that in having this fudge, in an attempt to sustain momentum, we set a precedent by creating two tiers of terrorists.

It is very clear that members of the SDLP, for example, are democrats. They have always fought in the hardest environments to uphold the democratic principle. There has been no fudging. Sinn Fein has, on the one hand, entered into democracy and, on the other, spied at Stormont. It will not take ownership of, participate in or even recognise the Northern Ireland Policing Board. That is the crux of the matter: Sinn Fein has, like any other democrat in Northern Ireland, to recognise its duty to policing. We saw Sinn Fein-IRA's idea of justice following the murder in the Short Strand, when in a statement with regard to the murderers it said, "We'll kill them if you want." That is not my type of justice. We should ask them whether they are going to take ownership of this process, which means playing a proper role in the Policing Board.

Not so long ago I attended a dinner with a number of serving police officers and licensed released terrorists—I think that that is probably the right term—including one loyalist and one republican terrorist. The opinions that they expressed are not rare, but I was shocked. I asked one whether he thought that he had done anything wrong in murdering someone and his answer was "No." I asked the other what he felt, and he said, "Well, I have learnt so far in the peace process that violence should not be the first option, only the last." That was a man who was released on licence. We have to understand that that attitude, that violence is always there and always an option, still prevails.

When Sinn Fein takes ownership of policing and says, "No more," and perhaps disbands the IRA, that option will be ruled out, certainly for a long period. I would hope that it would be ruled out for ever, but if one studies Irish history one knows that ceasefires have

come and gone, and we had the border campaign before that. That may be why some of us are sometimes cynical about this process, although we wish it well.

The Bill also deals with donations. Again we have a two-tier element, in that one party in the process is treated slightly differently from another. It is interesting that, under Irish law—a 1997 Act amended in 2001—an Irish citizen, even one living in the United States, can donate money to Sinn Fein. In the five years from 1997 to 2002, Friends of Sinn Fein USA donated $1 million to Sinn Fein's coffers. That can happen under Irish law because one has only to be an Irish citizen, an Irish corporate body or an extension of a political party based in Ireland. Friends of Sinn Fein, therefore, is allowed to donate, and under new regulations in Ireland it will not have to declare its donation unless it is part of a political campaign. If it is funding Sinn Fein activities other than those in elections, it does not have to be declared.

If we want a fair democratic process, in both the south and the north of Ireland, we cannot have different rules for different groups of people. I am sure that there are well-intentioned Irish citizens in the south who donate to the Unionist cause; I do not know how many. There was certainly an attempt to march in Dublin recently. The situation seems to favour one group or party, and that unfairness leads to a feeling of injustice that we are all trying to rule out.

It is rather ironic, perhaps, that currently the biggest single donor to Sinn Fein-IRA is Her Majesty's Government, with the fudge on Short money that we saw not so long ago and allowances being given by this House to a party that does not sit in this House. That is perverse. The hon. Member for Blaydon (Mr. Anderson) referred to the ANC under apartheid in South Africa. I am afraid that the South Africans would think us barking mad for giving so much funding to one particular party at this moment.

My hon. Friend the Member for Tewkesbury (Mr. Robertson) and I sat on a Statutory Instrument Committee only six weeks ago discussing the extension of the amnesty for decommissioning. We debated the issue with the Under-Secretary of State for Northern Ireland, the hon. Member for St. Helens, South (Mr. Woodward). Rather discourteously, at no stage did he say that, never mind us all having to agree to an amnesty for one more year, this Bill, which I am sure had already been drafted or was in the process of being drafted, would sneak under the wire the extension of the amnesty to 2010.

The Secretary of State referred to the ninth report of the International Monitoring Commission. It says that all in the garden is rosy, but it comes with a health warning that that could change at any moment. If it is all going so well, why do we need a three-year extension? *[Interruption.]* The Minister of State says from a sedentary position that it is for loyalists. I am sorry, but the loyalists should have the same chance as everyone else. They should be told, "There's your amnesty. There's your chance." Most people have tried to decommission. How many years do they want? Loyalist or nationalist, they should get their chance, and that is it. The fact that we are returning yet again with another concession and another allowance for people who are murders and terrorists just says one thing to me: in the guts of it, what we are seeing is yet again another exception.

Anyone who has spent time in Northern Ireland knows—people need not be born and bred Ulstermen to know—that such injustices reflect in history and build up a head of steam. All that I am trying to achieve in the debate and in my opposition sometimes to the process that we currently face is to show that, if we are not truthful with the people of Northern Ireland and if we are not clear that everyone gets the same rights, we will end up going back all the way to square one. That would be a tragedy.

I find it rather ironic that the policing of firearms and explosives may be handed to a future Minister of Justice, especially as some of the people involved are probably experts, as some hon. Members have said, and certainly may have been sponsored by the makers of Semtex in their time. I hope that we think again—twice. The Minister has said that there is a triple lock. The Assembly must agree, Ministers must agree, and indeed, I believe that the First Minister and Deputy First Minister must agree. All those things are possible, and we must be careful not to oil the lock so much that it slips open with the most gentle pushing.

Too many locks make things more complicated. Why do we not just have a simple lock? Unless people renounce terrorism and violence and disband their terrorist organisations, they should not get to play the game. That is not difficult; three locks or a combination lock are not needed. Why do we not make things more simple and fair to everyone? In Committee and throughout the Bill's proceedings in the House, I shall do my best to ensure that everyone is treated the same in the Bill.

I hope that the Minister will assure us in summing up the debate about those individuals who may transfer from their current policing roles as a result of the changes and say what will happen to their terms and conditions and their status or protection. I hope that we are all treated the same, whether we are members of the United Kingdom or Irish or, indeed, members of Ulster or Northern Ireland. The Bill must uphold that in every aspect of its miscellaneous provisions, of which I agree that there are many.

I agree with the SDLP Members, especially the hon. Member for Foyle (Mark Durkan) in his opening remarks, about anonymity for donations. The reality is that people are intimidated and threatened and their political activities are curtailed. I should like to think that that was not so, but I want the SDLP, not Sinn Fein-IRA, to represent the nationalist cause. That is why I go along with the protections for donors or anyone else in the current regime. We should not forget that the parties must still present their election expenses and their donations—they are just kept confidential—and it is important that any extension may happen in three years time. I will go along with the SDLP's cries for protection because we must live in the real world.

Finally, it is important the Bill should affect everyone in the same way, and it should not contain peculiar exemptions that will lead to an increase, not a decrease, in injustice.

8.13 pm

**Mr. Peter Robinson** (Belfast, East) (DUP): I am delighted to follow the hon. Member for Lancaster and Wyre (Mr. Wallace), whose experience in Northern Ireland has brought a valuable insight to the House. On his last remark, it is not even just an issue of the intimidation of those who might be donors to political parties in Northern Ireland—the reality is that Northern Ireland is a very divided society, and as soon as anyone is identified as a supporter of one party or another, that person will automatically lose a large section of their clientele. That is off-putting and it will harm the political parties and democracy in Northern Ireland if people are not encouraged to continue to give to the political parties there.

I can confirm that my party gets money—perhaps not as significant as that received by the SDLP—from people in the Republic of Ireland, but we still believe that all donations should be governed by one piece of legislation. We should not have another jurisdiction dictating the manner in which there will be an announcement or publication of the names of those who have donated to political parties in Northern Ireland. It is vital that that issue is dealt with in Committee.

A number of hon. Members—indeed, probably all who have spoken—have referred to the wide-ranging nature of the provisions in the Bill. It has been described in many ways. It was first a dog's dinner. The dog was then in a manger. I am not quite sure where the dog will end up by the end of the debate. The Bill's provisions clearly range from Dan to Beersheba, but the central issue is policing and justice. That was clearly the most prominent issue that the Government had to deal with, and I should say why. It is also very clear that there is no practical requirement for legislation on policing and justice powers to come before the House at this stage.

I listened with great interest to the hon. Member for Blaydon (Mr. Anderson), who spoke passionately in describing devolution. I found myself nodding in agreement with him as he went through the attributes of devolution. I am a devolutionist. I believe in devolution for Northern Ireland in the right circumstances and at the right time—if it is of the right kind. He spoke of his desire to see devolution in his area. We agree with him on all those matters, but he somehow made a leap that the Bill was in some way necessary to make that stride forward. Of course, it is not.

The Government are putting the cart before the horse with the Bill because policing and justice will not—cannot—be devolved to Northern Ireland under existing United Kingdom legislation. That cannot happen. The existing legislation under the Belfast agreement will not enjoy the support of the majority of the Unionist community. Cross-community support is required for any form of devolution to take place. Therefore, there will be no devolution.

The Government know that they must change the form of devolution to get an Assembly up and running, yet instead of doing what is required first, they have decided to leapfrog that and deal with the policing and justice issue. Why should they do that? What is the imperative that requires the Government to introduce legislation to provide an enabling power on policing and justice to an Assembly that is not sitting and for which the legislation that will allow it to sit is still not in place? The answer is clear—they have been colloguing with Sinn Fein-IRA.

Sinn Fein-IRA required changes in policing and justice matters to give them a cloak for various statements in the past. That is the basis of the legislation, but it will not be required for years to come. Does any hon. Member really believe that, if the Assembly were up and running, anyone would seriously allow policing and justice powers to be devolved to Northern Ireland?

The Minister talked of a triple lock. I suspect that none of those locks will be opened if policing and justice powers are devolved to Northern Ireland. The Government certainly would not consider that the time was appropriate to hand over the responsibility for policing and justice to the Northern Ireland Assembly, particularly if it included those who are still involved in criminality, according to the Government's own watchdog on the matter. The Northern Ireland parties in the Assembly would not vote on a cross-community basis for that to take place; nor would the community in Northern Ireland allow it to happen. Therefore, the three locks that the Government say are in place—I will come back to that issue in a moment—would not be unlocked by the Bill.

We are talking about what could happen years down the road. Even if the Assembly wanted policing and justice powers to be devolved years down the road, I am told quite reliably, by the Minister's officials, that it would probably take about two years before they could devolve them. The practical requirements after the Assembly took the decision would take several years to work through the system—enough time, I should have thought, for even the hard-pressed business managers of this place to find time to have this legislation passed. There is no need to deal with the Bill tonight; there is no practical purpose. It is being done for a political purpose—a purpose that is between the Government and Sinn Fein-IRA.

I said that I would return to the triple lock. It has changed—it is no longer the triple lock that was in the Government's proposals for a comprehensive agreement. I have spoken to the Minister privately about the matter, but I think that it is necessary to put it on the public record. When I met him privately, I accused the Minister of being involved in some mischief, and he assured me that he was not. He assured me that the Government would look at the matter and that it was not their intention to depart in that respect from the proposals for a comprehensive agreement. However, the comprehensive agreement proposals specifically contained another lock, which is not in the Bill.

The proposed comprehensive agreement required any proposal for policing and justice powers to be devolved in Northern Ireland to be made jointly by the First Minister and the Deputy First Minister. Why is that such an important proposal? It is because even though the hon. Member for North Down (Lady Hermon) rightly recognises the advance in the Bill allowing, in effect, a veto for Unionists under the arrangements, regrettably, a cross-community vote in the Assembly does not require a majority of Unionists to be in favour, because one of the triggers for cross-community voting requires only 40 per cent. of Unionists. I do not question the bona fides of the Ulster Unionist party, but the UUP and the Progressive Unionist party could provide that

40 per cent., so without the consent of the majority of the Unionist community as represented in that Assembly, legislation could be enacted to have policing and justice powers devolved in Northern Ireland. Two of the crucial locks are absent. Cross-community support in the community itself, which is one of the requirements of the proposals for a comprehensive agreement, would not be provided, and the requirement in the comprehensive agreement for the First Minister and the Deputy First Minister to act jointly has been removed. Clearly, such a proposal would not have the support of the largest party in Northern Ireland.

It is vital that that issue is re-examined. The Minister said that there was no mischief intended by the Government, but I think that if it was not intended by the Government, there is someone lurking in the draftsmen's department who intends mischief. The draftsmen are extremely careful when looking at the language of agreements and translating those agreements into legislation. I suspect that it would have been impossible to translate the comprehensive agreement proposals into legislation and simply forget the requirement that the proposal come from the First Minister and the Deputy First Minister. I hope that, when he winds up the debate, the Minister will respond to that issue, which many of us consider to be vital.

The main point is that in the foreseeable future the circumstances will not exist for policing and justice powers to be exercised in Northern Ireland. Let me make it clear: my party is a devolutionist party. It believes in the widest powers possible being devolved, including policing and justice powers. It wants that to be done with the right modality, at the right time and in the right circumstances, and that can only be when the community has confidence that those powers will be properly exercised. The community could never be satisfied that those powers would be exercised properly when those who would be exercising them are involved in paramilitary and criminal activity.

The reality that we have to face up to is that there is a party in Northern Ireland that is still entrenched in violence and criminality. The report of the Independent Monitoring Commission—the Government's own appointed body—indicated that that party is still involved in paramilitary activity, intelligence gathering and criminality at the very highest leadership level and at an organisational level.

I congratulate the Police Service of Northern Ireland and the Garda Siochana on a recent joint effort. Operating on both sides of the border in the sort of security co-operation that we support and encourage, they descended upon a certain individual. I had asked the Assets Recovery Agency when it was going to act against the man, and I have raised his portfolio in the House on several occasions, so I was glad to see the police on both sides of the border take action. The hon. Member for Belfast, West (Mr. Adams), who never presents himself in the House, says that the man in question is just an ordinary decent farmer who is being punished because he is a republican, but I looked at the list of items removed from that farmer's farmyard. He had £200,000 in sterling and euro notes and thousands more in cheques. He had 30,000 cigarettes—he is obviously a heavy smoker. He had 8,000 litres of laundered fuel, although I am not sure in what vehicles he was using it. He also had two firearms—I am quoting what was reported in the newspapers, so the information does not come under the sub judice rules. There were also six oil tankers and a number of laptop computers, which are now being examined by the police. Let me ask hon. Members a question—where do people put their laptop computers? The answer is under bales of hay. Hands up everyone who stores their laptop computer under a bale of hay. I do not suggest that there is anything alarming about the fact that that man's laptop computers were found under a bale of hay, but it must make discovering their contents more worth while.

That is a man who, according to the leader of Sinn Fein-IRA, is an ordinary decent farmer. None of the ordinary decent farmers whom I know keeps that amount of cash on their farm, or would even have that amount of cash to keep. Nor do they have that many cigarettes, that amount of laundered fuel or that number of vehicles—and they certainly do not keep their laptop computers, if they have any, under bales of hay. However, I congratulate the Garda Siochana and the PSNI and I trust that the case—together with several related cases that the ARA and the Criminal Assets Bureau in the Irish Republic are handling—will eventually come through to the courts. Mr. Deputy Speaker, I see you sitting somewhat nervously, waiting to pounce if I go too far, so I shall say no more on that subject.

A number of speakers in the debate said that elements of the comprehensive agreement need to be changed. I speak principally of the leader of the SDLP, the hon. Member for Foyle (Mark Durkan), who becomes very exercised if anyone suggests changing one letter, never mind one word, and certainly not one phrase, sentence or paragraph, of the Belfast agreement. I understand that he has some emotional capital tied up in that agreement. He believes that it is a wonderful document and that, like the law of the Medes and the Persians, it should never be changed. However, the reality is that it failed.

The hon. Gentleman has not come to terms with that—he is still in denial. He does not realise that the core of the agreement that he negotiated had cross-community support as a key requirement. Without cross-community support, his deal cannot work, and the people of Northern Ireland have moved on—he has not, but they have. They have shown that repeatedly at the ballot box, which is where we encourage people to show their feelings on such issues. They have said that they do not support his agreement, and one of the key reasons for that is to do with accountability. Although the proposals for a comprehensive agreement have not been endorsed by my party, many of them flow from proposals that were made by my party and many others were not the choice—certainly not the first choice—of members of my party.

The hon. Gentleman has identified an issue that was not my party's first choice—the way in which the First and the Deputy First Ministers would be elected or appointed. I do not have any misgivings about the issue, although I find it difficult to understand why he is so tender about the election of the First and the Deputy First Ministers. One never talks about rope in the house of the hanged man, and he would be better served if he did not raise the issue of elections, given his party's background.

*[Mr. Peter Robinson]*

I recall the occasion on which Mo Mowlam, the late Secretary of State for Northern Ireland, came to the Dispatch Box and announced to the House, almost in tears, that the then Member for Newry and Armagh and Deputy First Minister, Seamus Mallon, had resigned. She said that that was dreadful and that he was a good man, and she spoke eloquently about his attributes. At home, the Deputy First Minister's car was taken away, his salary was stopped, and his staff and even his mobile phone were taken away. All the emoluments of office were taken away, but people realised that no one else would be elected to his position because they did not have the necessary cross-community support. They therefore said that he did not resign, even though his resignation was announced in the House, his pay stopped, and he was thrown out of his offices and so on. They decided to overturn everything and make him un-resign. If I were the hon. Member for Foyle, I would not have raised the way in which the First and the Deputy First Ministers are elected, as I would not be on strong ground.

**Mark Durkan** *rose—*

**Mr. Robinson:** The hon. Gentleman may wish to wait a moment before he intervenes, as he may have more to say.

The Secretary of State cannot give the hon. Gentleman an undertaking. I heard an undertaking that the Secretary of State will not implement the piece of the comprehensive agreement whereby effectively the two largest parties—the Democratic Unionist party and Sinn Fein—can determine whether Ministers in fact achieve ministerial office. However, the Secretary of State cannot give such an assurance because of the legislation that was encouraged and supported by the hon. Member for Foyle. The Belfast agreement ensures that there will not be any Ministers in Northern Ireland unless those two parties are satisfied, because they must propose the First and Deputy First Ministers. If they do not do so, for whatever reason, the rest of the process does not take place. I suggest to the hon. Gentleman, therefore, that there is a requirement for change.

The Belfast agreement structure is based on a mandatory requirement for Ministers to be appointed according to their strength, which runs contrary to the voluntary nature of the appointment of the First and Deputy First Ministers. If it is a mandatory system for all the other offices and every other Minister in every other Department, if it is mandatory for the Committee Chairmen and Deputy Chairmen, if it is mandatory for Committee membership and almost everything that the Assembly does, why is it suddenly turned on its head for the appointment of the First and Deputy First Ministers? If it is a mandatory system it should be mandatory throughout. If it is a voluntary system—and I would encourage such a system—it should be voluntary throughout. Regrettably, however, the hon. Gentleman would deny us the opportunity to have a voluntary coalition. Government could be up and running tomorrow if he were willing to move in that direction.

**Mark Durkan:** The hon. Gentleman has misrepresented the Secretary of State as well as the SDLP. I do not believe that the Secretary of State gave me the assurance that the hon. Gentleman thinks that he did. On the specific provisions in the comprehensive agreement, if the SDLP and the Ulster Unionist party did not vote to show their confidence in Sinn Fein and the DUP members as First and Deputy First Ministers, we would be excluded from office. By contrast, under the Belfast agreement members of the DUP rightly took up ministerial office even while voting against the First and Deputy First Ministers. Sinn Fein members could take up ministerial office while abstaining from the vote on the First and Deputy First Ministers. When those two parties have a chance, however, they change the deal and they deny inclusion on the same basis for anyone else. They have concocted what would be a voluntary coalition between Sinn Fein and the DUP, which would be the only parties in government, because they would vote for themselves.

**Mr. Robinson:** I am puzzled why anyone who believes in power sharing and an inclusive Government in Northern Ireland should say that they want to be part of that Government while not wanting to show any support for the people who will be First and Deputy First Ministers. That is inconsistent.

**Mark Durkan:** The hon. Gentleman did so.

**Mr. Robinson:** Yes, but we were opposed to it. The hon. Gentleman is supporting it. His position is quite inconsistent.

**Mark Durkan:** We oppose the hon. Gentleman's changes.

**Mr. Robinson:** Let me make the position clear. When members of my party decided to take up seats in the Executive and operate in silos, as they were entitled to do under the legislation, the hon. Gentleman's party said that we should not be allowed to behave as rogue Ministers—effectively, Ministers in opposition. We proved that we could do so. If we want to make genuine progress in Northern Ireland, we need joined-up government and collective responsibility. To achieve that there must be a level of trust that does not exist at present. The fact that it does not exist is a reality, and the hon. Gentleman knows that the trust necessary to run the Government in Northern Ireland is not there.

I cannot understand why the hon. Gentleman refuses to accept the reality and, together with us, tell the Government to consider a lower level of devolution. We should achieve the highest level possible under prevailing circumstances so that important decisions can be taken in Northern Ireland, progress can be made and trust built. I should have thought that that was in the interests of the whole community in Northern Ireland. The hon. Gentleman's approach is one of all or nothing—I think I offended him at the weekend by referring to it as the SDLP's scorched-earth policy—in which Executive devolution must be up and running, with Sinn Fein in harness, otherwise there will be nothing in return. The reality for the people of Northern Ireland, however, is that no one is pressing my party to go into government with people who are still involved in criminality, as the IMC has indicated is the case with Sinn Fein.

Leaving aside the general tenor of issues relating to policing and justice, some Members have told the Minister of State that it is essential that he deals with the issue of the triple lock in the comprehensive agreement. My party does not intend to divide the House this evening, although there are issues that we want to examine in Committee. If they are not dealt with satisfactorily, we have the option of voting against the Bill on Third Reading. It would be unfortunate, given that this is an important piece of legislation, if the Minister could not carry the main parties with him.

I will touch on some of the issues relating to other provisions in the Bill. First, there is the power that the Secretary of State has given himself to bring forward the date of the next Assembly election. I have some experience in that area because I ended up taking a previous Secretary of State to court over the issue. The case went right through to the House of Lords, where, on the narrowest vote possible—by three to two—a decision was made in the Secretary of State's favour. On reflection, I am probably glad that that was the result and the Secretary of State is probably unhappy that it was, although at the time we both felt very differently about it. The reality is that if the election had been held at that point, we would not have reached the level that we were then at and the outcome might have been different. However, that is all academic because our level of support has increased even from the last election, so the Secretary of State will not get the opportunity to play that one again.

Indeed, it is probably because our level of support has increased since the last election that it is unlikely that the Secretary of State will ever use the provision that he has given himself in the Bill to call an early election. However, if he wants to, my party will be more than happy to get on to the hustings and show that the community still supports our position. It is right that he has the provision. I can envisage circumstances in which it might be better to have an election now and then move on to whatever might be agreed over the months after it has taken place.

The provision is useful but, by and large, the problem with this Government has not been to do with calling elections early, but with putting elections off. On every previous occasion, the Government have come to the House, or taken the power themselves, to call off elections so that the people do not have the opportunity to express their views democratically. For a Minister to come to the House and say, "We want to take the power to give the people of Northern Ireland the opportunity to speak" is something that I would encourage. I hope that, at some stage, he uses it.

I also want to touch on the extension of the decommissioning period in the Bill. I do not think that there has been too much discussion about it, but the realities are as follows. The Loyalist Volunteer Force started the process by decommissioning a very small number of fairly old and not very usable weapons. That was followed by a gesture. Nobody knows the extent of that gesture accurately, although I do know that, after three such gestures by the IRA, one well-known official—who I will not name because I do not like naming officials in the House—indicated that they would be embarrassed to have published the amount of weaponry that had been decommissioned in those three tranches. Indeed, the process that was then under way, whereby the IRA was allowed to have its representatives in government even while it still held on to its weapons, allowed it to use its weapons to buy concessions.

When my party became the largest party in Northern Ireland and spoke on behalf of the Unionist community, one of the first things that it said was, "We can't allow the IRA to continue to have that control. The situation has to be reversed so that it does not get into government until it gives up its weaponry." The substantial amount of weaponry that was decommissioned came about because people were prepared to dig in their heels and say, "To get into this club, you have to pay your membership. You don't become a member and then consider how much you're going to pay."

My right hon. Friend the Member for North Antrim (Rev. Ian Paisley) was pilloried by some on the day when that great decommissioning act took place because he had some misgivings about whether the totality of weapons had been decommissioned. The Independent International Commission on Decommissioning, led by General John de Chastelain, was unequivocal and said that all the weapons had been decommissioned. The IRA said the same and the Government immediately said the same, too. However, it later transpired that intelligence was available on the matter. The Independent Monitoring Commission reported in its eighth report that it had intelligence that indicated that a significant number and variety of weapons—not just handguns—were still in the possession of the Provisional IRA.

The IICD was rushed out to respond and take away the sting from that remark. It said, "Oh well, yes, we have seen that intelligence and as a result of that we have started to investigate." It made the mistake of telling us how it investigated the matter. First, it went to the Garda Siochana, who said, "In our jurisdiction, we have no evidence of that." Obviously, because the Police Service of Northern Ireland and MI5 were providing the intelligence, it was clear that it was coming not from the Garda Siochana's jurisdiction, but from the United Kingdom's jurisdiction. Having received that reply from the Garda Siochana, a further call was made by the IICD. It went to the IRA and—surprise, surprise—guess what the IRA had to say? It said that it had handed over all its weapons and was shocked and irate that anybody would suggest otherwise.

Is it not amazing that the whole basis on which the IICD was able to tell hon. Members and the world at large that all the weapons had been handed over and destroyed was intelligence from the Police Service of Northern Ireland and MI5? They supplied the IICD with the statistics of the weaponry that they believed that the IRA had, which was based on the information that they got from Colonel Gaddafi, when he became our great friend, and informers within the organisation. They believed that they could give an accurate account of the IRA's weaponry in every category. The IICD was prepared to accept that their intelligence was sound, that they were the people to listen to and that, on the basis of what they had provided, all decommissioning had taken place. However, when those self-same people came back and said, "Hold on a minute; they've still got guns," the IICD did not want to believe them.

Anyone in Northern Ireland who thinks about that for a moment will realise that it is more than likely that the IRA still has weapons. Most people will think that no one should ever have said with the clarity and

*[Mr. Robinson]*

certainty of the Government and the IICD that all the weapons had been decommissioned. From the very beginning, everyone in this party believed that weapons were still held out there. We have been vindicated, and it is still the responsibility of the Government and, for that matter, the IICD to pursue the remaining weapons in the IRA's arsenal.

Of course, the IRA will not admit it, but am I not right in saying that weapons were discovered at a farmhouse—I will go no further than that—in recent days? Is it not true that another search was carried out in the Irish Republic and a weapon was found? Where are those weapons coming from if all the weapons of the Provisional IRA have been decommissioned? It is vital that we continue to press for the full decommissioning of all paramilitary organisations in Northern Ireland.

I have dealt extensively with the republican movement, so let me touch on the loyalist paramilitaries. This party believes that every illegal gun should be destroyed, whether it is held by a loyalist paramilitary organisation or a republican paramilitary organisation. No one in this party will put forward any excuses for any loyalist paramilitary organisation. We believe that they should all decommission. They should all end their paramilitary and criminal activities.

I will bring my speech to a conclusion because several of my colleagues and the hon. Member for North Down wish to speak. I urge the Minister to ensure that we have proper time to deal with all matters in Committee, whether on the Floor of the House or upstairs, especially if the Government intend to introduce, by way of amendment, important provisions to give life to an Assembly in Northern Ireland. I have misgivings about introducing important constitutional measures by way of amendment to a miscellaneous provisions Bill. It does not say too much for Northern Ireland that the way in which it is to be governed is dealt with by a miscellaneous provisions Bill. It would be more proper if separate, custom-made legislation was brought forward for such measures, rather than bringing them in by way of amendment. I urge the Minister to ensure that priority is given to the provisions for an Assembly, rather than provisions on what might happen when an Assembly is under way and running in Northern Ireland.

8.48 pm

**Lady Hermon** (North Down) (UUP): It is a delight to follow the hon. Member for Belfast, East (Mr. Robinson). I found myself in considerable agreement with much of what he said. That is an unusual event, so I want to put it on record, but there will be differences that will distinguish us later on.

The hon. Gentleman criticised the Bill for being of a miscellaneous nature, but I disagree with him on that point. Even if we have a miscellaneous Bill, it is umpteen times better that we have primary legislation for Northern Ireland instead of a wretched Order in Council. It is absolutely shameful that, during the protracted period of the suspension of the Assembly, the Government have repeatedly used Orders in Council to legislate for 1.7 million decent people who are part of the United Kingdom. It is an unusual novelty—a red letter day—that we are here this evening, discussing primary legislation. It is a welcome change, although unfortunately I do not think it represents a change of policy or a change of mind by the Northern Ireland Office team. Primary legislation is necessary, as the hon. Gentleman pointed out, because the Bill amends so much else of a primary nature.

I concur with the hon. Gentleman's remarks about decommissioning. It is unfortunate that the Secretary of State skimmed over the extension in clause 23 of a period of amnesty from 2007 to 2010. I say that with great bitterness and I know I sound bitter. I am bitter and jaundiced, particularly towards loyalist paramilitaries. I say that because it was those with paramilitary connections who murdered a young constituent of mine, Lisa Dorrian, over a year ago. On 20 February 2005, she disappeared from a caravan site and she has been disappeared ever since. It is a horrible term to use, but it is accurate. Her family do not have a body to bury, they do not have a grave and they have not had a funeral.

Those with loyalist paramilitary connections engender my wrath on account of that case and on account of many of the ghastly murders that they have carried out—for example, Jim Gray last summer, and four other grisly murders throughout the summer as a result of internal feuding. It is not internal housekeeping. It is someone's husband, son or brother. It is contemptible. I say that as criticism of the extension of the amnesty period to 2010. I hope that the Minister will have a quiet word with the Secretary of State some time after the debate and remind the Secretary of State of what he said not that long ago.

On Wednesday 21 September 2005, the Secretary of State—I do not blame the Minister—said:

> "The choice for loyalist paramilitaries is clear: play the political role that you claim as your motive, or face the rigour of the law as the mafia organisations into which you seem to have degenerated. You will not be allowed to terrorise your own community."

Those words were welcome across Northern Ireland. People believed that the Secretary of State meant them. If, as the Government repeatedly tell us, and as the hon. Member for Belfast, East and others have mentioned, referring to the report of de Chastelain's Independent International Commission on Decommissioning, the republican movement has completed such a significant act of decommissioning—I happen to believe it has and I respect the integrity of the Rev. Harold Good, and of Andrew Sens and his colleagues on the commission—if that is accurate, we are looking at the decommissioning of loyalist weaponry.

Why in heaven's name have the Government offered an extension? In light of the Secretary of State's words about loyalists facing the rigour of the law, why are we contemplating an extension of the amnesty period to 2010? As my father would say—metaphorically speaking, of course—"You should keep their feet to the fire." The pressure should remain on loyalist paramilitaries.

Another interesting aspect of this miscellaneous Bill that the Secretary of State did not even mention is the reference to the change in the status of the Chief Constable of the Police Service of Northern Ireland to bring that office into line with chief constables throughout the rest of the United Kingdom. For whatever reason, there has been an anomaly for years.

For example, if a breach of health and safety legislation occurs, all chief constables, except the Chief Constable of what was the Royal Ulster Constabulary and is now the PSNI, are treated as a corporation sole. That treatment is not available to the Chief Constable, who is personally liable if a breach of health and safety legislation occurs and who must appear in court, which takes up a lot of valuable time and effort. That situation has forced the most senior police officer in the PSNI to sit for hours in court. Will the Minister explain why it has taken so long to bring the Chief Constable into line with other chief constables throughout the United Kingdom by treating them as a corporation sole?

**Mr. Hanson:** When the hon. Lady made that point in a Committee considering another piece of legislation, I made a commitment to introduce this provision. As I said at the time, the situation was the result of an oversight, and I am pleased that she is pleased that we have introduced the provision.

**Lady Hermon:** The Minister has not explained why the anomaly existed for such a long time.

May I place on the record my gratitude, and that of the family of Lisa Dorrian, to the recently retired assistant chief constable, Sam Kinkaid, who headed a painstaking and extensive investigation into the disappearance and murder of Lisa Dorrian, and did a great deal in difficult circumstances?

The Bill also covers donations to political parties, which other hon. Members have mentioned. I have a particular interest in that matter, because I sit on the Speaker's Committee on the Electoral Commission. Far be it from me to disagree with the hon. Members for South Down (Mr. McGrady), for Belfast, East and for South Staffordshire (Sir Patrick Cormack), but when the Northern Ireland Affairs Committee recently visited Dublin—it was our first foray overseas, which was interesting—I was particularly struck by the evidence from members of the Garda and of the public, who repeatedly referred to the undermining of the confidence in Sinn Fein of the public in the Republic of Ireland following the Northern bank robbery. The theft of £26.5 million from the Northern bank in Belfast had a significant impact on the public in the Republic of Ireland, in that people suddenly realised that the democratic political process in the Republic of Ireland can be undermined when political parties obtain funding from a variety of sources.

I do not like the private funding of political parties and believe in state funding of political parties. Various hon. Members referred to the intimidation of donors, and intimidation is a criminal offence. In Northern Ireland, there is intimidation and extortion, and windows get broken when someone is told to make a contribution by paramilitaries. When the Chief Constable of the PSNI gave evidence to the Northern Ireland Affairs Committee in public session, he pleaded for people to come together and report efforts by paramilitaries to use intimidation to try achieve their ends.

I am worried about the extension of the period of quietness as regards political parties reporting to the Electoral Commission on political donations. Not only that, but it will be a criminal offence, punishable by up to six months in prison, for a serving or past member, or member of staff, of the Electoral Commission, to disclose any information about a political donation that is reported to them, right up until 2010. This Government have told everyone that they want to be open, transparent and accountable. Indeed, they introduced the Freedom of Information Act 2000. If a serving or past member of the commission gets a request for information under that Act, will it be a criminal offence for them to disclose it? *[Interruption.]* The hon. Member for Lagan Valley (Mr. Donaldson) says that it will. Perhaps the Minister will confirm that when he winds up, if it is to be kept secret for such a long time.

One of the wonders of the Bill is that its long title includes provision to amend the Northern Ireland Act 1998. Given that we are discussing the devolution of policing and justice, perhaps one such amendment could try to get rid of the hideous and immoral procedure of 50:50 recruitment to the police service. It was part of the agreement that I voted for in 1998 that there be equality of opportunity irrespective of political opinion or religious belief, yet the Government legislated to legalise religious discrimination in recruitment to the police, thereby standing the agreement on its head. I am sure that right hon. and hon. Members from parties across Northern Ireland will enjoy tabling amendments for discussion in Committee and on Report. The Bill deals with miscellaneous provisions, so let us use it to amend those parts of the legislation that has been passed in recent years that we loathe and detest.

This is a red letter day not only because we are discussing primary legislation instead of a wretched Order in Council but, for me, because I am one of those who loathe and detest direct rule. That is not a reflection on those who hold the ministerial posts at the present time. The five direct rule Ministers might be nice individuals in their own right but, since every single one of them is a member of the Labour party, which does not organise or field candidates in Northern Ireland, they are completely unaccountable to the people of Northern Ireland. The sooner direct rule is ended and devolution restored, the happier I will be. All that the Bill does is to devolve to the Assembly the decisions that it will make. When, not if, we have an Assembly again, although it certainly will not be tomorrow, it will not be next month, and it may not be next year, I should like to think that the 108 Assembly Members—of whom I am not one, as I am a rare breed indeed: one woman with one job—will be mature enough to seize the opportunity. That requires the Unionist Members of the Legislative Assembly to decide whether devolution of policing and justice is appropriate and timely and whether, for example, members of Sinn Fein, who wish to have seats on the Executive, have ended their criminality and severed all ties with paramilitary activity. Until they do, Unionist MLAs will not agree to devolve policing and justice.

It is therefore a red letter day for extending what can be devolved to the Assembly. I welcome that, but those in Sinn Fein and the republican movement who want policing and justice to be devolved cannot have their cake and eat it. They must join the real world with the rest of us and put all paramilitary activity and criminality behind them. Then we can face the future together. I want that to happen for the next generation, instead of constantly looking over my shoulder.

9.5 pm

**Mr. Jeffrey M. Donaldson** (Lagan Valley) (DUP): I welcome the opportunity to participate in the debate and to follow the hon. Member for North Down (Lady Hermon). I was interested in her closing remarks because she and I were on different sides of the debate when the matter was discussed in no less a body than the Ulster Unionist Council. When I, sometimes in desperation, tried to persuade the party not to go down the road of sharing power with an organisation and party that engaged in criminality, murder, holding on to illegal weapons and so on, I was sadly in a minority at the time.

I therefore welcome the conversion of the Ulster Unionist Council to a new policy position whereby it agrees with the view that the Government of Northern Ireland cannot include, in any circumstances, a political party that is linked to a terrorist organisation, that continues to engage in crime and violence and that has not completed the decommissioning of its weapons. I am glad that there is now Unionist unity on that. I sincerely welcome it because it is essential for democratic parties to stand together on the matter.

I also welcome the hon. Lady's intention to table an amendment in Committee on 50:50 recruitment to the Police Service of Northern Ireland. I feel strongly about that and many of the hon. Lady's constituents, like mine, will have lost out through that discriminatory recruitment policy. Indeed, one of the hon. Lady's constituents took a case to the High Court in Belfast to challenge the discriminatory policy.

**Lembit Öpik:** I am sure that the hon. Gentleman remembers our debates here predicting not only resentment but injustice directly resulting from a measure that was intended to do away with injustice and unfairness. Does he agree that the lessons of the recent past suggest that our scepticism about the policy was justified?

**Mr. Donaldson:** I concur with the hon. Gentleman's comments. Many people recognise with hindsight that many of the policies were wrong. That is to be welcomed. However, I remind the hon. Member for North Down that the former Member for Fermanagh and South Tyrone, now Lord Maginnis, first suggested introducing the 50:50 recruitment policy. I was present at the meeting with the Secretary of State when he made the suggestion, much to the surprise of some of his colleagues on the delegation. I note that Lord Maginnis now opposes the policy and that one of his colleagues, Lord Laird, has presented a Bill in the other place to end such discrimination in Northern Ireland. I wish him well with that measure. We will support any amendment to the Northern Ireland (Miscellaneous Provisions) Bill to end that discrimination against Protestants in Northern Ireland.

**Mark Durkan:** The hon. Gentleman needs to recall that 50:50 recruitment was proposed in the context of retaining a significant number of serving police officers. Many people might have taken a different view of the number of serving officers who were to be retained in the PSNI if it were not for the guarantee of 50:50 recruitment of new officers. Does he not also recognise that far more young Protestants are joining the service every year than before the PSNI and 50:50 recruitment were established?

**Mr. Donaldson:** When I heard the hon. Member for Belfast, South (Dr. McDonnell) say earlier that the SDLP stood for stability, democracy and peace, I turned to one of my hon. Friends and asked what the "L" in SDLP stood for. I suspect that it now stands for "lunacy", because it would have been pure lunacy at the time to pursue a policy that reduced the RUC—now the PSNI—to just a small number of serving officers. The hon. Member for Foyle (Mark Durkan) will know that the police commanders in his own constituency are crying out for more resources to cope with the level of crime in Londonderry, where there are more attacks on young people every week than in most other places in Northern Ireland, and where there are still no-go areas—

**Madam Deputy Speaker (Sylvia Heal):** Order. The hon. Gentleman is ranging a little too widely. Could we now get back to debating the specific provisions of the Bill?

**Mr. Donaldson:** Perhaps I was ranging a little wide of the miscellaneous provisions, Madam Deputy Speaker.

**Lembit Öpik:** Does the hon. Gentleman agree that, while we all want a police service that represents a cross-section of the population, we disagree with the idea that one sort of discrimination—positive discrimination—can get rid of another?

**Mr. Donaldson:** I entirely agree with the hon. Gentleman. It matters not to my constituents whether a police officer is a Protestant, a Roman Catholic or of any other religious persuasion. What matters to them is that, when they need the police, the police are there for them. That is the key to this issue. Without wishing to stray beyond the boundaries of the debate, Madam Deputy Speaker, I would say to the hon. Member for Foyle that reducing the number of police officers is no substitute for recruiting more police officers, regardless of their religion. I welcome the young Roman Catholics who have joined the PSNI, and I hope that they enjoy serving the whole community.

On the question of the date for the Assembly election, I have no difficulty with the Secretary of State taking that power. However, it says a lot about where we have got to in Northern Ireland that Sinn Fein-IRA continue to exercise a veto over political progress. That is wrong. Part of the reason behind that, as my hon. Friend the Member for Belfast, East (Mr. Robinson) said earlier, is that the SDLP in particular has given Sinn Fein that veto because it will not countenance any form of devolution that falls short of full Executive power sharing that includes Sinn Fein. That is highly regrettable and plays against the SDLP's own interests.

The reality is that there is no alternative form of devolution on offer at the moment, even though we have expressed a willingness to consider one. We made it clear in our recent proposals that we are prepared to share power with the SDLP at whatever level it chooses, right up to full Executive level. Our bottom line, however, is that we are not prepared to share power in an Executive

with a party that is linked to a criminal terrorist organisation, and that position will not change. The SDLP needs to understand that. Sadly, if this involves an all-or-nothing approach, the result will have to be nothing, for the SDLP and for my party. We will have no devolution if the only devolution on offer to the people of Northern Ireland includes Sinn Fein-IRA in executive positions while the IRA continues to engage in crime and terrorism. I welcome what the hon. Member for North Down said about the UUP's position on this matter. The SDLP should reflect on where we are and look again at the proposals we have made, as we are willing to look at its proposals on devolution.

Like the hon. Lady, I am a devolutionist, and I want the Assembly up and running and functioning properly as soon as possible so that it can address important issues such as education. I am glad that missing from the miscellaneous provisions Bill are the proposals contained in the draft Education (Northern Ireland) Order 2006. Like the hon. Lady, I would like that important matter to be dealt with by primary legislation, but I would rather not have it dealt with by the House at all in its current form, because it will fundamentally undermine our education system in Northern Ireland.

I would like the Assembly to get to grips with the issue of education. I would like us to sit down with SDLP Members and reach a consensus on education reform, as well as dealing with other matters such as the need for investment in our infrastructure.

I welcome the Bill's provision for loans to the Consolidated Fund of Northern Ireland. We made proposals during previous talks with the Government on the need to make more money available to the Northern Ireland Administration for infrastructure investment, which is long overdue. Indeed, there have been recent announcements by the Secretary of State and his colleagues on matters such as education and a massive investment in the infrastructure of education. I hope that he, while on the one hand improving the infrastructure of education, does not, on the other, fundamentally undermine the education system through the education reform order, which I think will do serious damage.

I want briefly to discuss the primacy of the security services in intelligence in Northern Ireland. In an intervention, I asked the Secretary of State whether he shared my concern. In principle, I see the argument in favour of integrating Northern Ireland in the overall United Kingdom intelligence system and we recognise that the threat to this country from international terrorism is as much relevant in Northern Ireland as it is elsewhere in the UK. Indeed, there is evidence that the IRA and other terrorist groups in Northern Ireland have colluded and co-operated with other international terrorist groups, and one cannot rule out the possibility of that happening in future. Nevertheless, I have concerns.

I believe that our security services are already stretched in dealing with the threat from international terrorism and I have not yet heard the Government's proposals for strengthening the security services to take on their new role in Northern Ireland.

I am also concerned about the need for protocols to be put in place to ensure that the security services pass on the intelligence that they gather to the special branch of the PSNI to help it to combat the terrorist threat in Northern Ireland and also, as my hon. Friend the Member for East Antrim (Sammy Wilson) mentioned earlier, pursue the issue of criminal activity.

While my party will not divide the House on this issue, as my right hon. and hon. Friends have said, let me say that that does not mean that there are not issues that concern us in relation to the Bill. We will take the opportunity in Committee to table suitable amendments. We will also watch out for what the Government do. I hope that, if they are to legislate for further changes to the Northern Ireland Act 1998, they do so by way of proper, separate legislation, rather than through an amendment to this Bill, which would be constitutionally inappropriate.

9.19 pm

**Sammy Wilson** (East Antrim) (DUP): We have had a wide-ranging debate. Indeed, the views expressed have ranged from that of the hon. Member for Blaydon (Mr. Anderson), who believed that the Bill was long overdue, to that of the hon. Member for Foyle (Mark Durkan), who believed that it was a dog's dinner.

**Mark Durkan:** A dog's breakfast.

**Mr. Wilson:** Breakfast, was it? Well, I think it is supper now. I think that we are all becoming dog-tired. We have reached a point at which even the hon. Member for North Down (Lady Hermon) is so beaten into submission that she agrees with my hon. Friend the Member for Belfast, East (Mr. Robinson) on almost anything, which I think makes history.

I want to discuss two issues. The first is the devolution of policing. There have been long discussions about that—about the reasons behind it, and about whether it is realistic. We know the attitude of representatives of Sinn Fein. The Member for Newry and Armagh (Conor Murphy) and the Member for Belfast, West (Mr. Adams), neither of whom presents himself in the House, have defended criminality along the border, and have howled because the police and the Garda had the temerity to raid farmhouses and seize lorries that had been used to launder fuel. Regardless of whether terrorism is taking place, we must ask whether people with such attitudes to police activity against organised crime are fit to be Ministers responsible for justice or policing, or indeed members of the Policing Board or of local district policing partnerships.

I think that my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) was right: the SDLP and others can—what was the term that he used?—drink green beer. I do not think that he was exhorting them to drink green beer—I hope he was not, for the devil's buttermilk with an Irish tinge is fairly far down the road—but we can see how far we have to go.

The Minister spelt out a couple of the implications of devolution of policing. The first related to security and intelligence. If policing were devolved, it would be inappropriate for national intelligence to be discussed, and for a Minister at devolved level—especially one who might well have the contacts that Sinn Fein has—to have any access to national intelligence that had been gathered. I think that we should divorce the function of national intelligence-gathering from policing in Northern Ireland.

*[Mr. Wilson]*

Safeguards are needed, though, because of the contacts and links between terrorism and criminality. That issue has been raised time and again. Some of the intelligence gathered on terrorism may well relate to criminal activities. There must be protocols. The police in Northern Ireland must be sure that information will be passed to them indicating that such and such a terrorist, or terrorist group, is involved in criminal activity, so that they can act on that information.

There is also the issue of the ability to gather intelligence. As my hon. Friend the Member for Lagan Valley (Mr. Donaldson) pointed out, it is not just a case of having the resources; it is a case of having the expertise. A large influx of people into Northern Ireland to gather intelligence might well stick out like a sore thumb. It is therefore important for the police to have an input, and I understand that that will happen.

We heard about the implications of the police finance and the policing precept. I have huge worries about that. It is estimated that within the next two years the Northern Ireland police budget will be in deficit by £70 million, because of the freezing of the amount available. We have also heard of the threat from the Northern Ireland Office that the current number of police officers will be guaranteed only until 2010, after which, if we go down the Patten road, we shall see the end of funding for about 3,200 officers. If the policing precept is seen as a way of filling the gap, that would constitute unjustifiable taxation on the people of Northern Ireland, on top of the various other additional taxes being envisaged, such as water rates, the increase in the regional rate and the handing down of services to local councils that lack finance.

The hon. Member for Belfast, South (Dr. McDonnell) said that co-operation on energy was one form of co-operation to which no one could attribute political connotations—that it was just a question of practical common sense. My hon. Friend the Member for Belfast, East has made it clear that where co-operation benefits people in Northern Ireland—as did the recent security co-operation that led to raids in south Armagh—we support it. If the clause on energy and an all-Ireland energy market is going to ensure security of supply, cheaper supply, a better network and a better market, we have no difficulty with that at all. People in Northern Ireland pay more for electricity than they ought to. It is estimated that since privatisation, each household has paid about £1,200 more for its electricity than it would have paid on tariffs applying to the rest of the United Kingdom. So an all-Ireland energy market could well achieve economies of scale, but we need certain safeguards and assurances from the Minister.

The supply chain in the Irish Republic—the Energy Supply Board—does not have a good record in delivering power. In Northern Ireland, 76 minutes of supply are lost per household per year; in the Irish Republic, 162 minutes are lost. That is because of a problem with the network, and like much in the Celtic tiger, outside the greater Dublin area one finds serious inefficiencies and defects. We have to be sure that funding for the all-Ireland energy market will not be used to address the ESB's inefficiencies, especially in border areas, and that that is not the implication of the all-Ireland electricity market.

If an all-Ireland market is seen simply as a first step to giving us access to a British isles market—the Irish Republic has indicated that it wants links with the English and Welsh grids—we welcome it. Indeed, many who see this as a way of developing north-south links might be a bit disappointed if it led to a British isles link, but of course, such a link makes sense in terms of security of supply and economies of scale. If it is such a first step—as it could, and should, be—we welcome it.

There is much else in the Bill that, as my colleagues have said, we are not happy with and that we will seek to change. That said, I thank you, Madam Deputy Speaker, for allowing me to speak in the debate, even at this late hour.

9.29 pm

**Dr. William McCrea** (South Antrim) (DUP): The Bill will extend the investigatory powers provided for in the Serious Organised Crime and Police Act 2005 to Northern Ireland. Actions that aid the work of the Assets Recovery Agency in the Province will certainly be welcomed across the community. People were heartened to hear of the raid last week—in which the ARA and its counterpart in the Irish Republic, the Criminal Assets Bureau, were involved—on a farm, which straddles the border, belonging to a recent IRA chief of staff, Thomas "Slab" Murphy. According to reports in the press, and as my hon. Friend the Member for Belfast, East said, hundreds of thousands of pounds in cash and cheques were discovered in a hay shed, as well as laptops and hundreds of files and documents. Law-abiding citizens in the United Kingdom, especially in Northern Ireland, could not understand why those so openly flaunting their lawlessness, from both sides of the divided community, appeared for so long to be the untouchables. They seemed to be treated with kid gloves. Moves against Murphy and the criminal godfathers can only rebuild confidence in the political process and the primacy of law and order.

I was requested to allow the Front Benchers to wind up at 9.30 pm, so I shall not make any further comments. We will listen with interest to the responses to the debate, especially from the Minister, and we look forward to further discussion of the Bill in Committee.

9.31 pm

**Mr. Laurence Robertson** (Tewkesbury) (Con): It has been a wide-ranging and interesting debate, which was ably—as usual—opened by the Secretary of State. Then we heard from my hon. Friend the Member for Aylesbury (Mr. Lidington), who greatly impressed both sides of the House with his assertion that there should be no devolution of policing powers to people who are criminals by night—

**Mr. Donaldson:** Not just by night.

**Mr. Robertson:** Indeed, they may not even wait until night. I am sure that the House will endorse my hon. Friend's comments on that point.

The hon. Member for Foyle (Mark Durkan) talked about what is not in the Bill, and he raised one or two important issues. If I may, I suggest that you and your colleagues, Madam Deputy Speaker, have been correct to allow the debate to stray slightly wider to talk about

the future role of MI5, because it is relevant. The hon. Gentleman also spoke about possible exclusion from the Assembly, and the Secretary of State assured him that he did not seek to bring that about.

The hon. Member for Montgomeryshire (Lembit Öpik), with whom I have shared proceedings on so many statutory instruments, asked why the Bill will create so many more statutory instruments. The hon. Member for North Down (Lady Hermon) said how good it was to be debating primary legislation, and that is true, but the downside is that it will lead to many more orders. The Government say that they are intent on getting the Assembly up and running soon, but it is rather contradictory to introduce so many important matters through statutory instrument.

The hon. Member for Montgomeryshire also talked about recording people for electoral purposes and he made a sensible suggestion. There could be an opportunity to send out forms to households, even though it is individuals who are registered, to check that the details were correct. I understand why the system is being changed, and that in Northern Ireland people have to record much more information. However, I discussed the issue in Northern Ireland last week and it appears that people could still slip through the net. The hon. Gentleman made a sensible proposal and perhaps we will discuss it in Committee.

**Lembit Öpik:** I thank the hon. Gentleman for his words about my observations. Does he recall how often Ministers in proceedings on statutory instruments and Orders in Council accept that they are not a satisfactory way to make progress but say that there are so many only because the Stormont Assembly is not operational? Does he see the political contradiction in agreeing that statutory instruments are not the best way to do things but introducing a Bill that will necessarily increase their number?

**Mr. Robertson:** Yes, I find it rather odd, which is all I need to say on that point. It does seem to be contradictory.

The hon. Member for South Down (Mr. McGrady) spoke about the difficulty of fund-raising for political purposes in Northern Ireland, which was agreed by most Members who spoke.

My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) expressed concern about the Secretary of State having power to set the election date. He was also concerned about devolving police powers while not all parties support the police. That point was also raised by my hon. Friend the Member for Aylesbury. It is not just a matter of joining police boards; it is about hearts and minds and providing evidence to the police when crimes have taken place. That has not been the case; we are far from that position and it is a concern.

The right hon. Member for North Antrim (Rev. Ian Paisley), in a typically passionate speech, talked about people connected to terrorism not being allowed to sit on police boards or in government. He said that it is odd to be debating things that will not come about. In other words, we will need the Assembly to be up and running before the devolution of policing. It seems an odd situation for us to be in.

If I am quoting him correctly, the hon. Member for Blaydon (Mr. Anderson) was probably calling for the nationalisation of the energy industry. He is not objecting to my paraphrase of his words. I cannot say that I agree with him on that point. He also strongly made the point that nobody should be a terrorist and a democratic politician. He was very clear that people have to make up their minds. They have to become democratic politicians and give up terrorism for good. He sounded an optimistic note, but I am not sure that it was entirely shared by the House.

The hon. Member for Belfast, North (Mr. Dodds) made a reasonable and wide-ranging speech. He endorsed calls for all parties to support the police and called for people to give up private armies. He questioned the need for them. He also raised an interesting point regarding donations. He said that whether donations coming from the Republic are legal will depend on Irish law, not our own. That seems to be a strange situation, especially when, as I understand it, money could come from America if it comes through the right channels. I do not think that is in the spirit of the laws that have been passed by this Parliament. There is a legal issue there, and possibly a constitutional one, and it needs to be discussed.

The hon. Member for Belfast, South (Dr. McDonnell) welcomed moves towards a bigger energy market and said that he would welcome a British Isles market. He called for an increase in the use of renewable energy. There is a point about the energy market. As I understand it, there will not be one regulator for north and south, but there will still be one regulator in the north and one in the south who will attempt to harmonise regulation. We are not moving towards the full position that we have in Great Britain, where we had new electricity trading arrangements that have since changed to BETTA—the British electricity trading and transition arrangements—and there is an internal competitive market that supplies electricity. We are not moving towards such an arrangement because of the need for transparency in Northern Ireland and because the market, even with the south, will not be big enough. It would be advantageous for people in Northern Ireland and southern Ireland if we had that bigger market and a better trading arrangement. We would then see prices fall, just as they fell in Great Britain when that system was introduced here by the Government. This is a complicated area, and I hope that I have expressed my view on it reasonably clearly.

My hon. Friend the Member for Lancaster and Wyre (Mr. Wallace) stressed the need to remove violence as an option. He spoke about how some people are talking about it as no longer being a first option, but a final option. That cannot be right either. That is equally wrong.

My hon. Friend also discussed the need to extend the arms amnesty, which the Government say is necessary to take into account paramilitary weapons on the loyalist side. However, we can equally say that there is a need for the amnesty to include the remaining weapons on the republican side; many Members expressed the view that the republican movement has not yet got rid of all its arms.

The hon. Member for Belfast, East (Mr. Robinson), in a long but entertaining speech, covered many issues. One of the most interesting was whether it would be

*[Mr. Robertson]*

possible to get the devolution of policing through when there was a 40 per cent. Unionist vote in the Assembly. I look forward to the Minister's response.

The hon. Gentleman bravely questioned the basis for the agreement in relation to cross-community support. Obviously, the whole agreement is about bringing people from the different communities together, yet that is one of the things that is holding up the process. When the issue of South Africa was raised, the hon. Member for Belfast, North said that it was not relevant, yet in a sense it is, because for South Africa to move on, people had to stop talking about their particular national identity. Rwanda moved on when people stopped saying that they were members of a particular tribe.

However, in Northern Ireland we have, I regret, institutionalised sectarianism, and 50:50 police recruitment offers an example. Several Members said that they disapproved of that recruitment policy. The hon. Member for North Down referred to the issue and spoke movingly about murders committed by loyalist gangs, which are completely unacceptable. Like my hon. Friend the Member for Aylesbury, I condemn violence from whichever side it comes. It must end; there is no reason or excuse for it.

The hon. Member for Lagan Valley (Mr. Donaldson) has been consistent for many years in his opposition to sharing government with people linked to terrorist organisations, but he told us passionately how much he wants the Assembly to be up and running, so that it can deal with many of the issues that are dealt with in the House. He, too, spoke against 50:50 recruitment.

I am concerned about the falling number of police reservists, and about the fact that it seems that they will be replaced by community support officers. The Bill does not include such provisions, but the policy causes great concern in Northern Ireland so the Government may want to address it.

The hon. Member for East Antrim (Sammy Wilson) spoke of the need for safeguards in respect of information gathering when the role of MI5 in Northern Ireland changes. He made the important point that MI5 must be sure to pass on to the police information that the police would regard as helpful. There were reports in the Northern Ireland press recently about one serious occasion when that had not occurred. I do not want to explore that point at this stage, but the issue is real.

The hon. Member for South Antrim (Dr. McCrea) suffered, as I have suffered many times in the House, by speaking right at the end of a long debate. He was able to speak only for about two minutes, so although he is always worth listening to, on this occasion we were not allowed that luxury for very long.

As my hon. Friend the Member for Aylesbury said, we shall not divide the House tonight, but there are several issues that we want to examine in Committee, and I am glad that some of the Committee stage will be taken on the Floor. We want to consider whether the electoral office changes could be slightly better made. Police and justice devolution is a big issue and we also want to discuss the funding of political parties. I want to explore whether more could be done to help to reduce the cost of energy in Northern Ireland and whether renewable energy can be brought in more quickly, because it is being adopted extremely slowly throughout Great Britain.

We give the Bill a cautious welcome and look forward to further discussion of it, and indeed to the Minister's response to the debate.

9.44 pm

**The Minister of State, Northern Ireland Office (Mr. David Hanson):** I thank hon. Members from all parts of the House for what has been a fascinating and largely good-tempered debate. I have certainly enjoyed listening, and have noted certain issues to do with drinking green beer, with dogs' dinners and with laptops in haystacks, all of which has been fascinating and enjoyable. After seven hours in this Chamber, I find that dogs' dinners and green beer have their attractions.

It is important that we have the consensus that we have today, and I am grateful for the broad welcome given to the Bill by the hon. Members for Aylesbury (Mr. Lidington) and for Montgomeryshire (Lembit Öpik). I also welcome the assurances from DUP Members that they will not seek to divide the House. Important issues have been raised that I hope to address during my winding-up remarks, but we need to focus on the Bill's core purposes.

Our aim in government has been to equip Northern Ireland to meet the challenges that it will face over the coming years, be they political, social, economic or environmental. The Bill seeks to do so by putting in place frameworks for the devolution of policing and criminal justice and for the regulation of political donations and elections, by securing for Northern Ireland a potential future on issues such as the electricity market and by tackling the question of decommissioning.

As hon. Members have said, and as is clear from my right hon. Friend the Secretary of State's introductory remarks, the clear starting point for that has to be the restoration of the Assembly. The hon. Members for Belfast, North (Mr. Dodds) and for Belfast, East (Mr. Robinson) and others mentioned the fact that the Assembly needs to be restored as a matter of urgency. I fully agree with the comments by the hon. Member for North Down (Lady Hermon) on that point. In the event of the Assembly being restored and government returning to its proper place in Northern Ireland, the Bill tackles some key issues.

I recognise the concern expressed by hon. Members from all parts of the House about the provisions enabling the future devolution of policing and criminal justice. A number of points have been made by hon. Members, and it is only fair that I try to answer them today. First, I thank my hon. Friend the Member for Blaydon (Mr. Anderson) for welcoming the Bill. We want devolution of policing and criminal justice to take place at a point in the future when it is appropriate. The proposed arrangements must be robust, must be workable and must continue to deliver an effective, impartial and independent justice system. The Bill does not set out what should be devolved or how it should be done, and I refer all hon. Members to the document on these questions issued by the Government.

Policing and devolution were mentioned by the hon. Members for Aylesbury, for Foyle (Mark Durkan), for Montgomeryshire, for South Down (Mr. McGrady)

and for South Staffordshire (Sir Patrick Cormack), the right hon. Member for North Antrim (Rev. Ian Paisley), and the hon. Members for Belfast, North, for Lancaster and Wyre (Mr. Wallace) and for East Antrim (Sammy Wilson). Obviously, it is of concern to all the Members who spoke in the debate. We certainly want Sinn Fein to join the Policing Board, and we want to see the devolution of policing, but I hope that I have been able to reassure right hon. and hon. Members throughout the House that the triple lock is in place: first, the Assembly must, on a cross-party vote, wish it; secondly, the Government must propose it; and thirdly, the House of Commons must approve it.

**Sir Patrick Cormack:** Does the Minister agree that there is no point in Sinn Fein joining the Policing Board, much as we would wish it, unless there is an absolute, total and complete repudiation of criminality by Sinn Fein?

**Mr. Hanson:** I certainly hope so, and I condemn the acts of criminality that are occurring. We want to ensure that such a development takes place. The Government have said that the arrangements for that devolution must be robust, must be workable and must continue. There is much more work to be done on that. The hon. Member for Aylesbury has pointed to some of the issues that we need to consider.

The hon. Member for Belfast, East mentioned the position of the office of the First Minister and Deputy First Minister in relation to that. It is one aspect of the comprehensive proposals that were mentioned as part of the Assembly motion to devolve policing. I have, in private discussions with the hon. Gentleman, given him assurances on this matter, and we certainly have not forgotten that. We will be considering that during the ongoing discussions with the Northern Ireland parties as part of the devolution of policing.

**Mr. Wallace:** Will the Minister give way?

**Mr. Hanson:** I will, but I want to make progress on these points.

**Mr. Wallace:** Is it correct that irrespective of whether, through the triple lock, we devolve policing and justice, it is the Government's intention to move the intelligence framework currently in PSNI into the security service remit?

**Mr. Hanson:** We have said—this was mentioned by my hon. Friend the Member for South Down—that we want national security to be tackled on a United Kingdom basis. Indeed, paragraph 6.15 of the Patten report recommended that

"responsibility for policing be devolved to the Northern Ireland Executive as soon as possible, except for matters of national security".

We want to support the Patten recommendations in that respect.

A number of hon. Members have mentioned electoral reform, support for which came from the hon. Members for Belfast, North and for Aylesbury. We are making provision in the Bill for the reforms that were outlined in the consultation paper that we published on 24 January. Those measures were developed in conjunction with the chief electoral officer for Northern Ireland and the aim is to increase the number of members of Northern Ireland society who are able to vote, so that we can ensure that we increase turnout and participation in elections.

Specifically, as hon. Members have mentioned, those measures will lift the burden of the annual canvass, and I am pleased that that has been welcomed generally. The hon. Member for Montgomeryshire mentioned the fact that that will be done by Order in Council. Yes, it will certainly be done by Order in Council, but I very much hope that the clauses that deal with that matter will be taken on the Floor of the House. We want to replicate the effect of clause 10 of the Electoral Administration Bill, while taking into account the different registration and anti-fraud measures in Northern Ireland.

**Lembit Öpik:** Will the Minister give way?

**Mr. Hanson:** I cannot give way, because I must complete the point. *[Interruption.]* I hope that it will be; we will have to discuss those matters later. *[Interruption.]* These matters will be discussed by the usual channels, as the hon. Gentleman will know.

The chief electoral officer's independence has been mentioned. The proposal will bring the chief electoral officer into line with other modern approaches and modern terms and conditions of appointment. Again, I hope that that will reassure the hon. Gentleman.

Donations to political parties were mentioned in some detail. That part of the Bill makes provision for the reforms outlined in the Government's response to the consultation paper on 24 January. We have been clear that we want to ensure that the regulation of donations to political parties in Northern Ireland is effective and to bring Northern Ireland into line with the rest of the United Kingdom. However, there are significant changes that, I hope, hon. Members welcome.

The hon. Members for Montgomeryshire, for Belfast, South (Dr. McDonnell) and for South Staffordshire and my hon. Friend the Member for South Down mentioned the transitional period and the need to tackle intimidation and donor intimidation. We have put in place partial transparency, whereby the report will be put to the Electoral Commission for the period up to 2007, for the very reason that we want to ensure that there is the possibility that individuals lack intimidation. That will also give parties the chance to let the new arrangements bed in before we move to full transparency.

As was mentioned by several hon. Members, including the hon. Member for Montgomeryshire, we are in discussion with the Irish Government about their arrangements in the Republic of Ireland and how they impact on our own arrangements. Indeed, that matter was covered at the recent British-Irish governmental conference in London. I hope that those matters will be resolved to positive effect in due course.

The hon. Member for North Down mentioned the Freedom of Information Act 2000, and I hope that I can assure her that that Act will not override any prohibition on the disclosure of information in the Bill. Section 44 of the 2000 Act will exempt information from disclosure if that is prohibited by another Act, and I hope that that covers the points that have been raised.

*[Mr. Hanson]*

date of the Assembly election was mentioned by the hon. Members for South Staffordshire, for Belfast, East and for Lagan Valley (Mr. Donaldson). My right hon. Friends the Prime Minister and the Secretary of State for Northern Ireland have made it clear very strongly that 2006 is decisive in the process of restoring the Assembly in Northern Ireland. My right hon. Friend the Secretary of State and I, along with Irish colleagues, are engaged in intensive discussions with the political parties about how we can make progress, with a view to an early restoration of the Assembly. We hope that progress will be made soon, and in the context of early progress, an early election could be needed. The Bill contains provision to enable an Assembly election to take place earlier than May 2007 if required. I am glad that hon. Members welcome the potential for that to happen. The relevant clauses will be taken on the Floor of the House. The order could be taken in Committee, unless the usual channels wish it to be considered elsewhere.

The extent of the amnesty period for arms decommissioning was mentioned by the hon. Members for Lancaster and Wyre, for Belfast, East and for North Down. As far as the Government are concerned, Provisional IRA decommissioning is on track. That is debateable, I know, and reports are forthcoming on the subject, but the provision in the Bill is focused on loyalist weapons. I concur with the hon. Lady and others that loyalist paramilitary activity must be condemned and that murder is murder. Loyalist weapons are out there and it is essential that we make provision for them. I condemn the use of those weapons and I hope that we will not need to invoke the procedure in the Bill—I hope that action will be taken much earlier—but while those weapons remain we need to make provision to allow further time for decommissioning. In addition, dissident groups such as Continuity IRA and Real IRA may be able to avail themselves of the provision.

The strand amendments were mentioned by the hon. Members for Belfast, East, for Foyle and for Belfast, North. In the past couple of months we have had serious discussions about strand issues and I have had two meetings in Belfast with colleagues from all parties. My right hon. Friends the Secretary of State and the Prime Minister and others do not rule out amending the legislation, and I take the points made about having specific legislation. We are considering all those matters and we shall discuss them further with all the parties. We have to consider what would be a suitable vehicle for legislation. Our view has always been that if there is an opportunity to legislate through an amendment or a separate Bill, we shall take it, and if there is agreement, we will take advantage of it. However, we need to consider those matters in some detail for the future.

I am pleased that the prospects for Northern Ireland's economy have been mentioned, because I do not want us to lose sight of those aspects of the Bill. Several of the Bill's provisions underline the Government's commitment to securing the future of Northern Ireland. The single wholesale electricity market was mentioned by the hon. Members for Belfast, South and for East Antrim and welcomed by the Conservative Front-Bench spokesmen. The creation of a single wholesale electricity market is a long-standing aim of both Governments and has been a prominent feature of recent British-Irish intergovernmental conferences. We want that market to be established for the pragmatic reasons that all hon. Members understand: it will help the mutual economy of north and south and bring social benefits in future. The business community and the Confederation of British Industry want it to work, and so do the Government.

The Bill contains strong measures on energy. The hon. Members for Belfast, South and for East Antrim welcomed the fact that my right hon. Friend the Secretary of State has established a £59 million package of support in an environment and renewable energy fund to enhance and accelerate renewable development and deployment in Northern Ireland. The Bill includes provision to amend existing legislation to provide financial assistance for energy purposes and give a massive boost to renewable energy in Northern Ireland.

The Government's commitments to increase borrowing capacity, which was mentioned by the hon. Member for Lagan Valley, are extremely important, because whatever else happens, Northern Ireland needs to compete on the global stage. The single electricity market, increasing expenditure on renewables and ensuring that we have the ability to support Northern Ireland's economy will be crucial in future.

I welcome the commitment to the Chief Constable's sole corporation.

There are many miscellaneous provisions in the Bill, which is a positive measure for Northern Ireland. It is a good Bill that will help planning for Northern Ireland's future, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

## NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) BILL (PROGRAMME)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the following provisions shall apply to the Northern Ireland (Miscellaneous Provisions) Bill:

*Committal*

1. The following shall be committed to a Committee of the whole House—

(a) Clauses 1 to 7;

(b) Clauses 10 to 12;

(c) Clauses 19 to 22;

(d) Schedule 2;

(e) any new Clauses, other than any new Clauses relating to Part 2 or 4 of the Bill;

(f) any new Schedules, other than any new Schedules relating to Part 2 or 4 of the Bill.

2. The remainder of the Bill shall be committed to a Standing Committee.

*Proceedings in Committee*

3. Proceedings in Committee of the whole House shall be completed in two days.

4. The proceedings shall be taken in the following order: Clauses 1 to 7, new Clauses relating to Part 1 of the Bill, new Schedules relating to Part 1 of the Bill, Clauses 10 to 12, new Clauses relating to Part 3 of the Bill, new Schedules relating to Part 3 of the Bill.

Clause 19, Schedule 2, Clauses 20 to 22, new Clauses relating to Part 5 of the Bill, new Schedules relating to Part 5 of the Bill, other new Clauses, other new Schedules.

5. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

6. Standing Order No. 83B (Programming committees) shall not apply to the proceedings in Committee of the whole House.

*Proceedings in Standing Committee*

7. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 27th April 2006.

8. The Standing Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings after Committee*

9. When the provisions of the Bill considered respectively by the Committee of the whole House and by the Standing Committee have been reported to the House, the Bill shall be proceeded with as if it had been reported as a whole from the Standing Committee.

*Consideration and Third Reading*

10. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

11. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

12. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

*Other proceedings*

13. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Mr. Coaker]*

*Question agreed to.*

## NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) BILL [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills).*

That, for the purposes of any Act resulting from the Northern Ireland (Miscellaneous Provisions) Bill, it is expedient to authorise—

(1) the payment out of money provided by Parliament of any increase attributable to the Act in the sums payable by virtue of any other Act out of money provided by Parliament,

(2) the payment out of the Consolidated Fund of any increase attributable to the Act in the sums payable by virtue of any other Act out of that Fund,

(3) the payment out of the National Loans Fund of any increase attributable to the Act in the sums payable by virtue of any other Act out of that Fund, and

(4) the payment of sums into the National Loans Fund.—*[Mr. Coaker.]*

*Question agreed to.*

## BUSINESS OF THE HOUSE

*Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business).*

That at this day's sitting, proceedings on the Lords Message relating to the Identity Cards Bill may be proceeded with, though opposed, until any hour.—*[Mr. Coaker.]*

*Question agreed to.*

# Identity Cards Bill

*Lords Reasons for insisting on certain of their amendments to which the Commons have disagreed, considered.*

### Clause 5

APPLICATIONS RELATING TO ENTRIES IN REGISTER

*Lords amendment:* No. 16.

10 pm

**The Secretary of State for the Home Department (Mr. Charles Clarke):** I beg to move, That this House insists on its disagreement with the Lords in the said amendment.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss Lords amendment No. 22, the Government motion to insist on disagreements thereto and amendment (a) in lieu.

**Mr. Clarke:** Amendment (a) is largely technical and clarifies clause 5 by adding the words "or be accompanied by" after the requirement for an application for a designated document to include an application to be entered on the register. This is the second time in four weeks that these amendments have returned to the House for consideration, so I hope that I do not need to spend long making the case to reject them yet again. The issue has already been debated, voted on and approved twice by the House. A similar amendment was defeated on Report on 18 October last year by a majority of 32. In our consideration of Lords amendments on 13 February, it was rejected by a majority of 31.

We have always made it clear that the identity cards scheme has been designed as a compulsory scheme for all United Kingdom residents and is eventually intended to become such a scheme. In the second phase of the scheme, it will be a requirement to register and there will be a civil financial penalty regime to tackle failure to do so. We have made it clear, too, that linking identity cards to designated documents is a central part of the first phase of the scheme, allowing a sensible phased introduction of identity cards. Once passports and residence permits are designated, as British nationals resident in the United Kingdom renew or apply for passports, and as foreign nationals renew or apply for residence permits, those individuals will be entered on the national identity register and issued with ID cards.

Each designation order under clause 4 will need to be approved by both Houses of Parliament under the affirmative resolution procedure. The amendments proposed by the other place would make registration and an identity card optional extras for anyone applying for a designated document. Last week, we began to phase in the issue of e-passports incorporating a facial image biometric—the first generation biometric passport. Once we move to the next phase—biometric passports including a facial image and fingerprint biometrics—anyone applying for a passport must go through exactly the same application process as they would for an identity card, and their personal details and biometrics will be recorded on a central passport database. The data is being collected in any case when

*[Mr. Clarke]*

people renew their passport. Merging the two processes will add the statutory safeguards provided by the Bill, such as the creation of a national identity scheme commissioner, to the passport data. The Bill will therefore provide more safeguards for people who renew their passports, but the Lords amendment would remove those safeguards.

**Mr. Neil Gerrard** (Walthamstow) (Lab): I would be grateful if my right hon. Friend clarified an issue relating to the renewal of passports. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham) said that there was an element of choice, however small, about whether to have a passport. He said, too, that all passport holders could choose when they renewed their passport and could do so at any time. The UK Passport Service website, however, suggests that it is only possible to do so if a passport is full, has expired, or will do so in the next nine months. Which statement is correct? If the website is at fault, can it be corrected?

**Mr. Clarke:** I am grateful to my hon. Friend for giving me the chance to clarify that point. My understanding is that an individual can renew their passport at any time. If there is an error on the UK Passport Service website, I will deal with that immediately.

**Simon Hughes** (North Southwark and Bermondsey) (LD): The Home Secretary will know that many people have no objection to the idea of signing up to an international agreement to have a new form of passport with the necessary biometric and other details. However, is the implication of the Government's insistence on the linkage that there will be a new precondition for any British citizen who wants to have a British passport—that they will also have to accept an identity card? Does that not change the basis on which we were entitled to passports in the past? They were always in theory discretionary, but given to people if there was no very good reason for not doing so.

**Mr. Clarke:** I do not think that the hon. Gentleman is correct. What we are saying is very clear and in accordance with the Labour party's election manifesto, which stated:

"We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports."

Passports are voluntary documents—*[Laughter.]* Well, of course they are. No one is forced to renew a passport if they choose not to do so. That will remain the case once we begin issuing identity cards alongside passports. Election manifestos cannot possibly deal with every detail of an existing policy, but it is clear to me that, in saying very explicitly that the roll-out would initially be on a voluntary basis, the manifesto refers to what has always been the Government's position, as Members on both sides of the House who have considered the matter carefully should acknowledge. That position is that the scheme will initially be based on a stand-alone identity card, issued on its own on a voluntary basis, or together with a document such as a passport, which is also issued on a voluntary basis. That seems to be clear and unequivocal.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Will the Home Secretary tell the House what proportion of the 60 million residents of the United Kingdom do not hold, or are not included on, a UK passport? For them, this really would be optional.

**Mr. Clarke:** I am speaking off the cuff, but I think that the figure is about 20 per cent.

**David Davis** (Haltemprice and Howden) (Con): It is 15 per cent.

**Mr. Clarke:** I will take the intervention from the right hon. Gentleman and say 15 per cent. The point is that a significant proportion of people do not choose to have a passport, for a variety of different reasons. In my opinion, that simply reinforces my point.

**Mr. Richard Shepherd** (Aldridge-Brownhills) (Con): Will the Home Secretary give way?

**Mr. Clarke:** No, I will not.

Later this year, we plan to start to interview all adult first-time passport applicants to confirm their identity at a network of 69 new UK Passport Service local offices. That will require a personal visit, just as will be the case when people enrol biometrics for an identity card.

**Mr. Shepherd:** Will the Home Secretary give way?

**Mr. Clarke:** No, I will not.

The structure that I have described indicates that there are four common-sense reasons for rejecting the amendments from the other place: costs, benefits, convenience and security. First, on costs, we want the identity card scheme to provide the greatest benefits at the lowest cost to the taxpayer. The Lords amendments would increase the cost of establishing the scheme because of the greater complexity of handling an optional service that would mean that some people could opt out of having an identity card when obtaining a passport. Moreover, uncertainty would affect the unit cost and thus the fee level for identity cards. That is a serious point. Cost is a factor that has been raised across the House and the Lords amendments make the issue more, rather than less, difficult to resolve.

Secondly, there would be an impact on the benefits of the identity card scheme. Reducing the speed of the roll-out of ID cards would slow down the wider benefits such as combating illegal immigration or improving the effectiveness of public services. Thirdly, there would be inconvenience to the public if the Lords amendments were passed. It does not make sense to issue a biometric passport without the accompanying identity card. The process of enrolling biometrics and checking identity for both documents will be virtually identical. The same data will be held in both cases. Fourthly, there is the question of security. We would directly be offering an open goal to fraudsters, criminals and immigration offenders if we said that they could simply choose to avoid being included in the national identity register when they applied for a passport or an immigration document.

**Several hon. Members** *rose—*

**Mr. Clarke:** I will not give way.

The amendments have been fully debated during the passage of two Bills in both this place and the other place. The House has made its position very clear on a number of occasions. We should send the amendments back to another place with the message that it is now time for their lordships to accept that the Bill should pass without further amendment. The case is clear for the House to insist again on its disagreement with Lords amendments Nos. 16 and 22 and to agree Government amendment (a) in lieu.

**Mr. Edward Garnier** (Harborough) (Con): On the face of it, this is just another Committee stage debate about the inclusion of the word "may" or the word "must" in clauses 5 and 8, or the words of Government amendment (a). Despite the guillotine, this short debate is about a lot more than that. The amendments are not, as the Home Secretary says, technical. One would have to be deaf or stupid to accede to the arguments advanced by him tonight.

We all know the Home Secretary is neither deaf nor stupid, but for the life of us we cannot understand what the Government are attempting to do, yet again, by riding roughshod over common sense and justice. We are discussing the relationship between the citizen and the state, and whether it is right for the Government to change that relationship fundamentally by requiring the citizen to do what the state says he must do for its convenience, rather than his. This part of the Bill and the debate that we are having fully describes the difference between, on the one hand, me, my party and our supporters tonight and the Members of the other place whose amendments we are seeking to sustain, and on the other hand, the Government.

Through the Bill, the Government have revealed their true colours and motives more clearly tonight than they may have realised: "Do as we say, not as we do." What do they do? Let us have a look, as the Home Secretary invited us to do. I know that he is not deaf or stupid, so we will take him back to his own manifesto, to which he glibly referred us this evening. It is worth repeating, and it is a document that he will no doubt enjoy hearing. It states:

> "We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports."

The words are plain and their meaning is obvious. I doubt that anybody, even the Home Secretary, is confused by what the Government intended that the public should understand before the general election in 2005.

It is clear beyond doubt that the Government know that their case is flawed and that Baroness Scotland in the other place and the Home Secretary and his Ministers in the House know that they are dangling on a flimsy thread of argument, yet they still seem to enjoy the twisting in the wind that we observe. Why else did they agree to introduce compulsion only following further primary legislation for that 15 or 20 per cent. of the British public who do not have a passport? They did it because they were complying with their own manifesto. They knew what "voluntary" means, but now they pretend it means something else.

This is not about the Salisbury convention or about a proper balance between this House and the other. It is about a Government who are guilty of intellectual dishonesty on a grand scale and who do not have the decency or the common sense to understand that, admittedly unusually, the public have read their manifesto and taken them at their word.

We recently had the derisory spectacle of the Secretary of State for Health throwing the Labour party's manifesto commitment on smoking in public places into the ashtray. Clearly, manifestos are relied on only when it suits the occasion, but it is surely better to have half an eye on the wording if they want to rely on it.

**Simon Hughes:** Has the hon. and learned Gentleman been able to discover a single example of any occasion during or immediately after the general election when the Home Secretary gave the explanation that he gave to the House tonight? Does the hon. and learned Gentleman agree that the new interpretation has arisen only since, as he said, the suggestion of primary legislation to do with compulsory ID cards?

**Mr. Garnier:** Trying to extract from the Government's words any coherent intellectual basis for the case that they are now making is extremely difficult. The Government have changed their reasons for supporting not only identity cards, but the national identity register, and they change their position on what they mean by "voluntary" and what they think they mean by "compulsory" day by day.

10.15 pm

As the Home Secretary undoubtedly had reported to him, because he is neither deaf nor stupid, the Minister for Immigration, Citizenship and Nationality said in Committee that the Government accept that their arguments in support of identity cards and the national identity register as a bulwark against terrorism are flawed. He also said that they accept that their arguments in support of identity cards and the national identity scheme as a bulwark against general crime, immigration breaches and other matters are all flawed. As each defence has been removed from them, they have returned to the argument that they will find ID cards "more convenient".

**Mr. William Cash** (Stone) (Con): Does my hon. and learned Friend agree that this is an extremely good example of what Lord Hailsham once described as "an elective dictatorship"?

**Mr. Garnier:** It is but one example, and we have had several since 1997.

On 13 February, the Government agreed that compulsory registration on the national identity register and the identity card scheme for the 20 per cent. of the population who do not have passports should require new legislation. Did they think that the remaining 80 per cent. of the population would not notice that attempt at compulsion by stealth? Unless one voluntarily applies to renew one's passport, one will face a financial penalty.

All the information set out in schedule 1 to the Identity Cards Bill must be spewed up into the Government's great bucket of information. Some 40 million British citizens are being told that to be compelled to do something at the Government's convenience—they will have to go through a processing

*[Mr. Garnier]*

centre; individually, they will probably have to pay a lot more than £30 directly; and collectively they will have to pay millions indirectly—is a voluntary process.

Look at what the Government are now proposing and compare it with the words of the Home Secretary just a moment ago, when he read out his own manifesto:

"We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports."

I know that the Government do not like hearing their own words, which allow the public to appreciate precisely what they mean, but they will hear them again and again until they realise that their arguments are flawed and that the public are no deafer and no more stupid than the Home Secretary.

The Government have said that identity cards will defeat terrorism, welfare fraud, general crime, immigration breaches and identity fraud. They have said that it is vital to introduce identity cards and the national identity register to deal with all those problems. If that were the magic of this great scheme, they would not "let it roll out" over the next 10 years; they would have introduced it yesterday or the day before.

The Government have stopped believing in anything that they say, and even if they keep saying it, they know that it will not produce the results that they claim. There is no urgency in their programme—assertion has followed assertion, but they know that that will not do. They have resorted to an argument based on public convenience and a deliberately misleading reliance on an international obligation to introduce biometric passports. Many Labour Members realise that the argument in relation to biometric passports is utterly flawed, because it is simply not a proper comparison. As the hon. Member for Birmingham, Selly Oak (Lynne Jones) mentioned on 13 February, biometric passports will contain perhaps three biometrics, not 13. There is no obligation under our international treaties to make the passport a gateway to the national identity register.

The Government will not tell us what further documents are to constitute that gateway. One of the 61 powers that the Bill gives the Home Secretary to make law by statutory instruments allows him to create a list of designated documents. So far, the Government admit that it includes passports, residence documents and other forms of travel documents—but what are those other documents, and where is the list? They have not a clue, and it shows every time they argue for the Bill and against the Lords amendments.

What will this exercise cost? Again, the Government have not a clue, and it shows. *[Laughter.]* It is interesting that they seem to think that this attempt fundamentally to change the relationship between citizen and state is a matter of risibility. The problem that they face is that they no longer have any understanding of the public, any understanding of what they are in business for, or any understanding of what this House is for. The longer they go on sniggering, the longer the public will find their arguments increasingly unattractive. Will this resistance to the Lords amendments make the national identity register and the identity cards scheme fit for purpose, to use a favourite phrase? They have not a clue, and the history of this legislation shows it. Do they know if and when, or how, these proposals will adversely affect the individual? They have not a clue, and if they do, they do not care.

Parliament should protect the citizen against the overbearing Executive. That is our duty, and tonight it should also be our pleasure. We are not here for the convenience of this arrogant Government. Let us hold firm for liberty and common sense. I urge the House to support the Lords amendments.

**Mr. Nick Clegg** (Sheffield, Hallam) (LD): The "Oxford English Dictionary" gives the following definition of "voluntary":

"done, given, or acting of one's own free will".

This debate is not only about the fate of a Bill that will introduce one of the most expensive, illiberal follies in recent times—it is also about our specific disagreement on the meaning of that one word.

The Labour party's manifesto at the last election was refreshingly—some would say uncharacteristically—clear on the introduction of identity cards. ID cards would, the manifesto said—it bears repetition—be rolled out

"initially on a voluntary basis as people renew their passports".

Liberal Democrat Members take that to mean simply what it says—that when renewing their passports, individuals will be able to choose, of their own free will, whether they wish to receive ID cards as well. Yet by way of a painful linguistic contortion that the Home Affairs Committee has rightly condemned as stretching

"the English language to breaking point",

the Government now seek to persuade us that "voluntary" actually means "compulsory". In rejecting Lords amendment No. 16, the Government are saying that every time someone renews their passport, they must receive an ID card; that every time someone applies for a new passport to pop across to Calais, visit relatives abroad or go on holiday to sunnier climates, they must receive an ID card; and that every time someone goes abroad for business with a new passport, they must receive an ID card.

About 80 per cent. of all Britons possess a passport and are likely to wish to renew it in the coming years. How can the Government seriously ask us to believe that a scheme that could compel up to 80 per cent. of the British population to possess ID cards is voluntary? That is possible only if we all suspend our shared understanding of the English language. A Government who specialise in stealth taxation now want to start on stealth compulsion. A Government who have built their reputation on spin are now reaching new heights of doublespeak.

**Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): The Government pray in aid the fact that people are free not to travel, but I do not think that many people who voted at the last election believed that the Government seriously meant that they had to stay at home and not leave this country if they did not want an ID card.

**Mr. Clegg:** My hon. Friend makes a compelling point. The problem is compounded by the fact that the Home Secretary has told us that any move to fully fledged

compulsion will be made through primary legislation. We are being asked to accept that gratefully as a significant concession. What possible purpose will be served by primary legislation to make the possession of identity cards compulsory if they have, to all intents and purposes, already been made compulsory for the vast majority of the population? Legislating badly is one thing. Legislating for something that the Government have already imposed surreptitiously on the British people is at best a waste of parliamentary time and at worst downright cynical.

There are many good reasons for not making such a flawed Bill compulsory. It is based on the flimsiest costings. Only last week, the London School of Economics estimated that the Government would rack up a deficit of £1.8 billion in 10 years unless they significantly raised the fees for identity cards and new biometric passports. The Government's guesstimate—it is no more than that—of a fee of £93 for the combined card and passport already appears entirely implausible.

The central database for ID cards will be far more powerful than any other equivalent ID database used elsewhere in Europe. Experience in the United Kingdom suggests that initial use will soon be expanded. When ID cards were introduced as a wartime measure in 1939, they had three stated purposes: conscription, national security and rationing. By 1950, an audit found that that had expanded to 39 stated purposes. The inevitable creeping expansion of the information held on individuals by the state will unalterably change the relationship between citizen and Government in this country.

The Bill is based on flimsy costings, does not have a clear purpose and now rests on a fictional use of the English language. Such a measure is bad enough. It should not now be foisted on the British people through the back door. I urge hon. Members to support the Lords amendment.

**Mr. Shepherd:** Both Opposition Front Benchers have made much of altering the relationship between the citizen and the state. They are right. One of the most curious aspects of the measure, which is being foisted on the British public, is its link to the royal prerogative. The Home Secretary exercises the royal prerogative in issuing passports. He is the determinant of that.

I am therefore puzzled that the Home Secretary uses something that is in the gift of the royal prerogative—whether we have passports is down to the Government, not to any right in legislation—and links it to this appalling Bill, which diminishes the liberties of the House and our people exponentially. He will not even take questions properly to try to advise us about why he finds the royal prerogative the right means for directing the new Labour concept that each one of us should be numbered, identified and subservient to the state. It is a perverse proposition, which reduces us greatly. Passports should not be the route whereby he forces on the British people something that appeared in the Labour party manifesto as a voluntary opportunity.

The House should stand with the House of Lords and reject this miserable Government's proposals.

**Mr. John Gummer** (Suffolk, Coastal) (Con): I am not opposed to the concept of identity cards but I oppose the misuse of the English language. I am surprised that my relatively close neighbour, the Home Secretary, is trying to argue what he knows will, in parliamentary language, not be accepted by most people as being close to the truth.

Anyone who read the Labour party manifesto believed that the Government proposed that identity cards would, at least initially, be introduced voluntarily. The Home Secretary now suggests that, somehow or other, getting a passport is a voluntary concept. A passport is a right. It is what the Government give us to say who we are when we wish to pass ports to go to other countries. We have a right to have it and no Home Secretary should deny it to us unless there is a genuine reason of state for his doing that. To tell us that we cannot have a passport unless we are prepared to pay extra for something that we do not want is not to suggest that we have a voluntary choice. It is, in any language except parliamentary language, untruthful to suggest that. I say to the Home Secretary very directly: no one outside this House believes you. No one thinks that what you say, as a translation of the Labour party manifesto, is what anyone else ever thought, and those on the Benches behind you do not believe it either, because they are honourable men who understand what the English language says—*[Interruption.]* Well, there is one lady there who does believe you, but most do not.

10.30 pm

If this country moves from a position in which to hold a passport is our right, we shall move to a position that Britain has never been in before. I do not have a passport because I want one; I have one because it is my right to have one, should I require it. For the Government to say that I cannot have a passport unless I comply with their proposal also to have an identity card is to make that compulsory. When I next apply for a passport, I shall want an identity card because I am in favour of them in principle. So of course I shall ask for one. However, those who do not wish to have one should not be forced to have one. That is the difference between voluntary and compulsory.

**Lynne Jones** (Birmingham, Selly Oak) (Lab): The right hon. Gentleman says that he is in favour of identity cards, but is he in favour of the people who apply for passports subsidising the identity card scheme so that he can have a cheaper identity card?

**Mr. Gummer:** That question is so unimportant compared with the central philosophical issue with which we are dealing that I am not going to answer the hon. Lady.

I want simply to say to the Home Secretary that he must consider very seriously how he is going to get the British people to believe him about anything else after he has explained away the words in the Labour party manifesto to mean something that no sane person could possibly believe they meant at the time. In those circumstances, he stands condemned both as Home Secretary and as a Member of Parliament.

**Stewart Hosie** (Dundee, East) (SNP): There are two constantly repeated assertions with regard to the compulsory ID card system. The first is that the

*[Stewart Hosie]*

Government planned all along to deliver a compulsory ID card scheme from the start. The second is that this ID card scheme is required in order for the Government to meet their international obligations. I should like briefly to question those assertions.

The Swedish Government have introduced their new biometric passport, which complies with the International Civil Aviation Organisation's recommendations on biometrics and machine-readable travel documents. It has digitised facial images of the holder stored on a microchip on the card, so there is no requirement for a central database. Fingerprints will be added at the appropriate time by February 2008. The passport also complies with the United States visa waiver programme requirements. So the argument that we need a compulsory identity card, let alone a central biometric register, is plainly wrong.

We could have done as the Swedish Government have done, and introduced a basic biometric passport with the inclusion of fingerprints at the appropriate time by February 2008 or, in line with the Labour manifesto pledge, introduced a genuinely voluntary biometric ID card in conjunction with the new passport. The Home Secretary suggested earlier that the collection of the necessary information would have been one and the same in either case. This could all have been done on a similar basis to the Swedish model, with the biometric information held on the card rather than on a central database, with all the costs and dangers implicit in that.

There is no obligation under any international treaty or domestic manifesto pledge to issue a compulsory biometric ID card. There is absolutely no requirement to roll out from day one what is effectively a compulsory ID card through the issuing of a passport under the false insistence, or disguise, that it is voluntary, and then to do so compulsorily for any number of spurious reasons in future—not least the fraudulent pretext that £1.7 billion will be saved, mainly in the private sector. That is a falsehood; it was not rebutted properly in the last debate. It would be wrong to introduce the compulsory ID card and the national biometric database on that justification.

I want to speak briefly on the Government's manifesto pledge, which others have spoken about:

"We will introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renew their passports."

This is not voluntary; it is effective compulsion. As the manifesto expressly stated that it would happen on a voluntary basis, the Lords' disagreement does not violate the Salisbury convention, as it says precisely that the passport option means that people are not voluntarily joining the ID card scheme. To all intents and purposes, this is wholly compulsory. On that basis, my hon. Friends and I shall support the Lords amendment.

**Mr. Cash:** This is compulsion—there is no doubt about it. The hon. Member for Dundee, East (Stewart Hosie) has made that perfectly clear, as have others from our Front Bench. I am extremely glad that our own side has adopted the position of truculent opposition to these proposals in the House of Lords, and tribute should be paid to those in the House of Lords for the great work they have done on the Bill.

When the Bill started out on Second Reading, some of us were perhaps more truculent than others on the subject, but the fact remains that we have arrived at a sensible attack on the Bill, which the Home Secretary has completely failed either to deflect or to deter. The real problem is the votes that the Labour party will muster in the Lobby, which is why reference was made earlier to an elective dictatorship.

This is not just some minor matter; this is about the liberty of the subject. As I pointed out on Second Reading at the beginning of these proceedings some months ago, it is reminiscent of the state that George Orwell predicted in his book "1984". It is all very well the Home Secretary shaking his head, but the plain fact is that the case is made that this is compulsion. He tries to wriggle out of it, but he fails. He has been completely outdone by the report from the London School of Economics, those in industry who have commented on this, and the non-governmental organisations.

The reality is that these proposals are iniquitous, unacceptable and a serious infringement of the liberty of the individual. They should be consigned to the dustbin.

**Mr. John Greenway** (Ryedale) (Con): The Home Secretary knows that I have the highest regard for him—*[Interruption.]* Come on, we have had many exchanges in the House and I have the highest regard for him, but he would admit that this is not one of his finest hours.

I came to the House willing to be persuaded by the Home Secretary's argument, but I have been not only unpersuaded, but more persuaded by the argument of my hon. Friends that we should support the Lords in their amendments.

The fact of the matter is, as those of us who have been Members a long time know, that the best debates in the House always take place after 10 o'clock. They are the best attended, and people listen to the argument and speak their mind. I want to speak my mind on something that no other hon. Member has mentioned—that is, the cost of this charade to our constituents. For the average family, the cost of obtaining a passport—which, as my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) said, is a right—will be increased.

**Mr. Charles Clarke:** The Lords amendment will increase the cost.

**Mr. Greenway:** No, the Government's proposal will increase the cost. This is disproportionate. Before we vote on the issue, we should consider the Labour party's manifesto carefully, although there is compulsion—be in no doubt about that. Whether someone has a passport is not a voluntary matter, as 85 or 90 per cent. of our constituents need a passport. We have a right to have passports.

The cost of what the Government are doing to our constituents with this Bill is something that we should reject. I urge the House to agree to the Lords amendments. Let Labour Members vote as their hearts and minds tell them to vote and reject the Government's amendment. Let us deal with this matter now.

**Simon Hughes:** I support my hon. Friend the Member for Sheffield, Hallam (Mr. Clegg) and the view that the Liberal Democrats have taken consistently for many years.

There may be disagreement on quite how freedom to travel should be defined. I share the view that there is a freedom to travel. It is a European Union freedom, certainly. There may not be a right to have a passport historically, for the reasons given by the hon. and learned Member for Harborough (Mr. Garnier) and, as was pointed out by the hon. Member for Aldridge-Brownhills (Mr. Shepherd), it was always a question of the royal prerogative, and the Foreign Secretary would sign the inside of the passport. However, there is no doubt that there was a common understanding that people would be able to travel if they needed to.

The Home Secretary has come here tonight to say to the elderly relative who is told that his or her child is ill in another country, "This is a matter of free choice, but you must have an identity card if you want to visit a relative who is very ill." The Home Secretary has come to the House to say to a business person, "If you want to do business and fly the flag for Britain, you must have an identity card as a condition of your choice to go and sell our products abroad." The Home Secretary is saying to the civil servant who is told that he must go and do work for our country abroad, "You must also have an identity card." That is not freedom of choice in the conventional sense of the term, and the Home Secretary can never persuade us that it is.

Furthermore, the argument is clearly disingenuous. Originally, a supplementary part of the Bill provided for a piece of secondary legislation to be passed by both Houses before compulsion took over from the voluntary system. Then we were told that we would have a different Bill—because this Bill did not provide for compulsion, compulsion would be dealt with separately. Only now, at this last stage, are we being told that under this system there will now compulsion if people want passports.

Finally, there is a constitutional point that I want to make to the Home Secretary. He has come here seeking to persuade us that the House of Lords should not be followed. The Government may have a majority of Members in this place, but it has a lower share of the vote than any majority Government since 1832. It has no justification for complaining that the House at the other end of the corridor should not do its job and ensure that Government proposals that were not in the manifesto are stopped by the British Parliament. The House at the other end of the corridor is the creation of this Government: it is put there by this Government; it is nominated by this Government; it is bought, in part, by this Government. The House at the other end of the corridor is entirely a new Labour creation. The Government have a cheek to come here and tell us that, with their minimal moral and political authority, they must ask the House of Lords to reject a view that the House of Commons has passed, and insert another view.

On these Benches we stand by principle, we stand by practice, we stand by precedent, we stand by democracy, and we stand for the right of Parliament as a whole to do its job as a whole and to throw out this Bill as a whole, if that is the view that the other House holds to. We encourage the other House to hold to it because the other House is right. The Home Secretary can persuade no one tonight that he is right. He is flawed, fundamentally wrong, and trying to deceive us—but we are not buying any of it.

**Mark Fisher** (Stoke-on-Trent, Central) (Lab): There is a perfectly logical case for compulsory identity cards. If one believes, as the Home Secretary does, that they really will deliver something very important in the fight against terrorism, fraud or impersonation, of course we should have a universal card, and a universal card is only possible if it is compulsory. However, that is not what our manifesto says. It says that there should be a voluntary scheme, and that there will not be a universal scheme for many years. At present, there are no overt Government plans for such a scheme, and it will be rolled out very slowly. Therefore, the benefits that can only accrue from an ID card scheme will not happen until it is a wholly universal scheme. The whole enterprise is deeply logically flawed.

10.45 pm

The Home Secretary has got himself into an appalling semantic tangle. If he is trying to persuade not only this House but the public that the word "must" means "voluntary" and that the opposite is the case, and that what he is suggesting is not what the Lords are suggesting, then he has got himself—as I have in this sentence—into a terrible logical tangle. If we believe in a voluntary scheme, as the Home Secretary and the manifesto say that we do, there is no way that we can reject the Lords amendments. The Lords make it very clear that the scheme is voluntary, not compulsory. By rejecting the amendments, the Government will be opting for compulsion. They should have the courage of their convictions and say that this will be a compulsory universal scheme, but the Home Secretary will not do that. If he is going to nail his flag to the mast of a voluntary scheme, the Lords amendment must be supported.

**Mr. Charles Clarke:** I was not going to respond to this debate, but—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. The right hon. Gentleman requires the leave of the House to respond.

**Mr. Clarke:** With the leave of the House, Mr. Deputy Speaker, I should like to respond to this debate. I had not intended to, but the use of the word "deceit" by the hon. Member for North Southwark and Bermondsey (Simon Hughes) provokes me to do so directly. Let me be very clear about the process. The first consultation document that this Government issued on an identity card scheme, in 2002, canvassed the option of a universal scheme linked to passports. When we announced the decision, in principle, in November 2003 to introduce ID cards, it was made clear then that there would be a two-stage scheme. It was stated that the second stage would be compulsory—that it would apply to every UK resident—with a civil financial penalty for failing to register and to obtain an ID card when required.

*[Mr. Clarke]*

It was also made clear in November 2003 that during the initial stage, as well as introducing a voluntary plain ID card for those who do not have a passport, the intention was to link the issue of ID cards to that of more secure passports. That is why we stated the following in Cmd 6020, in November 2003:

"By linking the card scheme to widely held identity documents most people will get a card conveniently and automatically as they renew an existing document".

That announcement in principle was put into effect when the Government published the draft Identity Cards Bill in April 2004, with a provision in clause 5(2) requiring an applicant for any designated document to register and to be issued with an ID card alongside the designated document. We were again very clear that in the first stage of the ID card scheme there should be no possibility of obtaining a designated document such as a passport without an ID card. The provision requiring applicants for passports or other designated documents to obtain an ID card was also included in the first Identity Cards Bill, introduced before the election, which was passed by the House of Commons in February 2005 and given a Second Reading in the Lords in March 2005.

**Mr. Garnier:** Will the Home Secretary give way?

**Mr. Clarke:** No, I shall not.

After the election, the Bill was reintroduced and, yet again, we made it absolutely clear that once a document such as a passport has been designated, obtaining one would also mean being issued with an ID card. Nobody can claim, as the hon. Member for North Southwark and Bermondsey claimed, that our policy has not been entirely consistent on this point from 2002 right the way through. Moreover, no one can claim that in the many debates, in this House and in the other place, there has not been the fullest opportunity to debate these issues fully at every turn.

**Mr. Garnier:** Even if one accepts the history of the Home Secretary's argument, what does he mean by "on a voluntary basis"? What does that mean, in English?

**Mr. Clarke:** I have set that out clearly in what I have said, but I shall say it again if the hon. and learned Gentleman wants me to do so. The question, as the hon. Member for Sheffield, Hallam (Mr. Clegg) said, is one of free will. Those are the words he used in his definition. That is the free will that people may exercise in deciding whether or not they wish to have a passport—*[Interruption.]* That is the free will over what they can do and how they can operate. That is what the wording means.

As I said, I wanted to respond to the points made by the hon. Member for North Southwark and Bermondsey. I hope that the House will now reject the Lords amendments and that we can vote to establish the will of the elected House on this question.

*Question put,* That this House insists on its disagreement with the Lords in their amendments Nos. 16 and 22, but proposes amendment (a) in lieu:—

*The House proceeded to a Division.*

**Mr. Deputy Speaker:** I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

*The House having divided:* Ayes 310, Noes 277.

**Division No. 186]** **[10.50 pm**

**AYES**

| | |
|---|---|
| Ainger, Nick | Creagh, Mary |
| Ainsworth, rh Mr. Bob | Cruddas, Jon |
| Alexander, rh Mr. Douglas | Cryer, Mrs. Ann |
| Allen, Mr. Graham | Cummings, John |
| Anderson, Mr. David | Cunningham, Mr. Jim |
| Anderson, Janet | Cunningham, Tony |
| Armstrong, rh Hilary | Curtis-Thomas, Mrs. Claire |
| Atkins, Charlotte | Darling, rh Mr. Alistair |
| Austin, Mr. Ian | David, Mr. Wayne |
| Austin, John | Davidson, Mr. Ian |
| Bailey, Mr. Adrian | Dean, Mrs. Janet |
| Baird, Vera | Denham, rh Mr. John |
| Balls, Ed | Devine, Mr. Jim |
| Banks, Gordon | Dhanda, Mr. Parmjit |
| Barlow, Ms Celia | Dismore, Mr. Andrew |
| Barron, rh Mr. Kevin | Dobbin, Jim |
| Battle, rh John | Dobson, rh Frank |
| Bayley, Hugh | Donohoe, Mr. Brian H. |
| Beckett, rh Margaret | Doran, Mr. Frank |
| Begg, Miss Anne | Dowd, Jim |
| Bell, Sir Stuart | Drew, Mr. David |
| Benn, rh Hilary | Eagle, Angela |
| Benton, Mr. Joe | Eagle, Maria |
| Berry, Roger | Efford, Clive |
| Betts, Mr. Clive | Ellman, Mrs. Louise |
| Blackman, Liz | Engel, Natascha |
| Blackman-Woods, Dr. Roberta | Ennis, Jeff |
| Blair, rh Mr. Tony | Farrelly, Paul |
| Blears, rh Hazel | Field, rh Mr. Frank |
| Blizzard, Mr. Bob | Fitzpatrick, Jim |
| Blunkett, rh Mr. David | Flello, Mr. Robert |
| Borrow, Mr. David S. | Flint, Caroline |
| Bradshaw, Mr. Ben | Follett, Barbara |
| Brennan, Kevin | Foster, Mr. Michael *(Worcester)* |
| Brown, rh Mr. Gordon | Foster, Michael Jabez *(Hastings and Rye)* |
| Brown, Lyn | |
| Brown, rh Mr. Nicholas | Francis, Dr. Hywel |
| Brown, Mr. Russell | Gapes, Mike |
| Browne, rh Mr. Des | Gardiner, Barry |
| Bryant, Chris | George, rh Mr. Bruce |
| Buck, Ms Karen | Gibson, Dr. Ian |
| Burden, Richard | Gilroy, Linda |
| Burgon, Colin | Goggins, Paul |
| Burnham, Andy | Goodman, Helen |
| Byers, rh Mr. Stephen | Griffith, Nia |
| Byrne, Mr. Liam | Griffiths, Nigel |
| Cairns, David | Grogan, Mr. John |
| Campbell, Mr. Alan | Gwynne, Andrew |
| Campbell, Mr. Ronnie | Hain, rh Mr. Peter |
| Caton, Mr. Martin | Hall, Mr. Mike |
| Challen, Colin | Hall, Patrick |
| Chapman, Ben | Hamilton, Mr. Fabian |
| Chaytor, Mr. David | Hanson, Mr. David |
| Clark, Paul | Harman, rh Ms Harriet |
| Clarke, rh Mr. Charles | Harris, Mr. Tom |
| Clelland, Mr. David | Havard, Mr. Dai |
| Clwyd, rh Ann | Healey, John |
| Coaker, Mr. Vernon | Hendrick, Mr. Mark |
| Coffey, Ann | Hepburn, Mr. Stephen |
| Cohen, Harry | Heppell, Mr. John |
| Connarty, Michael | Hermon, Lady |
| Cook, Frank | Hesford, Stephen |
| Cooper, Rosie | Hewitt, rh Ms Patricia |
| Cooper, Yvette | Heyes, David |
| Cousins, Jim | Hill, rh Keith |
| Crausby, Mr. David | Hillier, Meg |

Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oliver, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Ayes:**
**Mr. Frank Roy and**
**Mr. Ian Cawsey**

**NOES**

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ames, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David

Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Osten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, John
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Strang, rh Dr. Gavin
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Webb, Steve
Weir, Mr. Mike
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Noes:**
**Angela Watkinson and Michael Fabricant**

*Question accordingly agreed to.*

*Lords amendments disagreed to.*

*Amendment (a) in lieu agreed to.*

**Mr. Deputy Speaker:** Order. I ask hon. Members to leave quickly and quietly, so that business can proceed—*[Interruption.]* Order. Will hon. Members please conduct their conversations outside the Chamber if they are not staying for the debate?

## PETITIONS

## Barnhaven Care Home

11.10 pm

**Angela Browning** (Tiverton and Honiton) (Con): This is the second petition in a month that I have presented to the House on the closure of a Devon county council residential home for the elderly.

The petition states:

To the honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled,

The Humble Petition of Robin Barwell and staff, residents, carers and supports of Barnhaven Residential Care Home, Bampton, Devon,

Sheweth that the decision by Devon County Council to close Barnhaven is opposed by the petitioners.

Wherefore your Petitioners pray that your Honourable House will note that there is strong local support for both keeping Barnhaven open as a care home and expanding the services it could provide to support older people in the community, and urge the Government, in the light of the recent White Paper "Our health, our care, our say", to help our group of committed volunteers to put the aims of the White Paper into action in Bampton.

And your Petitioners, as in duty bound, will ever pray, &c.

*To lie upon the Table.*

## Southend Cancer Centre

11.12 pm

**Bob Spink** (Castle Point) (Con): South Essex MPs join together tonight to show how important it is to defend our cancer centre at Southend hospital. I pay tribute to those excellent people who signed our petitions—they are stars who care about their community—and to the local press for getting behind the "hands off our cancer centre" campaign in the very best traditions of local journalism.

The petition states:

We pay tribute to all who work in the Southend Hospital Cancer Centre, believe it does wonderful and very caring work and achieves excellent outcomes. We wish to see this valuable facility retained locally to serve local people and believe that removing it will not provide cost savings or a better service for local people or

better outcomes. We note the efforts of the local press and local MPs in successfully fighting for the centre some years ago and welcome the new efforts of the local press and MPs in working together to retain the centre now.

The Petitioners therefore request that the House of Commons call upon the Government to accept the views of local people and retain the cancer centre at Southend hospital and to give it full support in the future.

And the Petitioners remain, etc.

*To lie upon the Table.*

11.14 pm

**James Duddridge** (Rochford and Southend, East) (Con): With parliamentary colleagues, I present this petition, which includes more than 2,500 signatures from my constituency, on the evening of the end of the consultation to merge the South Essex cancer network, to which the petitioners are vehemently opposed.

The petition states:

The Petition of the residents of South Essex and others states,

We pay tribute to all who work in the Southend Hospital Cancer Centre, believe it does wonderful and very caring work and achieves excellent outcomes. We wish to see this valuable facility retained locally to serve local people and believe that removing it will not provide cost savings or a better service for local people or better outcomes. We note the efforts of the local press and local MPs in successfully fighting for the centre some years ago and welcome the new efforts of the local press and MPs in working together to retain the centre now.

The Petitioners therefore request that the House of Commons call upon the Government to accept the views of local people and retain the cancer centre at Southend hospital and to give it full support in the future.

And the Petitioners remain, etc.

*To lie upon the Table.*

11.15 pm

**Mr. David Amess** (Southend, West) (Con): I have the honour to present a petition that has been signed by a great many of my constituents who regard Southend hospital cancer centre as a centre of excellence and who will resist any efforts to change the present arrangements for treating patients who suffer from cancer.

The petition states:

To the House of Commons,

The Petition of the residents of South Essex and others states,

We pay tribute to all who work in the Southend Hospital Cancer Centre, believe it does wonderful and very caring work and achieves excellent outcomes. We wish to see this valuable facility retained locally to serve local people and believe that removing it will not provide cost savings or a better service for local people or better outcomes. We note the efforts of the local press and local MPs in successfully fighting for the centre some years ago and welcome the new efforts of the local press and MPs in working together to retain the centre now.

The Petitioners therefore request that the House of Commons call upon the Government to accept the views of local people and retain the cancer centre at Southend hospital and to give it full support in the future.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Green Belt

**Bob Spink** (Castle Point) (Con): I rise to defend the green belt and the quality of life of my constituents. We are under increasing threat from land grabbers who want to take the green heart of our community and develop—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I let it go the first time, but the hon. Gentleman must not make a speech. He must stick to the terms of the petition.

**Bob Spink:** Thank you for your guidance, Mr. Deputy Speaker.

The Petition states:

To the House of Commons.

The Petition of the residents of Thundersley and others,

The Petition of people living in and around Thundersley, Castle Point declares that we the residents of Thundersley and surrounding areas are concerned about the loss of green belt land to development, particularly in the area of Burches Road, and we believe Castle Point is already overdeveloped for the infrastructure that exists.

The Petitioners therefore call on the House of Commons to urge the Government to impress upon Castle Point Borough Council to reject any development in this area, as requested by the Member of Parliament. And the Petitioners remain, etc.

*To lie upon the Table.*

## Bus Services

**Bob Spink** (Castle Point) (Con): I presented a petition in similar terms in defence of the No. 12 bus service from Tarpots to Benfleet. This is a brand new petition from a different group of people.

The petition states:

To the House of Commons.

The Petition of the residents of Benfleet and others,

Declares that the Petitioners wish to formally object to the removal by First Essex Buses Limited of the No. 12 bus service from Tarpots in Benfleet to Pitsea because there is no alternative service and the removal will cause great inconvenience and hardship to those residents who rely solely on public transport, and that this loss is unacceptable and particularly hurts vulnerable and elderly people in our community.

The Petitioners therefore request that the House of Commons call upon the Government to urge the Bus Company to maintain the No. 12 service and to take such action as is necessary to enable First Essex Buses to maintain such an important yet marginal bus services.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Pensioner Travel (Tyne and Wear)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell]*

11.18 pm

**Mr. Nicholas Brown** (Newcastle upon Tyne, East and Wallsend) (Lab): Truly it is said that no good deed goes unpunished. A year ago, my right hon. Friend the Chancellor of the Exchequer announced in the Budget statement that there would be free bus travel for pensioners. The announcement was widely welcomed and the Treasury allocated some £350 million—a sum of money that covers the cost of the policy. The Office of the Deputy Prime Minister chose to distribute that money in such a way that some authorities got more than they needed to implement the policy and 32 authorities were short-changed. In cash terms, by far the greatest losers are the five district councils in Tyne and Wear, with a shortfall of £5.4 million. The problem arises because Ministers chose to use a general formula to distribute a grant that was designed for a specific purpose. There are two related issues that I would like to raise—pensioner travel on the Tyne and Wear metro and pensioner bus travel between Tyne and Wear and the neighbouring counties of Durham and Northumberland.

As soon as the problem became clear, strenuous efforts were made to achieve a solution. There have been discussions between officials from Nexus, the Office of the Deputy Prime Minister and the Department for Transport. There have been two meetings between the Minister for Local Government and local Members of Parliament, and there has been some progress. A small adjustment has already been made to the distribution formula in Tyne and Wear's favour. Separately, the Secretary of State for Transport has given Nexus £1.7 million to deal with the potential loss of income for the metro, which Nexus owns, if pensioner bus travel is free but metro travel is not. I wish to place on record my gratitude for the part that the Secretary of State for Transport has played in trying to resolve that issue. [HON. MEMBERS: "Hear, hear."] My hon. Friends are obviously grateful as well.

Two problems remain. Despite the free pensioner bus travel within counties it is now more expensive for pensioners to travel from Durham to Sunderland or Newcastle. The half-fare scheme covered the cost of the whole journey, but free travel only takes them to the county boundary. After that, they must pay the full fare for travel. Far worse—and this is at the heart of the issues that I wish to raise tonight—Nexus faces a £5.4 million shortfall. The authority must set a budget, and it must tell the five district councils what that budget is. There is little room for further delay.

**Mr. Fraser Kemp** (Houghton and Washington, East) (Lab): On the shortfall and the way in which Nexus has handled it, does my right hon. Friend agree that while we must try to find a solution in the final few days, it is imperative that we find a fair funding formula so that Tyne and Wear does not face this problem every year? Those reserves cannot be spent again. They have been spent this time, but they will not be available in future. We need to resolve the problem this year, but we must make sure that we do not face it again in future.

**Mr. Brown:** My hon. Friend is quite right. The Nexus budget for the financial year must cover the shortfall; the authority has no choice. Nexus has set a provisional budget, which is a combination of fare increases and cuts in secure services. As my hon. Friend has suggested, it is drawing down its reserves to cover half the shortfall. It can only do so once, as those reserves will not be available for drawing down again. We need a solution to this year's problem, and a permanent solution for future years.

Students who will be hit by the fare rise think that it is unfair. They are right to hold that view, as Nexus did not intend to introduce a fare rise until the budget shortfall became clear. Pensioners and organisations that represent them are upset too, as pensioners do not want their free travel to be paid for by service cuts and fare rises for others. That point has been made clear to me, and I am quite certain that it has been made to my right hon. and hon. Friends who represent the county. I am grateful to my hon. Friend the Minister for the part that he has played in trying to find a solution. Talks are continuing, but I fear that they are doing so in the same way that a fairground roundabout continues in motion—it goes round and round, but it does not go anywhere.

My hon. Friend the Member for Tyne Bridge (Mr. Clelland) secured on the Floor of the House a promise of a meeting with the Prime Minister. If there is not some real progress, my hon. Friends and I will very soon insist on that meeting. We want our money, and I for one will not give up until we have secured justice for our constituents.

11.24pm

**Mr. David Clelland** (Tyne Bridge) (Lab): I congratulate my right hon. Friend the Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown) on securing an Adjournment debate on such an important subject. As he intimated, I have taken a great deal of interest in the matter from the beginning. Like him, I have received representations from pensioners in Tyne and Wear who, for the first time in my 20 years' experience as a Member of Parliament, have said to me that they reject something that the Government have offered: free transport. They do not want free transport at the expense of transport for young people and others who currently receive concessions. Additionally, they do not want free transport at the expense of services, which will also be on the cards unless the problem is resolved.

My right hon. Friend referred to a possible long-term solution and reminded the House that the matter was initially raised by the Chancellor in last year's Budget. When the Chancellor announced the scheme, it was widely welcomed, not least by those of us in Tyne and Wear who had concessionary fares, but welcomed the idea of free fares for pensioners. However, we did not anticipate such an unintended outcome.

The long-term solution might well lie in next week's Budget. Even at this late stage, I urge the Minister to talk to the Chancellor and the Treasury about what that Budget might contain. It might well be that the Chancellor can resolve the problem by introducing a national scheme for free transport, rather than a local one. As I understand it, such a scheme would not cost a massive amount. It would be much easier to administer and would certainly resolve our problems in Tyne and

Wear. It might also resolve the problems that are anticipated in other parts of the country. The existing scheme is restricted to local government boundaries. A national scheme could be introduced at low cost, so I ask my hon. Friend the Minister to raise the matter with the Treasury in the anticipation that next week's Budget might bring a resolution to the problem.

**Mr. David Anderson** (Blaydon) (Lab) *rose—*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I sense that there is a co-operative at work. The normal courtesy is that the right hon. Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown) and the Minister have given permission for the additional contributions to be made to the debate. I think that that was perhaps implied by the concise speech made by the right hon. Gentleman, but I need to get things in order.

11.27 pm

**Mr. David Anderson** (Blaydon) (Lab): I will try to be even more concise. My right hon. Friend the Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown) and my hon. Friend the Member for Tyne Bridge (Mr. Clelland) did not talk about the way in which the scheme applies to disabled people. It is perverse that the impact of free travel for disabled people, which was announced in the Budget, might well be that we find that the care bus service will be withdrawn from Tyne and Wear.

Let me read from an e-mail that I received from a man living in my constituency who has severe problems due to muscular sclerosis. He wrote:

"No-one I speak to on the bus can actually believe that it will be stopped ... as threatened—they cannot contemplate their lives without it. It is a mental torture for them to be worrying about losing their independence, when many already have enough to worry about with illness and disabilities ... As our MP I hope you can let those with the power to solve this realise that they are not playing with pound signs, they are playing with the independence of already vulnerable people who deserve to be treated with respect & dignity—not left hanging on a thread of threats!"

That is what we are talking about with this cock-up. We are talking about bus services that should be a real bonus for our people actually becoming a detriment.

11.28 pm

**The Minister for Local Government (Mr. Phil Woolas):** I should start by paying the usual tribute to my right hon. Friend the Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown) for securing the debate and raising a matter that is extremely important to his constituents and those of other hon. Members in the Chamber. I have a useful opportunity to explain how we support services via the formula grant. My right hon. Friend is obviously especially concerned about the distribution of funding for free bus travel for pensioners in Tyne and Wear.

Before looking in detail at the process, it is worth reminding ourselves of the substantial social benefits that will be delivered by the Government initiative on concessionary travel. The need to meet the transport requirements of a growing population of older people is vital to the success of the Government's commitment to sustainable mobility and to people's ability to retain a high quality of life as their income, health and mobility levels change. Despite the rising number of older driving licence holders, declining driving ability and financial constraints mean that many motorists will have to adjust their driving practices, and probably ultimately give up their car. A high proportion of the older population will be dependent on public transport. However, evidence suggests that many will experience difficulties in using bus and rail services.

For the first time, in 2006–07, we have announced two-year grant allocations for every local authority in England. We have put a premium on the stability and predictability of funding, so that councils can plan ahead for better service delivery. The first three-year settlement will be introduced alongside the next spending review round commencing in 2008–09. In the interests of further stability, we have made grant floors a permanent part of the grant distribution system. Floors guarantee a minimum year-on-year grant increase for all authorities and increase local authority confidence in planning for the medium to long term.

Tyne and Wear, to which my right hon. Friend referred, has benefited from the extra money that we have provided in recent years to the local authorities, which have invested in improving local services—for example, reducing antisocial behaviour and providing more support for vulnerable people in Newcastle, developing healthy communities in Gateshead, and supporting carers in Sunderland.

For the 10-year period to 2007–08, we have been able to provide Tyne and Wear metropolitan district councils with an average annual increase in general grant of 4 per cent. in cash terms. For 2006–07 and 2007–08, the grant increases going to Tyne and Wear district councils are £14.7 million and £14.8 million respectively, or 2.8 per cent. in each year, running ahead of current inflation. Additional transport funding for Tyne and Wear has also come through the local transport plan and Challenge funding routes. We have provided £12.9 million for concessionary fares above last year's grant, and £1.7 million for the Metro transport system.

Capital funding to enable implementation of the local transport plan is allocated by my right hon. Friend the Secretary of State for Transport to the Tyne and Wear authorities, mostly in the form of supported capital expenditure revenue—SCER—as my right hon. Friend the Member for Newcastle upon Tyne, East and Wallsend knows. The allocations are determined primarily by formulas reflecting transport need and adjusted to reflect the quality of the local transport plan and the progress made in implementing the plan. A single allocation is made for Tyne and Wear, which is distributed among the authorities in accordance with their wishes.

The allocation for 2005–06 is 68 per cent. higher than that for 1999–2000. As this is capital funding, it cannot be used directly to support the cost of concessionary fares. However, this high level of central Government capital support releases local authorities' own funding to support other initiatives in accordance with local priorities.

*[Mr. Phil Woolas]*

Since 1998 the Government have provided Nexus, the Tyne and Wear transport executive, with more than £7.7 million funding specifically to support the operation of a number of bus services through the urban and rural bus Challenge and Kickstart programmes. Funding for concessionary fares is supported through formula grant.

**Mr. Brown:** I am grateful to my hon. Friend for explaining the background to us. Does he accept that for the next financial year Nexus faces a shortfall in the funding arrangements of about £5.4 million? If so, can he give the House an assurance that meaningful discussions are going on in Government to try to resolve that problem? If he thinks the discussions are stuck and that we are not getting any further forward, will he say so, so that we can have the meeting with the Prime Minister that we were promised?

**Mr. Woolas:** I assure my right hon. Friend that meaningful discussions are going on. The Government recognise the real difficulties that the transport executive has in balancing its budget. Last summer's consultation with the Local Government Association and local councils resulted in general agreement that the distribution of money through the formula is the best way in which to pursue the issue. Indeed, representations by my right hon. Friend and others on the formula grant distribution method show that the needs of his authority, and of Tyne and Wear authorities in general, indicate that there is a shortfall in the ability of the formula grant to distribute money. Discussions have taken place and are taking place with the local authorities, the transport authority and the transport executive to try to resolve that problem. The level of pensioner bus usage in my right hon. Friend's area is very high, which is why we are continuing discussions with the transport authority and local authorities. My difficulty is that we must treat all local authorities fairly, and I know that my right hon. Friend agrees with that point.

Funding for concessionary fares is supported by the formula grant. My right hon. Friend is aware that the Chancellor added an additional £350 million in formula grant in 2006–07 in order to support the move from the statutory half-fare scheme to a free-fare scheme for all pensioners and disabled people. The funding for those new responsibilities has been added to formula grant in line with a commitment to provide authorities with continued flexibility in the use of their resources.

**Mr. Alan Beith** (Berwick-upon-Tweed) (LD): Surely the Minister knows—the Government have admitted this—that whereas the total sum might be sufficient to cover needs across the country, the distribution between authorities, including Tyne and Wear and, for that matter, Northumberland, which has different but equally difficult problems, does not reflect the particular needs of those areas.

**Mr. Woolas:** The right hon. Gentleman has made an important point. However, it is also true that local government in general and the LGA in particular support the idea of distributing money through formula grant. Devolution, which involves the distribution of money by local authorities, supports the idea that formula grant is the way forward. The alternative is a specific grant to target individual authorities, but the right hon. Gentleman, his party and the LGA would not support that view. The distribution of money is based on a formula that inevitably results in winners and losers.

The Government always face difficult decisions in dividing up a fixed pot of money where there will be, as I have said, winners and losers. We have looked to ensure an equitable arrangement for concessionary fares funding, which retains local control for spending as requested by local government, rather than separately distributing the money through a specific grant.

**Mr. Stephen Byers** (North Tyneside) (Lab): The Minister will know that local government makes a number of requests and representations to Government, not all of which are agreed. He said that he wanted all authorities to be treated fairly. The consequence of his decision is that Tyne and Wear is being treated unfairly. This debate is being held because we, as Members for Tyne and Wear, find that unacceptable. Yes, we want free travel for our pensioners, but we want it to be done in a way that is fair and just, which is not the case at the moment. What will the Minister do to resolve that situation?

**Mr. Woolas:** My right hon. Friend, who knows much better than I do about the problems of distributing money through formula grant, makes a valid point. The Government recognise that the amount of money distributed to Tyne and Wear is not adequate to meet the needs of the scheme as proposed or the current demand for pensioner bus travel in his area. We have moved, through consultation, to ensure that £1.7 million has been allocated to Tyne and Wear through the Department for Transport grant for the metro system. We support the idea of a co-ordinated, integrated transport system in Tyne and Wear, as elsewhere. That money has been granted in recognition of the point that my right hon. Friend makes.

The Government also have to ensure that distribution is fair among all local authorities. That is why the cost of the statutory minimum half-fare scheme was previously supported through the formula grant settlement. However, many local authorities were providing a service above the statutory minimum for their residents—for example, by extending the concessions across the whole county or by enabling their residents to buy a pass to enable them to travel on buses free of charge. Those extensions to the statutory scheme were not taken into account when allocating formula grant. Some areas already offer free travel—Greater London, the west midlands and Merseyside are cases in point. It was right that those areas, too, should benefit from the extra resource so that council tax payers did not bear the burden of an authority's prior decision to offer what is now Government policy.

**Mr. Nicholas Brown:** What my right hon. and hon. Friends and I want to know is how this matter is to be resolved. Can the Minister point to the way forward?

**Mr. Woolas:** My right hon. Friend makes a valid request. The Government's approach is to examine the budget of Nexus, the transport executive in the region, to see how we can ensure that the transport concessions that are made—for example, for the student scheme, for the schoolchildren's scheme, and for the existing concessionary scheme—benefit from the allocation of Government money. We have to ensure that that scheme is legal and that it is fair to other authorities that are arguing that they are losing out. I have to say that none of the authorities that is benefiting from the allocation of money has written to me thanking me for it.

My right hon. Friend makes a serious point. We must ensure that we allocate the money through formula grant in a fair way and recognise the needs of the particular transport authority. That is why we are examining the way in which we can distribute money through the formula grant and other possible interventions. We want to ensure that my right hon. Friend's scheme for students, which has led to improvements in the stay-on rate for further education when compared with other areas, continues, and that student and school student travel for buses in his area is maintained and improved. How do we ensure that the unintended consequences of formula distribution of grant do not militate against the social benefits of the schemes that are currently in place for his constituents? That is our task, and the reason for genuinely congratulating him on raising the issue.

In developing the approach to grant distribution that we have now adopted, we had the benefit of extensive consultation, both in the official level settlement working group, in which my right hon. Friend participated, and in full consultation, especially involving local government, last summer on the range of our proposals for grant distribution.

The papers that the Association of North East Councils, which was mentioned earlier, brought to the settlement working group attempted to estimate the cost of moving from an authority's current position to a free-fare scheme. Inevitably, they could only be estimates. As I have explained, we could not base formula grant distribution only on those measurements.

Instead, we suggested that we should reweight the existing formula, known as the lower tier environmental, protective and cultural services formula to reflect the characteristics of areas where take-up of free bus travel is likely to be higher. Indeed, in the period between the announcement of the concessionary scheme in March and the consultation process in July and through to December, we took on board the points that my right hon. Friend made and the representations of others. That led to a significant increase in the money for Tyne and Wear.

We consulted on that in the summer of 2005 and, as part of the consultation, we exemplified the change in the EPCS formula. It is important to stress that the majority of responses to the consultation supported the change to the district level EPCS formula. I have to be fair to other local authorities in the area—

*The motion having been made after Ten o'clock, and the debate having continued for half an hour,* MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to Standing Order.*

*Adjourned at twelve minutes to midnight.*

# House of Commons

*Tuesday 14 March 2006*

*The House met at half-past Two o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

## PRIVATE BUSINESS

HBOS GROUP REORGANISATION BILL

*Considered; to be read the Third time.*

# Oral Answers to Questions

## FOREIGN AND COMMONWEALTH AFFAIRS

*The Secretary of State was asked—*

### Iran

1. **Michael Gove** (Surrey Heath) (Con): If he will make a statement on the political situation in Iran. [57926]

2. **Mr. Andrew Mackay** (Bracknell) (Con): If he will make a statement on Iran's relations with the International Atomic Energy Agency. [57927]

5. **Mr. David Ruffley** (Bury St. Edmunds) (Con): If he will make a statement on Iran's relations with the International Atomic Energy Agency. [57931]

7. **Mr. David Amess** (Southend, West) (Con): If he will make a statement on the political situation in Iran. [57933]

10. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): If he will make a statement on the political situation in Iran. [57936]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw):** Iran's nuclear activities are of the greatest concern. On 4 February this year, the International Atomic Energy Agency board adopted by a large majority a resolution calling on Iran to restore full suspension of all enrichment-related and reprocessing activities, but giving it until the March board before the Security Council became involved.

Despite intensive diplomatic efforts by Russia, China and the United Kingdom, France and Germany, the EU3, Iran did not take that opportunity. Instead, Iran has moved in the wrong direction, suspending co-operation with the IAEA under the additional protocol, which it committed itself in October 2003 to sign and ratify. This backward move by the Iranian regime is a symptom of a wider deterioration in the political situation in Iran, which includes further restrictions on press freedom and human rights, support for terrorism and unacceptable hostility towards Israel.

The IAEA director general's latest report said that it was a matter of concern that the nature of Iran's nuclear programmes had not been clarified after three years of intensive agency verification. The issue now moves to the Security Council. Our aim will be to use the council's political and legal powers to ensure that Iran takes the measures that the IAEA board of governors has deemed necessary. Iran must, among other steps, fully suspend all enrichment-related and reprocessing activities, including so-called research and development. We expect council action to be in support of the IAEA's work, in stages, and also to be reversible according to Iranian reactions.

Allowing Iran to acquire nuclear weapons would be deeply damaging for stability in the region as a whole and for the non-proliferation system. We will intensify our efforts with our partners to ensure that that does not happen.

**Michael Gove:** I thank the Secretary of State for his statement. He will recall that he visited Tehran five times over the past five years as part of his policy of constructive interaction. Following those visits, the Iranian regime has increased its support for Hezbollah, stepped up its drive for a nuclear bomb, turned its country into the biggest prison for journalists in the middle east, backed forces in Iraq targeting British troops and pledged to wipe Israel off the map. Can the Foreign Secretary tell us what precisely was constructive about that interaction?

**Mr. Straw:** That was an elegantly phrased question, but the insinuation that the one had followed the other is not entirely correct. I remind the hon. Gentleman that my five visits to Iran were all during the presidency of President Khatami, who was elected in what we think were free and democratic elections in 1987 and 2002, and when Iran was moving away from the confrontational approach that had been followed before. I am quite unapologetic about those visits and the efforts that we were making. I am also unapologetic about the work that I have undertaken with France and Germany to try to resolve this issue by peaceful and diplomatic means. Although it has been frustrating, I am clear that it has been far better than the alternative and that without this engagement between these three major European countries, we would never have got the consensus against Iran and for the non-proliferation regime that we achieved, for example, among the IAEA board of governors on 4 February.

**Mr. Mackay:** Following Iran's formal rejection of Russia's proposals for a joint venture operation and following the Foreign Secretary's welcome speech yesterday, can we conclude that he is nearer to Vice-President Cheney than he was before?

**Mr. Straw:** I have always enjoyed good relations with Vice-President Cheney, but I speak for the British Government, not the American Government.

**Mr. Ruffley:** The Foreign Secretary has told us that the UN Security Council will be able to act to reinforce the authority of the IAEA. While he has ruled out

military sanctions, can he reassure us today that he will back economic sanctions, should Iran continue to flout its clear international obligations?

**Mr. Straw:** I have indeed ruled out military action. I have not ruled out the use of article 41 measures, which include sanctions and which will be before the Security Council if they reach a resolution, and Iran understands that. I shall not speculate about which measures might be appropriate or for which we could achieve consensus, but the actions of the Iranian Government are already imposing sanctions on the people of Iran. There has been a flight of capital out of the country, a fall in the Tehran stock exchange, when other stock exchanges have been buoyant, and, above all, a flight of the most important resource of any country—the brightest and best young people in Iran, and that is likely to continue as long as the regime is in power.

**Mr. Amess:** Now that the policy of appeasement has been seen to have been so disastrous, resulting in the dreadful Iranian President, does the Foreign Secretary accept that a firm signal of disapproval should be sent to Tehran? Will he now consider targeted sanctions, such as those suggested, of a travel ban and freezing the assets of senior officials?

**Mr. Straw:** The most important thing that we have to do is to maintain a strong and effective international consensus in respect of Iran. Nothing would please the Iranians more than to see the Security Council and the world split between Europe and the United States on the one hand with Russia, China and the non-aligned movement on the other. At each stage, the Iranians have calculated that they would be able to secure that split, while actually at each stage the consensus against them has strengthened, which is why, despite all the rhetoric, we know that they are very worried about the situation.

On appropriate measures under article 41, the hon. Gentleman will excuse me for not anticipating which measures we might be able to take. That will depend above all on gaining a majority and a consensus among the permanent five of the Security Council, but Tehran needs to take notice of the fact that having had the tacit acquiescence of the Russian Federation at the beginning of the process, Iran has now secured its active hostility.

**Mr. Vara:** Will the Secretary of State tell the House what discussions he has held with other Gulf states, with a view to putting pressure on Iran to sever its links with terrorist groups such as Hezbollah?

**Mr. Straw:** I have held many discussions with the other Gulf states. They are concerned about Iran's approach in respect of their own Shi'a populations and in respect of support for terrorism. Above all, they share the suspicions of the board of governors of the IAEA that Iran may indeed be using its nuclear facilities to develop a nuclear weapons capability and they are deeply concerned about that.

**Mr. David Chaytor** (Bury, North) (Lab): Does my right hon. Friend see any role whatever for a military solution to the problem and, if so, at what point?

**Mr. Straw:** No, and I have made that clear.

**Mike Gapes** (Ilford, South) (Lab/Co-op): Does my right hon. Friend agree that this crisis has to be handled carefully and long, and that talk of military action or of imminent sanctions is unwise until we have maintained unity in the Security Council?

**Mr. Straw:** That is very wise advice; my hon. Friend is absolutely right. Of course the situation is frustrating, but those who want precipitate action need to think about the alternatives, which I believe would be far, far worse.

**David Lepper** (Brighton, Pavilion) (Lab/Co-op): Can the Secretary of State tell us what assessment and representations his Department has made in respect of members of minority religious groups in Iran since its current Government came to power and in particular since the death, on 15 December 2005, of a Baha'i, Mr. Mahrami in Yazd prison?

**Mr. Straw:** The human rights situation has got worse since President Ahmadinejad came to power. The position of the Baha'is has always been precarious and has got worse. We continue to make strong representations to the Iranians about that, both directly and through the European Union.

**Mr. Wayne David** (Caerphilly) (Lab): Can the Foreign Secretary confirm that the British Government have made representations to the Iranian Government about alleged members of al-Qaeda who are being held in Iran?

**Mr. Straw:** We have, and the Iranians are as ambiguous about al-Qaeda as they are about so much else. They recognise that al-Qaeda is an historic enemy of the Iranian regime, yet they have so far failed fully to co-operate with other members of the international community to ensure that members of al-Qaeda are brought to justice.

**Mr. Michael Moore** (Berwickshire, Roxburgh and Selkirk) (LD): Iran's non-compliance with its international obligations is extremely serious and completely unacceptable. Amidst the tough negotiations, we certainly welcome the Foreign Secretary's restatement of his view that military action against Iran is inconceivable. Can he tell us whether the Prime Minister and the United States Secretary of State would use the same language, and how does the Foreign Secretary believe that the recent nuclear agreement between the United States and India will affect the Iranian position?

**Mr. Straw:** First, may I offer my congratulations to the hon. Gentleman on his elevation as a Liberal Democrat foreign affairs spokesman? [HON. MEMBERS: "Mini Ming!"] I think that he is quite a big lad myself, and well able to look after himself.

I have set out the British Government's position on military action. I cannot speak—I do not presume to do so—for any foreign Government, but I can say, because it is a matter of record, that although no Commander in Chief of the United States, the President, ever rules out options, in practice, military action is not on the American Government's agenda any more than it is on anyone else's.

**Dr. Gavin Strang** (Edinburgh, East) (Lab): Does my right hon. Friend agree that every Government in the world should regret the fact that Iran has allowed this issue to move from the IAEA to the Security Council? Will he take this opportunity to reaffirm that it is Government policy that any action against Iran will be authorised by the UN Security Council?

**Mr. Straw:** Any action that was taken by the international community would have to be authorised by the Security Council, and I speak for the United Kingdom. The IAEA operates under the Security Council's general supervision, and it is under its statutes that we have reported Iran to the Security Council.

I am afraid that I failed to answer the last of the questions asked by the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) in relation to India. India was not a member of non-proliferation treaty regime. It acquired nuclear weapons. We in the United Kingdom were co-sponsors of a resolution calling on India and Pakistan to desist. It is a reality that the United States and we have sought to ensure that there are agreements with India by which it comes at least partially—I hope, in time, fully—into the non-proliferation regime; but, interestingly, Iran has never raised the issue of India, because of course Iran continues to deny that it has any nuclear weapons ambitions whatsoever.

**Mr. William Hague** (Richmond, Yorks) (Con): Given that all diplomatic efforts to date to dissuade the Iranian leadership from pursuing its nuclear ambitions have failed, does the Foreign Secretary agree that the Security Council's response must be particularly robust and determined to have any chance of success? Does he agree that an essential part of that must be a comprehensive embargo on all deliveries of weapons and military equipment to Iran, including all nuclear and missile technology?

**Mr. Straw:** I agree with the right hon. Gentleman that the more robust and determined the response, the quicker that this issue can be resolved satisfactorily for everyone and, above all, for the Iranian people. It will be hard going in the Security Council. However, I am heartened by the fact that it was hard going to get a majority in the board of governors to report Iran to the Security Council, but after a lot of negotiation, we got China, Russia, India, Yemen, Sri Lanka, Egypt and Brazil all in favour, so I remain optimistic.

On precise measures, we anticipate an incremental approach. Initially, there will be a presidential statement by the Security Council. We hope that that works. If it does not, we will look for a Security Council resolution, which may not contain measures; but if that does not work, we are considering the possibility of there being measures. The right hon. Gentleman makes a proposal for inclusion in that, which, of course, we will consider carefully.

**Mr. Hague:** The Foreign Secretary said yesterday that the use of force against Iran was inconceivable—he has said pretty much the same again today—but on 7 February the Prime Minister said:

"You can never say never in any of these situations."

Has the Prime Minister now changed his view? If so, what has changed in the interim to change his view? In the interests of bringing maximum pressure to bear and of acting in concert with our allies, is it not a mistake entirely to rule out, however far in the future, the use of force?

**Mr. Straw:** There is no distinction in the British Government's approach. No one is talking about military action. Military action will not resolve the issue. There is no casus belli that I can see. If Iran were to attack one of its neighbours, plainly the situation would change and the issue of a Security Council resolution would not arise, but in the real world in which we are living, where we are trying to resolve this issue, I do not see that there is a place for military action. I have heard no one who believes that there is a place for military action. Given that that is the case and, frankly, given the understandable anxieties of the House, as well as the country, about military action against the background of Iraq, it is very important that we are straight with the British public about what is likely to be used and what is not likely to be used.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): How much consideration has been given to Mohamed el-Baradei's suggestion that member states establish fuel banks with countries with nuclear reactors, thereby ridding non-weapon states of the need to acquire the fuel-processing technology that can be used to produce weapons-grade material? Under such a scheme, if countries comply with their non-proliferation obligations they will receive that material.

**Mr. Straw:** A great deal of consideration has been given to that proposal, which fits in with proposals by the American Government. I spelt out to the Iranians the fact that I understand their anxiety about being wholly reliant on one supplier—in this case, Russia—for fuel, which is why we internationally have told Iran that we would be willing for an international guarantee to be given whereby the Russian supply or any alternative supply would be guaranteed. I very much hope that it will accept that offer.

## Darfur

3. **Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): If he will make a statement on the situation in Darfur. [57928]

8. **Mr. Chris Mullin** (Sunderland, South) (Lab): What recent assessment he has made of the situation in Darfur; and if he will make a statement. [57934]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw):** The security situation in Darfur remains serious, with 3.5 million people still requiring humanitarian assistance. The United Kingdom has led the international response and we are among the largest providers of aid. I delivered a strong message to the peace talks that I attended in Abuja last month. We recently announced a further £20 million for the African Union mission in Sudan, and we are now pushing for its early replacement by a stronger United Nations force. We were instrumental in securing the

investigation by the International Criminal Court, and in New York we are proposing names for United Nations sanctions.

**Mrs. Dorries:** Given that the African Union is determined to persist with its mission in Darfur rather than hand over control to the United Nations as many in the international community had hoped, and given that every month thousands of people are still dying as a result of disease and violence, does the Minister think that £20 million is enough additional support for the African Union? Are those sufficient resources for it to continue its mandate, or does it need more to fulfil it?

**Mr. Straw:** It is sufficient for the time being. The African Union's decision was a curate's egg, but we judged it to be more, rather than less, helpful in moving the African Union towards acceptance of a United Nations mandate, as it has reaffirmed its support for the principle of transition to the UN, welcomed the Security Council launch of contingency planning, commissioned AU-UN work on the transition, and called for an end to incitement by the Sudanese Government of demonstrations against the United Nations. It is a controversial issue—it is controversial within the new Sudanese Government—but the presence of a United Nations force is the best prospect for properly securing peace in Darfur, and we are concentrating all our efforts on securing that end.

**Mr. Mullin:** Is my right hon. Friend aware that Kofi Annan and Mark Malloch Brown take the view that to be effective any UN force must include American and European troops on the ground? How realistic is that view, and is he aware that the Sudanese Government are boasting that they have seen off the UN? If the Sudanese will not co-operate, has not the time come to ask the International Criminal Court to unveil the results of its war crimes indictments?

**Mr. Straw:** I am aware that there is anxiety in the UN secretariat about logistical support that the United States and the UK could provide but which few other countries could provide. On the other hand, we must ensure that any troops who are posted are acceptable and know the situation, so detailed discussions are under way in the secretariat with the UN peacekeeping directorate and the African Union. A way through can be found, but the crucial thing is to put those blue-helmeted troops on the ground in Darfur in greater numbers. The present situation is absurd, as troops are not doing a great deal in the south of Sudan. The principle has been accepted in a place where they are not particularly needed, but they cannot transfer to the west of the country where they are needed. The Sudanese Government are resistant to the idea of foreign troops—we all accept that—but we have sought to persuade them to understand and appreciate that the only real hope of peace in Darfur is an effective international peacekeeping force alongside a more effective peace-making process in Abuja.

**Sandra Gidley** (Romsey) (LD): The Foreign Secretary will be aware that Salah Abdallah Gosh, Sudan's director of national security, was issued a visa, ostensibly for medical purposes. That gentleman has been implicated by a United Nations panel in relation to war crimes. What measures are being taken by the Government to ensure that all international bodies are given the support necessary to end killings in Darfur and bring the perpetrators to justice?

**Mr. Straw:** I cannot comment on the particular case that the hon. Lady raises. I am happy to write to her about that and place a copy in the Library of the House. On backing for the International Criminal Court generally, it was as a result of British diplomacy that we got the Security Council resolution—the first work of the ICC in respect of Sudan—and we have actively backed all its work subsequently to identify the perpetrators and to bring them to justice.

**Mr. David Drew** (Stroud) (Lab/Co-op): The situation in Darfur is grave, but it has been grave for many months. We must find a way of bringing many more troops into the area. There are those who say that the only way to step up troop numbers and to get the UN fully engaged is through NATO being engaged. Is that a realistic proposition, and if not, what is the answer?

**Mr. Straw:** I know that my hon. Friend has been to Darfur recently and has great expertise on the situation. The point is the same as that raised by our hon. Friend the Member for Sunderland, South (Mr. Mullin) a moment ago. There is a great deal of talk about the high level of expertise in NATO member states, including particularly the United States and the United Kingdom. That has to be balanced against the acceptability of such expertise in Darfur. All I can say is that discussions about that are continuing.

**Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): At the Labour party conference in 2001, the Prime Minister described Africa as

"a scar on the conscience of the world."

Since then the humanitarian crisis in Darfur and Sudan has got distinctly worse. Some estimates put the number of displaced people at 3 million, and those who are starving and homeless at another 3 million, with 200,000 refugees crossing the border into Chad. Now we hear that Libya is supporting the Government of Sudan in effectively vetoing any further engagement by NATO troops. What more can the international community do, or is it content to walk by on the other side of the road and watch one of the worst human crises in the 21st century evolve?

**Mr. Straw:** I understand the hon. Gentleman's frustration. We must stay heavily engaged there. We are doing a great deal. We cannot take over the government of Sudan. In the end, we need the acquiescence of the Government of Sudan for any troops that go into that country. Although I note what the hon. Gentleman says about Libya and some other north African states not being desperately constructive, the other side of that is that under the very sound leadership of President Obasanjo, the former chairman of the African Union, to whom I spoke about the matter less than a week ago, and many of his colleagues, the African Union has shifted. It has finally understood that it must take responsibility for the scandalous situation which, as the

hon. Gentleman said, has displaced 3.5 million people in the heart of Africa. All of us have to stay engaged and increase our activity there.

**Mr. Eddie McGrady** (South Down) (SDLP): Is the Foreign Secretary aware that the International Monetary Fund has just concluded an agreement with the Sudanese Government for an IMF-monitored economic growth policy? Could the implementation of that policy be used as a pressure mechanism to impress on the Sudanese Government the urgent need for the civil war to be brought to a close and, more immediately, for human rights abuses to be brought to an end?

**Mr. Straw:** I do not have all the details of the International Monetary Fund arrangement, but it is worth bearing in mind that two peace processes have taken place in Sudan. The north-south peace process led to a Government of national unity, so progress has been made and the situation is far better than it was a few years ago, and I believe that the IMF arrangements were made in respect of that process. The IMF always imposes conditions, which are principally economic, but I shall follow up my hon. Friend's suggestion and write to him.

**European Constitution**

4. **Ann Winterton** (Congleton) (Con): What recent discussions he has had with his EU counterparts on the future of the European constitution. [57929]

**The Minister for Europe (Mr. Douglas Alexander):** Last June, the European Council agreed to undertake a period of reflection on the draft constitutional treaty. I regularly discuss questions related to the future of Europe with our European Union counterparts, and recent discussions have focused primarily on the policy priorities for the European Union, such as economic reform and energy security.

**Ann Winterton:** Will the Minister confirm that all EU treaties fall outwith the royal prerogative, and that they, including any future regurgitated constitutional treaty, can be ratified only by an Act of Parliament and that in those matters Parliament remains supreme?

**Mr. Alexander:** We have had a number of European treaties, so the process by which they are ratified is fairly standard. However, the particular set of circumstances in relation to the draft constitutional treaty meant that a clear undertaking was given that included in the ratification process for the draft constitutional treaty not only ratification by parliamentary means, but a vote of the people of the United Kingdom.

**Ms Gisela Stuart** (Birmingham, Edgbaston) (Lab): Will the Minister assure the House that the UK Government will not go down the route suggested by the French Government, by which parts I and II of constitution would be ratified and the commitment to hold a referendum would be evaded?

**Mr. Alexander:** I have seen some of the speculation to which my hon. Friend has alluded. It is clear from our discussions with our European partners in recent weeks and months both that it is necessary to continue the period of reflection and that it is appropriate for the focus in the coming European Council to be on not only those institutional questions, but, as we have long argued, jobs and growth for the European Union.

**Mr. David Heathcoat-Amory** (Wells) (Con): Does the Minister recall the European Court of Justice case last September that required member states to impose criminal sanctions in support of EU directives, even if those member states vote against those EU directives? Since 21 of the 25 member states opposed that case, what is he doing to reverse that extension of EU power, or is he happy to see criminal laws changed by the EU through majority voting in defiance of the wishes of Parliament and the Government?

**Mr. Alexander:** On the right hon. Gentleman's view about the European Court of Justice, I accept that if we are part of the European Union, there should be a means by which the rules are enforced within the European Union. However, we have made our views clear in relation to the particular case to which he has referred, and I will make sure that a letter is sent to him confirming the position.

**Keith Vaz** (Leicester, East) (Lab): A period of reflection is wise on a constitution that the Foreign Secretary has frequently described as being in limbo somewhere between heaven and hell. It is also correct that issues on which member states agree can be advanced as part of the overall reform agenda, which Britain has been proud of leading in Europe in the past nine years. Will the Minister give an assurance that we will move forward on those issues where reform is possible?

**Mr. Alexander:** Given a previous appearance at Foreign Office questions, I will resist the temptation further to elaborate on the Catholic theology of limbo. *[Interruption.]* I am not sure whether it was more incongruous that I was asked the question or that I, as a Scottish Presbyterian, endeavoured to answer it. We have long argued that there should be a sensible set of rules to reflect a European Union of 25 member states—it will soon be 27 member states—which is why we supported the draft constitutional treaty. However, that matter is clearly delineated from the commitment that we made at the time of the draft constitutional treaty, which stated that if the draft constitutional treaty is to be ratified in the United Kingdom, it will depend on a referendum involving the people of the United Kingdom.

**Mr. Graham Brady** (Altrincham and Sale, West) (Con): The Minister knows that it is not only my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) who is concerned about the European Court of Justice. The current holder of the EU presidency, Chancellor Schuessel, has said that the ECJ has systematically expanded European competencies in the past few years, even in areas in which there is no Community law. Does the Minister agree with Chancellor Schuessel, and will the matter be on the agenda at next week's summit?

**Mr. Alexander:** First, on the agenda for next week's summit, the principal focus will be on jobs and growth

in the European Union. There will also be an update on the work on energy security. Recently, the European Commission published a Green Paper following our Hampton Court summit. So, there will be a heavy agenda at the coming European Council later this month.

On the hon. Gentleman's substantive point about the European Court of Justice, we have made clear our opposition to certain rulings of the European Court of Justice in the past, but we accept the principle that there needs to be a means by which the rules and laws in the European Union are enforced.

## Lebanon

6. **Mr. Andrew Love** (Edmonton) (Lab/Co-op): If he will make a statement on the political situation in Lebanon. [57932]

**The Minister for the Middle East (Dr. Kim Howells):** The Lebanese Government are committed to addressing political, economic and security sector reform. During his visit to Lebanon in January, my right hon. Friend the Foreign Secretary reiterated that the UK stands ready to assist the Lebanese Government to implement those reforms.

The UK supports full implementation of United Nations Security Council resolutions 1559 and 1655, which promote the sovereignty of Lebanon, and encourages all parties in Lebanon to assist with their implementation.

**Mr. Love:** I thank my hon. Friend for that answer. Does he agree that the optimism of the so-called cedar revolution has been somewhat dissipated in the past few months, that the election of Hamas in the Palestinian territories is a setback and further destabilises the region, that as a result our objectives should be, as he says, the implementation of Security Council resolutions, and that we should not use Lebanon as some sort of proxy to fight battles in other countries in the middle east?

**Dr. Howells:** My hon. Friend, as chairman of the all-party Lebanon group, has taken a great interest in the affairs of that troubled country. His words are wise. Lebanon has suffered enough over the past 50 years. It should not be a battlefield for other wars fought by proxy in that country and I agree with him entirely.

**Mr. Keith Simpson** (Mid-Norfolk) (Con): Does the Minister not think that there is an irony in the fact that, at a time when Lebanon has largely been freed from Syrian influence, the vacuum has now been filled indirectly by the Iranians and their support of Hezbollah? Does he have any evidence that the Iranian support of Hezbollah poses a direct terrorist threat against UK personnel and interests in that area?

**Dr. Howells:** We have not heard of specific threats, but I understand full well the hon. Gentleman's point. The area is very unstable. We have a great many people working out there, mostly in the private sector, and we have a duty to be very aware of the danger posed to them by Hezbollah and other groups such as Palestinian rejectionist groups, many of which are financed directly by Iran and the Revolutionary Guard. We know that Hezbollah itself is not acting like a proper democratic and political party. It has not laid down its arms and shows no intention of doing so.

## Zimbabwe

12. **Sir Nicholas Winterton** (Macclesfield) (Con): What recent discussions he has had with his African nation counterparts on the situation in Zimbabwe. [57938]

**The Minister for Trade (Ian Pearson):** We deplore the situation in Zimbabwe. The widespread humanitarian suffering there is caused by misgovernance and bad policies. We regularly raise the situation with African leaders. My noble Friend Lord Triesman of Tottenham, Minister with responsibility for Africa, discussed the issue with a range of South African Government leaders during his visit from 2 to 4 March. African leaders play a vital role in seeking an end to Zimbabwe's nightmare regime.

**Sir Nicholas Winterton:** Does the Minister really think that the other Governments in Africa, including that led by President Thabo Mbeki, are fully aware of the suffering of the Zimbabwean people? Are they fully aware that hundreds of thousands have been dispossessed by Mr. Mugabe's Administration, that hundreds of thousands are dying of hunger, that some 200,000 have already died from hunger, that there is growing anger in the country that is coming from all population groups, and that there is growing disillusionment with the United Nations, which does not appear to have the courage to take action to end genocide? Will the Government seek to take action, either unilaterally, with other countries in Africa, or through the United Nations, to stop that grotesque killing of innocent people?

**Ian Pearson:** I think that South Africa and other African nations are well aware of the situation in Zimbabwe. South Africa suffers more than any other country from the Zimbabwean crisis. As a former economist, I must say that the regime, to my reckoning, has got to be close to economic collapse, with inflation rates of 1,000 per cent. and an unemployment rate in the region of 80 per cent. It is clear that the regime is failing, and there is more that African countries can do to bring pressure on it, including supporting the UK and others in discussions in the United Nations.

**Mr. Lindsay Hoyle** (Chorley) (Lab): Of course we welcome what the Minister says, but the problem is that year after year we keep getting the same message. The reality is that something has got to be done. The economy is ruined and the agricultural policy is in tatters, and there is no future for the people of Zimbabwe with a gangster in charge. What can we do, and when are we going to do it?

**Ian Pearson:** I share my hon. Friend's sense of frustration at what is happening in Zimbabwe and the complete reluctance and implacable hostility of the regime to do anything about the suffering of its people.

Under our chairmanship, Zimbabwe was discussed for the third time at the UN Security Council on 19 December. Such attention is justified by the scale of the suffering that is clearly going on in Zimbabwe. We will continue to work with our partners in New York to ensure that Zimbabwe remains on the Security Council's agenda, and we want to press for a Security Council resolution.

**Sir Malcolm Rifkind** (Kensington and Chelsea) (Con): A few moments ago, the Foreign Secretary praised the African Union for becoming involved in what he rightly described as the scandalous situation in Darfur. Will the Minister equally condemn both the African Union and the South African Government for failing to apply similar courage with regard to Zimbabwe?

**Ian Pearson:** I think that I have made it clear that the Government believe that African countries could and should be doing more. Many share our concerns, and we have seen President Obasanjo, President Mbeki, former President Chissano and others trying to persuade Mugabe to change track. The simple fact of the matter is that when Lord Triesman talks to them, they reply that Mugabe does not listen to them either. I agree that the situation is terrible, but it is important that we all do what we can to exert international pressure on the regime to change for the good of its people.

### Arms Trade

13. **Mary Creagh** (Wakefield) (Lab): What his Department's strategy is for ensuring that negotiations for an international arms trade treaty can begin in 2006. [57939]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw):** An international treaty on the arms trade was one of the foreign policy pledges in our manifesto for last year's general election. We are working to build the consensus needed to start the process for a treaty at the United Nations. In 2005, I am pleased to tell the House, we secured support for such an arms treaty from our partners in both the EU and the Commonwealth.

**Mary Creagh:** I thank my right hon. Friend for his reply. He will be aware that the treaty is vital if we are to ensure that there is a level international playing field for the UK defence industry and to stop arms from falling into the hands of human rights abusers and indiscriminate killers. What discussions has he had with not only other Government Departments, but countries that have been identified as blocker states? What discussions has he had with colleagues in the House to ensure that there is support for such a treaty across the House?

**Mr. Straw:** I am grateful to my hon. Friend for her interest and concern. There is no party monopoly on the issue whatsoever because there is wide support across the House. She is absolutely right to point out that it is precisely the countries that are resisting such a treaty that show why it is needed the most. Many of the conflicts about which we talked earlier in today's Question Time have been fuelled by an unregulated trade in not only small arms, but medium-sized arms. I have held many discussions about the matter and I raise it with all Foreign Ministers whenever I meet them. As I said, it is significant that we now have active support from the European Union—we achieved that during our presidency—and more than 50 members of the Commonwealth.

**Mr. Crispin Blunt** (Reigate) (Con): A rather notable absentee from those who were giving active support is the United States of America. One has to ask precisely what point there is in a huge amount of official and ministerial effort going towards trying to get this treaty if there is no prospect of the United States being a party to it. Even if it were, if it treated it in the manner in which it treated the extradition treaty with this country, what point is there?

**Mr. Straw:** I have had many discussions with the United States and those will continue. The Administration—it would apply to any Administration—faces a difficulty about a possible collision between any international treaty and the right of American citizens under the second amendment of the constitution in respect of what happens internally in the United States. We have to find a way of navigating through that. The American Government are as concerned as any other responsible Government about the unregulated trade in small arms fuelling these conflicts; and in practice, the American Government are the biggest donor in terms of support for the United Nations and other aid programmes when it comes to resolving them.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Does the Foreign Secretary believe that it helps or hinders our role as honest brokers trying to fire up the international arms trade treaty talks that we have at the heart of government several hundred civil servants, paid for by the taxpayer, who are on free loan to the arms companies that promote the sale of arms and armaments to certain regimes, a few of which are very unsavoury by any standards?

**Mr. Straw:** There is no inconsistency between our support for the British defence industries and our support for an international arms trade treaty. I can say to my hon. Friend that our system of arms control in this country is one of the most rigorous in the world. It is adjudicated by the Quadripartite Committee on Strategic Export Controls, a powerful Committee that is made up of four of the Select Committees of this House. We are now in a situation where every quarter we give the Quad Committee real-time information about every arms control licence that we issue, as well as some of those that we reject.

### Darfur

14. **Mr. Stewart Jackson** (Peterborough) (Con): If he will make a statement on the security situation in Darfur. [57940]

**The Minister for Trade (Ian Pearson):** There has recently been further fighting in Darfur between the forces of the Government of Sudan and rebel groups, as well as between different militias and tribal groupings. There have been

attacks on civilians, humanitarian workers and the African Union monitoring mission, and the general level of banditry remains high. We call on all the parties to respect the ceasefire and reach an early political settlement. We are taking the actions outlined earlier by my right hon. Friend the Secretary of State.

**Mr. Jackson:** I thank the Minister for that answer. Further to the comments of my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), does the Minister think that it is acceptable that the President of Libya has a de facto veto on NATO involvement in enforcing the UN mandate in Darfur?

**Ian Pearson:** I understand the hon. Gentleman's point. However, this is clearly a matter for discussion in the United Nations. Let me re-emphasise that we are very concerned about the security situation. In a speech in Abuja on 14 February, my right hon. Friend the Foreign Secretary made it very clear to all the parties that they need to make urgent efforts to achieve a sustained ceasefire. That remains our hope and our position.

### Joint Economic and Trade Committee

15. **Peter Luff** (Mid-Worcestershire) (Con): If he will make a statement on the current work programme of the Joint Economic and Trade Committee. [57941]

**The Minister for Trade (Ian Pearson):** The Joint Economic and Trade Committee is a bilateral mechanism for businesses to raise issues of concern for action by the Indian and UK Governments. It aims to encourage the Indian Government to open more sectors to foreign investment and to increase trade and investment opportunities for British business. Indian and British businesses are participating in working groups for agribusiness, accountancy services, health care, hi-tech clusters, legal and financial services and infrastructure.

**Peter Luff:** When the Select Committee on Trade and Industry was in India last week, we saw for ourselves the huge enthusiasm that exists in the Indian business community to build and deepen trade and investment relations between our two countries. We also saw the dignified response of the Indian Government to terrorist atrocities in Varanasi. Does the Minister agree that one of the most effective contributions that we can make to answering the terrorists is to signal our determination to do all that we can to build and deepen our relationships with the fastest-growing democracy in the world?

**Ian Pearson:** I agree and I look forward to meeting the hon. Gentleman and the Select Committee on Trade and Industry to discuss trade in India shortly. He is right that we must conduct more trade, which is surely the best message that we can convey to India. We are doing that through the Indo-British Partnership Network. Recently, I was in India with a strong business delegation and improvements are taking place. However, I am not satisfied. It is a little like England in the second test—our batting performance was poor. We need to do better, and I am sure that we will do better in future.

**Angus Robertson** (Moray) (SNP): Does the Minister accept that the Scotch whisky industry is seriously affected by the penal rates of duty and import tax that the Indian authorities impose? What are he, the Foreign Office and the Department of Trade and Industry doing to try to ameliorate the position?

**Ian Pearson:** I agree that the Scotch whisky industry is unfairly penalised by duty rates. I have raised the matter directly with the Ministry of Commerce and Industry and my opposite number. We have made regular submissions about it. We hope that, as part of the World Trade Organisation negotiations, there will be a reduction in tariffs not only for Scotch whisky, but for other products.

### Ethiopia

17. **Julie Morgan** (Cardiff, North) (Lab): What recent discussions he has had with the Ethiopian Government on disturbances in the country. [57943]

**The Minister for Trade (Ian Pearson):** We remain concerned about the situation in Ethiopia. We have called on all sides to exercise restraint, avoid confrontation and violence, and respect the law.

Ministers and officials raise our concerns regularly. Since December, my right hon. Friends the Prime Minister and the Secretary of State for International Development, and my noble Friend Lord Triesman of Tottenham, who is Minister for Africa, have all discussed developments with the Ethiopian Prime Minister personally.

**Julie Morgan:** Does my hon. Friend agree that it is essential for the UK Government to continue to work closely with the Ethiopian Government to encourage more transparent democracy in the country? I have recently returned from Ethiopia where I viewed the problems and human rights abuses, but also the progress towards meeting the millennium development goals. We should continue to work closely with the Government there.

**Ian Pearson:** I pay tribute to my hon. Friend for her dedication to and interest in Ethiopia. The Government are concerned about the loss of life in the June and November disturbances and we want to work closely with the Ethiopian Government to ensure that they are aware of our views about the importance of a transparent, prompt and impartial inquiry. We want Prime Minister Meles to agree to international jurists observing the trial. We also want the trial to be conducted fairly, quickly and transparently. There are several serious issues to consider, and I would be more than happy to meet my hon. Friend to discuss her experiences on her recent visit.

### Zimbabwe

18. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet his EU counterparts to discuss EU sanctions against Zimbabwe. [57944]

**The Minister for Trade (Ian Pearson):** At the 30 January General Affairs Council, my right hon. Friend the Foreign Secretary joined his EU colleagues in renewing sanctions against Zimbabwe for a further year. That decision reflected the EU's strong concern about the human rights situation and failure of governance in Zimbabwe. We remain in close touch with our EU partners to maintain a firm international response to the crisis.

**Mr. Bellingham:** We heard earlier about the spineless attitude of neighbouring countries to Zimbabwe. They appear terrified of Mugabe. Although sanctions have been in place for several years, Zimbabwean officials and their families still travel to Europe. Furthermore, does the Minister know that Mugabe has travelled to Europe on five occasions? What more can be done? Is the hon. Gentleman genuinely saying that Her Majesty's Government cannot do more to help the people of that tragic country?

**Ian Pearson:** On the point about the stance of African countries, I have nothing further to add. However, the hon. Gentleman's comments are not helpful. He claims that EU sanctions are ineffective, but they place genuine pressure on the regime. They have the support of the democratic Opposition and the non-governmental organisation community in Zimbabwe. Mugabe and his cohorts detest the restrictions that are imposed on their movements. The hon. Gentleman mentioned potential loopholes. Standard exemptions enable travel to the EU in a few, narrowly defined cases, but overall the travel ban works and puts pressure on the regime.

**Mr. Gregory Campbell** (East Londonderry) (DUP): What assistance are the Government offering to the opposition parties in Zimbabwe that are taking such a courageous and noble stand against the excesses of the Mugabe regime?

**Ian Pearson:** We talk on a regular basis with the Movement for Democratic Change and the various elements within it. In addition to putting pressure on the regime to change, the key thing that we do is to provide humanitarian assistance to the people in Zimbabwe who are being disadvantaged by that completely odious regime. We will continue to do that through the Department for International Development, because it is important work and it is helping to save people's lives.

## West Bank

19. **Kerry McCarthy** (Bristol, East) (Lab): What assessment he has made of the economic impact of settler expansion in the west bank; and if he will make a statement. [57945]

**The Minister for the Middle East (Dr. Kim Howells):** Settlement expansion—[HON. MEMBERS: "Hear, hear!"] I have never got this far down my crib book before. Settlement expansion has meant an increase in checkpoints and road closures in the west bank. The barrier circling settlements east of Jerusalem restricts movement for residents between the west bank and East Jerusalem. These factors are damaging the Palestinian economy. Settlements are illegal under international law. The road map is clear that Israel should freeze all settlement construction, and we continue to urge Israel to route the barrier away from occupied land.

**Kerry McCarthy:** I thank the Minister for his answer. I also thank the Secretary of State for agreeing to make a statement in a few minutes' time. When I was in the occupied territories as an observer for the recent Palestinian elections, I was particularly concerned to see the work that had been done to pave the way for building E1, the economic zone that will link the huge settlement of Ma'ale Adumim and Jerusalem, effectively cutting the west bank in two and completely destroying its territorial contiguity. Can my hon. Friend assure me that we are putting pressure on the Israeli Government to halt all building work on E1?

**Dr. Howells:** I can certainly assure my hon. Friend that we will continue to put pressure on the Israeli Government. I visited East Jerusalem recently, and I saw the disruption to people's lives that that barrier is causing; it is very severe in some cases. We agree, as we have to, that Israel has a right to self-defence and to protect itself against suicide bombers, but building a barrier on occupied land is contrary to international law. We continue to say to Israel that if it is going to build it, it should build it along the green line and not on Palestinian land.

**Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): Does my hon. Friend agree that the best way to deal with the Palestinian-Israeli problem is for the Palestinians to enter into negotiations with Israel to set up a Palestinian state on the basis of a two-state solution? Does he also agree that, to enable that to happen, Hamas must accept the existence of Israel unconditionally and permanently?

**Dr. Howells:** Yes, indeed. I agree with that.

## Turkey

20. **Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): When he last visited Turkey to discuss human rights; and if he will make a statement. [57946]

**The Minister for Europe (Mr. Douglas Alexander):** My right hon. Friend the Foreign Secretary last visited Turkey on 25 January 2006 and held talks with Prime Minister Erdogan and Foreign Minister Gul on a number of issues, including human rights and the importance of continued reforms. It would be unworthy of me to omit at this stage mention of the fact that on that occasion my right hon. Friend was also awarded by the Turkish Industrialists and Businessmen's Association the 2005 Bosphorus prize for European understanding.

**Meg Hillier:** I recently had the privilege of meeting the Mayor of Batman when he was on a visit to Hackney—*[Interruption.]* Batman in Turkey. He was visiting Hackney and meeting Kurdish compatriots. Following the Foreign Secretary's meetings with the Turkish Government, what words of comfort does my right hon. Friend have for Kurds who are concerned about human rights abuses of their compatriots in Turkey?

**Mr. Alexander:** I assure the House that I have never had any difficulty drawing a distinction between Hackney and Gotham City. On the substantive question that my hon. Friend has raised, those of us who want an improvement of human rights in Turkey, in particular for the Kurdish minority, have taken heart from the opening of accession talks on 3 October. Many commentators have recognised that while some progress has already been made in relation to the Kurdish community, the very spotlight that the process towards accession to the European Union holds out is the strongest prospect for further progress.

**Miss Anne McIntosh** (Vale of York) (Con): May I join the Minister in his remarks on progress towards Turkey's accession? What progress has there been towards peaceful reconciliation with the Kurdish minority and will he ensure that we give all the support we can to the Turks to make sure that there are no terrorist attacks on the Kurdish minority? Will he join me in asking whether Robin was also present at the meeting referred to earlier?

**Mr. Alexander:** I will leave the final question to be discussed between the Members concerned.

On the substantive point, of course we continue, through our embassy in Ankara and through ministerial contact of the kind of which I spoke, to press the case for further improvements in human rights. There has been progress—for example, in relation to Kurdish broadcasting—but there is further scope for progress to be made. That is why I give my word to the House that we shall continue to take forward this work during that process of accession over the months and years ahead.

3.31 pm

**Mr. Deputy Speaker (Sir Alan Haselhurst):** We will now take Question 11.

## Hamas

11. **Gordon Banks** (Ochil and South Perthshire) (Lab): What steps he is taking to establish channels of communication with Hamas; and if he will make a statement. [57937]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw):** We fully support the approach set out by the Quartet. Members of any Palestinian Government must be committed to non-violence, the recognition of Israel and the acceptance of previous agreements and obligations, including the road map.

May I take this opportunity to explain to the House what has happened today in Jericho and elsewhere in the occupied territories? First, I must emphasise the Government's condemnation of today's appalling acts of violence. They are totally unwarranted. I am glad to tell the House that all United Kingdom monitors and other employees of the British Government are safe—including British Council employees, all of whom are Palestinian—in Gaza and in Ramallah. We are currently advising against all travel to the occupied territories.

I set out the background to the withdrawal of our monitors from the prison in Jericho in a written ministerial statement to the House this morning. The House will recall that they arrived in Jericho under the Ramallah agreement in 2002, which helped to bring about the end of the siege of President Arafat's compound.

The Ramallah agreement set out clear conditions under which the six Palestinian prisoners would be held. The 14 British and American monitors were there to monitor those conditions, not to detain or protect the prisoners. Regrettably, the Palestinian Authority have never in the past four years met all their obligations under the Ramallah agreement, despite our repeated demands that they do so.

Our monitors faced an increasing threat to their safety. I considered—on advice from officials and security experts—withdrawing them last year, but I judged that, on balance, the risk was just acceptable to allow them to stay. In the light of recent reports, however, I decided that their position was no longer tenable and the security risks were unacceptable. The safety of the British monitors had to be my overriding concern. In my original statement to the House of 29 April 2002, I set out the fact that that was our overriding concern, but also the principal responsibility of the Palestinian Authority.

Given the deteriorating situation, on Wednesday last, 8 March, we—that is, the United States and the United Kingdom consuls general—informed the Palestinian Authority and the Israeli Government, as the Ramallah agreement required us to do, by letter of our intention to withdraw the monitors "with immediate effect"—I quote directly from the letter—unless the Palestinian Authority took a final opportunity to meet their obligations. I regret that they felt or were unable to do so. For obvious security reasons—namely, the safety of the monitors as they withdrew—we could not give precise timings of the withdrawal, but the phrase "with immediate effect" was absolutely clear. We made sure, and were assured, that President Abbas was made aware of our plans. The letter, indeed, was to him.

Just before coming to the House, I spoke to President Abbas of the Palestinian Authority, the United States Secretary of State, Condoleezza Rice, and the Israeli Foreign Minister, Tzipi Livni. I urged the Government of Israel to show the maximum restraint in their current actions being undertaken in the perimeter of Jericho prison.

**Gordon Banks:** In the light of today's developments and of reports of hostage-taking in Gaza, will my right hon. Friend tell us what wider measures he is taking to ensure the safety of all British nationals in Gaza and on the west bank, to reduce the immediate tensions and to limit any possible spread of today's violence?

**Mr. Straw:** We immediately issued changes to travel advice, urging British citizens—British subjects—not to travel to the occupied territories for the time being. We also gave other detailed advice. As I told the House earlier, I have already spoken to the Foreign Minister of the Government of Israel, and urged that the Israeli defence force show maximum restraint in the present difficult circumstances.

**Mr. William Hague** (Richmond, Yorks) (Con): May I return to the substance of the original question? The

Quartet has laid down clear conditions for Hamas to comply with its demands. Will the Foreign Secretary tell us how much time Hamas has in which to change, and specifically when a cut-off in funding might occur?

The Foreign Secretary is right to attach such importance to the safety of our monitors, and his decision in principle to withdraw from the Jericho monitoring mission is therefore understandable. However, several questions inevitably arise. Did the Government give sufficient consideration to the consequences of a sudden withdrawal, and should an interim arrangement have been sought to avert an outbreak of violence when the monitors withdrew? What was done to alert the British Council and British officers in the region to the possibility of a sudden escalation of violence? Were the Government aware of the likelihood of Israel seeking to take custody of the prisoners by force? Under the terms of the Ramallah agreement, which party has responsibility for the lives and safety of the Palestinian detainees now that the monitoring mission has been withdrawn? In the meantime, what steps are the Government taking to make clear to armed Palestinian groups—or, indeed, anyone else—that the targeting of British property and personnel will in no circumstances advance their interests?

**Mr. Straw:** The right hon. Gentleman asked about the time that we would give the Hamas Administration. No time scale has been laid down so far. Indeed, for the time being there is no Hamas Administration. We wait to see the nature of that Administration. However, the Quartet's statement is very clear. Meanwhile, my right hon. Friend the Secretary of State for International Development and I have sought to ensure that while clear expectations are laid at the door of the new Hamas majority in the Palestinian legislative assembly, ordinary Palestinians are not punished or impoverished for the results of their perfectly free decisions in the election.

As for the withdrawal decision that I announced earlier today, I am grateful to the right hon. Gentleman for the understanding that he showed. He asked whether sufficient consideration had been given to whether there was any alternative. The answer is yes. The matter had been under active consideration by me for getting on for a year. When I was first asked to agree to the withdrawal I decided not to do so, because at that stage, after further questioning of the security assessments, I judged—although it was a risk, for which I took responsibility—that it was just acceptable for the monitors to stay.

There comes a moment, however, when it is impossible to be irresponsible about such risks. My judgment then became, last week, that the risk to the people for whom we were directly responsible was too great. I also considered whether there could be some kind of phased withdrawal. The problem was that, according to the advice that I received and according to my judgment, if we gave notice our own monitors might end up being subject to kidnap or siege inside the prison. I am in no doubt about that. For that reason—and although we made it absolutely clear in the letter that was sent to President Mahmoud Abbas, a copy of which is in the Library of the House, that unless there was any change the decision would have immediate effect—we could not give either the Palestinians or the Israelis advance notice.

Did we alert the British Council? I cannot give the House the precise details, but I can say that British Council staff, who were all Palestinians, became aware of the possibility of demonstrations and that all those staff in both Ramallah and Gaza were withdrawn, so happily they are safe.

Were we aware of the likelihood of the Israelis' seeking to take people into custody or seeking, effectively, to lay a siege around Jericho prison? Indeed we were, and that was part of what I had to consider. The House will recall the background—these detainees had been accused by the Israeli Government of complicity or involvement in the assassination of the Israeli Tourism Minister. The Israelis wished to arrest them, but they took refuge in the Muqata'a, President Arafat's compound. There was then a siege of President Arafat and those prisoners, the resolution of which was that the prisoners would be held in a Palestinian jail but with British and American monitors. The Israelis only agreed to that provided that we agreed to monitor the situation. It was for that reason that we kept saying to the Palestinians, "Please improve security, ensure that the conditions of the Ramallah agreement are observed and ensure the security of our personnel."

Who is responsible for the detainees? Legally, I believe it is the Palestinians but, so far as the Israelis are concerned, the detainees are prisoners at large under charge in Israel. That is currently the subject of intensive diplomatic efforts with the Government of Israel and the Palestinian Authority.

**Sir Gerald Kaufman** (Manchester, Gorton) (Lab): Whatever revulsion Hamas arouses, is not it a fact that its election victory was as valid as that of the Israeli Government and a good deal more valid than that of George W. Bush in 2000? Does my right hon. Friend agree that if the Israelis continue to create their own do-it-yourself ghetto behind a wall encroaching deeply into Palestinian territory, while maintaining 350,000 illegal Israeli settlers and carrying out pre-election stunts like they have just done in Jericho, peace will be impossible and support for Hamas will rise still further?

**Mr. Straw:** The Quartet has accepted and acknowledged and, indeed, congratulated the Palestinian people on,

"an electoral process that was free, fair and secure."

In the same statement, the Quartet reiterated its view that settlement expansion by Israel had to stop, reiterated its concern regarding the route of the barrier and noted acting Prime Minister Olmert's recent statements that Israel will continue the process of removing unauthorised outposts. This is a difficult situation—it has been on many occasions in recent years—and we urge all sides to show restraint.

**Mr. Michael Moore** (Berwickshire, Roxburgh and Selkirk) (LD): This is a tragic development and whatever the Israelis' calculations and concerns, their actions have turned a sensitive situation into a highly volatile one, and that is utterly counter-productive. The Foreign Secretary is right that our first priority must be the safety of British citizens in the west bank and Gaza. We agree that retaliatory attacks against them and others are a disgrace and must be completely

condemned. Will he clarify the steps that are being taken to mobilise the Quartet in response to these events? Will he confirm when he personally most recently discussed the Ramallah agreement with his opposite numbers in Israel and in the Palestinian Authority? What additional security measures at the prison were requested and refused?

**Mr. Straw:** I am grateful to the hon. Gentleman for his understanding and acceptance that the first priority for any Foreign Secretary must be the security of his own personnel. Frankly, if I am open to criticism, it is on the basis that I kept them there as long as I did, and not that I had to remove them earlier today. On mobilising the Quartet, I have spoken to the United States' Secretary of State Condoleezza Rice and I will speak to other members of the Quartet, including High Representative Solana, later today. Earlier today, I spoke to Ursula Plassnik, the Austrian Foreign Minister, who holds the presidency of the Foreign Minister's Council of the European Union. In any event, I am clear that all members of the Quartet will be of the same view as the British Government.

I cannot tell the hon. Gentleman off-hand when I last discussed the Ramallah agreement with either the Palestinians or the Israelis. However, I can tell the hon. Gentleman that our staff in Jerusalem and Tel Aviv have constantly raised the issue, especially with the Palestinian Authority. Following the dispatch of the letter by fax to President Abbas's office last Wednesday, the consul-general, John Jenkins, to whom I spoke just two hours ago, made four separate phone calls to Mahmoud Abbas's chief of staff to ensure that the letter had been received and fully understood. When I spoke to Mahmoud Abbas, who happened to be in Vienna, earlier today, he confirmed that he was indeed aware of the content of the letter. He expressed concern about the fact that we had not given them a precise date and time for the removal, but I have dealt with that issue: if we had, the monitors could have been kidnapped. The security problem has not been the willingness of the Palestinian Authority in Ramallah to act, but the inaction of the security personnel on the ground in the Jericho prison.

What we required of the Palestinian Authority was very straightforward—that they kept to the detailed conditions of the operational procedures for the Authority, as agreed in an annexe to the Ramallah agreement. That agreement included no use of mobile telephones, but they were used. Mr. Sa'adat, the leader of the Palestinians who stood in the Palestinian election, ran an election campaign from his cell with his telephone. There were supposed to be restrictions on visitors—they were ineffective—and on correspondence. Moreover, conditions for the monitors became so difficult that they could not carry out cell searches. A fundamental part of the Ramallah agreement was that the six prisoners in question should be kept separate from all other prisoners. However, the monitors were unable to be within the prison; instead, they had to stay on the roof, making effective monitoring increasingly difficult. That was the fundamental problem and putting it right could have been very straightforward—simply by following the Ramallah agreement. I regret that the Palestinian Authority did not have it within them to do so.

**Mr. Peter Kilfoyle** (Liverpool, Walton) (Lab): As the Foreign Secretary said, these are accused, not convicted, men. However, can he give unequivocal confirmation that there was no collusion with the Israelis on the timing of the withdrawal of the monitors, and will he condemn what I can only describe as state-sponsored terrorism, involving attacking a prison with tanks and rockets?

**Mr. Straw:** I can absolutely give that undertaking to my hon. Friend—there was indeed no collusion. Under the terms of the Ramallah agreement, we had to give formal notice in writing of our intention to withdraw not only to the Palestinian Authority, but to the Israeli Government. That letter, a copy of which was put in the House Library this morning, spelled out that we were indeed giving a copy of it to the Israelis. We deliberately decided not to tell anybody about the exact timing of the withdrawal because of the risk to the safety of our monitors, but also precisely to ensure that there could be no collusion with the Israeli defence force. The truth, given the nature of surveillance in the occupied territories, is that if we had told anybody in the occupied territories, we would in practice have been telling the Israeli defence force at the same time.

**Mr. Edward Garnier** (Harborough) (Con): The week before last, two of my hon. Friends and I visited the west bank. I shall allow them to speak for themselves, but it was quite apparent to me that relations between the Israeli defence force and the Palestinians were hardly cordial, and today's events will not have improved that. Can the Foreign Secretary persuade me that what he is doing is going to have a practical diplomatic and political consequence, and that it is not simply a well-motivated exercise in appearing to do something? What practical steps can he and his friends in the other members of the Quartet take to achieve some form of progress with this very vexing problem?

**Mr. Straw:** What I have announced today is a matter of regret, but had I come to the House and instead announced the death of British monitors as a result of my taking too high a risk, that would have been a matter of condemnation, not regret. That is the dilemma that I faced and, as I have said to the House, I was extremely reluctant to take these steps, which is why I held off from taking them, kept asking for more information on the security assessments and insisted that we gave proper notice to President Mahmoud Abbas. But there we are—I took that decision and I happen to think that it was the right one, even though there have been consequences, which we did anticipate.

As for the future, all I can say is that notwithstanding these difficulties there has been some progress, if we look back to April 2002 when the situation was dire and killings were taking place daily on both sides. There is now a ceasefire and the numbers of deaths on each side have been reduced. We have to build on that. It is fundamental to the interests of the Palestinians for Hamas to understand that just as we have responsibilities in terms of recognising the legitimacy of the election, the Hamas leadership has a responsibility to recognise that democracy is incompatible with the pursuit of terrorism.

**Several hon. Members** *rose*—

**Mr. Deputy Speaker:** Order. I have allowed Question Time to continue for a further 20 minutes, but we must now move on.

## Gas (Supply and Demand)

3.51 pm

**John Hemming** (Birmingham, Yardley) (LD) (*Urgent Question*): To ask the Secretary of State for Trade and Industry to make a statement on gas market prices and supply and demand.

**The Secretary of State for Trade and Industry (Alan Johnson):** Early yesterday, National Grid issued a gas balancing alert as a prudent signal to the market to increase gas supplies further. That was a planned measure and not an emergency response. National Grid took that action in response to an increase in gas demand due to the cold weather, problems on the supply side with the Rough storage facility being out of operation, and low delivery through the interconnector at the weekend. That resulted in a significant call on short-range gas storage and the resulting spike in the gas price.

As of today, the demand-supply situation has eased compared with yesterday. Demand has fallen to a near seasonal norm. Supply has increased, with greater flow through the interconnector. We are also seeing deliveries through the Isle of Grain and a further shipment of liquid natural gas is due to dock tomorrow. Deliveries from the North sea are performing strongly. National Grid expects supply and demand to balance today and does not anticipate the system being out of balance in the coming days. But National Grid, Ofgem and my Department will of course continue to monitor the situation carefully, in case of any change in the anticipated demand-supply picture.

There is no doubt that Rough being closed is making things more difficult than they otherwise would be. Rough accounts for about 80 per cent. of our total storage capacity. It can supply 10 per cent. of average daily winter demand. Were it in operation, we would not be experiencing any problems this week. Hon. Members may recall that an accidental fire a few weeks ago shut the main pumping station; the damage caused is still being repaired. We are in close contact with Centrica, which owns the facility, and understand that it will not be back in action for a couple of months.

It is, of course, normal for storage to be used during the course of the winter. We would expect the market to be drawing on short and medium-range storage in current circumstances, particularly at this late stage of the winter. We have had a spell of colder weather later in the winter and the UK's long-range storage facility has been shut for a month. The gas system and market has responded to those circumstances.

Let me reiterate that on present information, we are not expecting a formal gas supply emergency. While it is clear that we must not be complacent, it is equally important not to cause unnecessary panic. The present situation does not threaten domestic, or the vast majority of commercial and industrial, supply. And even were there to be an emergency, National Grid would be able to maintain supplies to domestic and other key gas consumers.

Of course the situation has had a major impact on prices. The spot gas price has increased significantly since the weekend. I know that for some heavy industry it is not easy to make alternative arrangements and the high prices will have an impact. The market is responding to a tight demand-supply situation, as we would expect. Gas suppliers have every incentive at those prices to maximise supply from all possible sources and we are in close contact with the operators of the interconnector to ensure that it flows as much as possible.

Market liberalisation in mainland Europe is a key factor in reducing energy costs for British consumers. That is why we have been encouraging the European Commission to take action and why we warmly welcomed the hard-hitting report that it published on 16 February. We shall continue to press for market reform.

Looking forward, significant new import infrastructure—new pipelines and liquefied natural gas import terminals, as well as increased storage—is to be delivered by the energy sector in coming years. Representing some £10 billion of investment, that will increase security of gas supply to the UK and should reduce upward pressure on UK prices.

In short, the circumstances are exceptional: our largest storage facility is out of action and we are experiencing an unseasonably cold spell of weather. None the less, supply is meeting demand and the market mechanisms are working, albeit at a relatively high spot price. National Grid, Ofgem and my Department continue to monitor the situation carefully.

**John Hemming:** The country is on a knife edge. What will the Secretary of State say to the 7,000 people who may lose their jobs in the plastics industry? What will he say to domestic consumers, who have seen price increases and are likely to see more? What have the Government done since long-term storage went out on 16 February?

If there is too little storage, as I think we all accept, why do we not import more on mild days? Why is the trigger for a gas balancing alert so high? On Sunday 319 GWh was taken from short-term storage, but there was no gas balancing alert. Had the same rate been taken on Monday and today, we would be in a gas emergency now. How can the Government expect UK industry to cope with energy prices in this country that are 50 per cent. greater than those in the United States of America?

Why do the Government do so little about energy security and reducing demand? The Prime Minister says, "Not me, guv—nothing we can do." Cold weather is now predicted. Short-range storage has approximately 50 million cu m and the Hornsea facility has 48 million cu m. Why do the Govt not do something about demand and supply?

**Alan Johnson:** I do not think that the country is on a knife edge. A gas balancing alert has been issued. That mechanism has operated in the electricity sector for a number of years, and as the hon. Gentleman knows, it has recently been introduced in the gas sector. It is an extremely important mechanism for telling the market that demand is exceeding supply, which means that the market responds to that. Saying that the country is on a knife edge is, I suggest, a wee bit of hyperbole.

The hon. Gentleman asks what Government are doing. The one thing that the Government should not do is interfere in the market. I would be interested to

*[Alan Johnson]*

know what the Conservatives would do in such circumstances. The days when our energy was provided by state monopolies were bad for the consumer, bad for the energy supply situation and bad for the country.

The hon. Gentleman talks about the effect on consumers, but according to the most recent figures, we in this country are still enjoying the cheapest domestic gas in Europe. Industrial customers have had problems this winter, not only because of the problems caused in all European countries by high oil prices—Germany's wholesale gas prices have increased by 80 per cent., Denmark's by approximately 40 per cent. and France's by 20 per cent.—but because we have a tight situation in the UK this year, and probably will next year, too. We discussed that during the important debate in the House in January.

The analysts and experts misjudged the amount of gas that would come from the North sea. The period of adjustment to that is difficult, but it would have been ludicrous for this country to have storage facilities when it had a reserve in the North sea. The Netherlands and Norway, which also have indigenous supplies, do not have huge amounts of storage. We must get the right balance in terms of transfer across.

I think that the system is working for the benefit of consumers. We have had a difficult winter, but what the Government should do about that is to ensure that the market is operating properly—that is a particular issue for Europe—and that Ofgem and the right mechanisms are in place to see any possible crisis coming and deal with it. There is no national emergency at the moment; there is a gas balancing alert.

**Mr. Doug Henderson** (Newcastle upon Tyne, North) (Lab): Does my right hon. Friend accept that the hon. Member for Birmingham, Yardley (John Hemming) is displaying more than a little opportunism and hypocrisy, given the background of the Liberal Democrats' energy policy? Although he is right to raise the issue of gas supply and demand being in balance, he and his party fail to tackle the issue of the country's energy supplies being in balance. Will my right hon. Friend confirm that the Government's policy is to ensure that there is a balanced energy supply in this country, especially on the base load?

**Alan Johnson:** My hon. Friend makes his point very powerfully. It is extraordinary that as we look to energy supply for the future and having security of supply, which every country is looking for, and given that the days of cheap indigenous fuel are probably gone for ever, the Opposition should rule out one option. We believe that all those options, including nuclear power, should be looked at properly. We do not rule out any of those options until we have had the arguments and the analysis to come to a proper conclusion.

**Mr. Alan Duncan** (Rutland and Melton) (Con): On 16 February, I asked the Minister to explain the Government's policy for establishing onshore strategic energy stocks that stand a chance of lasting for more than a few days. The answer, in effect, was that we have very little storage and will not do so for some time. That largely explains why Britain is so acutely vulnerable to the sort of extreme price spike that we are facing today. British business lives in fear that its fuel costs will rocket to ever more punishing levels, and that it might even be cut off altogether. Yesterday National Grid, for the first time under the new warning system, issued a gas balancing alert. If there is one positive point to be drawn from this situation, it is that at least we know that the warning system is working.

For the next year at least, the UK will remain perilously sensitive to short-term gas price volatility. We have a free market in energy; the rest of Europe does not. Even when our prices are high, they still do not sell to us. This Government singularly failed to address this issue during their presidency of the European Union last year. Our gas production is falling, which is made worse by the Chancellor's tax regime, and during the winter we are now forced to import a growing percentage of our gas requirements. The gas comes mostly through only one pipeline, our shipped liquefied natural gas imports are not at the volumes we need, our storage capacity is puny and now our strategic vulnerability has been exacerbated by a cold snap across Europe, a fire at the Rough storage facility in the North sea, a drop in supplies from Norway and a strike by French gas workers. It is all happening at once.

Yesterday the price of gas for immediate delivery shot up from about 60p per therm to a peak of 255p—an increase of 400 per cent. Today it is trading at about 225p to 250p for delivery within the next week or so, but for delivery in April the market is much lower at about 65p. This is the ultimate short-term market squeeze. To put it bluntly, is it not the case that there is simply nothing we can do in the immediate future, and that the excruciating exposure that Britain and its companies face will not be remedied for at least another year? Is it not the case that additional capacity to import by pipeline or ship and our capacity to store larger quantities will not come on-stream for another year? Is it not also the case that British companies that will have to endure another winter of impossible uncertainty and soaring fuel bills will not thank this Government for their culpable lack of foresight?

**Alan Johnson:** I agree that the current situation shows that the gas balancing system works. I disagree with the hon. Gentleman's comments about our presidency. The major issue is still that, with prices yesterday running at their highest level ever, we were not getting the gas through the interconnector that we should have been getting. Some of that was caused by the strike in France, but the primary cause was that in the European Union, principle has not been put into practice. During our presidency—as we have explained on many occasions, most recently in the debate in this Chamber in January—my hon. Friend the Minister for Energy was instrumental in convincing the commissioner and the European Union to open not just one but three lines of inquiry, one of which will result in anti-trust cases against certain EU member states within a matter of weeks. That is just on the basis of the interim report from Commissioner Kroes. My hon. Friend the Minister for Energy is at the Energy Council in Brussels even as we speak, seeking to ensure that we maintain that momentum. I agree that we have not changed the situation in Europe overnight, nor did we change it during the six months of our presidency, but we have put in place measures that will lead to liberalisation across Europe.

As for our storage capacity being puny, 300 million cu m a day is coming into this country from the North sea, which is 75 per cent. of our supply. Rough has the capacity to introduce 10 per cent. of our daily demand in winter and, because total capacity is 3,340 million cu m and we can bring it in at a rate of 43 million cu m a day, we have 77 days of supply in Rough. There was an explosion at the Rough facility, which is close to my constituency, and I agree that there has been a combination of events, but we are not in an emergency. Our market has benefited UK consumers, both industrial and domestic, for many years. The worst thing the Government could do would be to step into the market with our size 16 hobnail boots. That happened in Canada and the Canadians have regretted it ever since.

**Andrew Miller** (Ellesmere Port and Neston) (Lab): The current situation underlines more than anything else could the need for a balanced energy supply. My right hon. Friend said that the vast majority of commercial and industrial users were not under threat, but in the light of the needs of large businesses in my constituency, can he assure me that supplies to major gas users in the north-west are being prioritised in the interests of those important businesses?

**Alan Johnson:** We have not got to that situation yet. We have a gas balancing alert, but no action has been taken because we are not in an emergency situation. The only action that is happening is that companies themselves have decided to reduce their energy needs—and who can blame them, at the price—but that is a natural mechanism. There is no question of prioritising anybody's gas needs at present; there is just a gas balancing alert, not an emergency.

**Mr. Edward Davey** (Kingston and Surbiton) (LD): Given that this is the first time that National Grid has ever warned British industry that gas supplies may be shut off, does the Secretary of State regret the fact that the Minister for Energy told the House only last November that the UK was "awash with gas"? What will the right hon. Gentleman say to the thousands of employees laid off because of the recent hikes in gas prices? Have the Government not been negligently complacent about Britain's gas crisis, especially the lack of gas storage infrastructure? When Germany has storage facilities for 75 days and France for 66 days, is the right hon. Gentleman not just a little embarrassed that without Rough the UK has storage capacity for only 12 days?

Rather than listing excuses, as the Secretary of State has done today, will he confirm that Ministers were warned about the danger several times in recent years? Is not it the case that if we had those extra facilities, gas prices for UK industry would be lower today and the alert would not have taken place?

**Alan Johnson:** I welcome the hon. Gentleman to his new position—and immediately disagree with him. He says that this is the first time in the whole history of our fabulous nation that we have had a gas balancing alert. Yes, that is true—because gas balancing alerts were introduced for the first time this winter. That is the simple fact. The system worked, and it was right to introduce it. When my hon. Friend the Minister for Energy spoke last November, the situation was completely different; we had not lost the Rough facility. A cold snap in December led to companies taking gas out of storage early in the winter, which was expensive and put up prices. The issue was not about gas supplies; there was plenty of gas around in December.

The hon. Gentleman raised another issue that was completely wrong, too. He put a bizarre question: could I confirm that in Germany and France there is lots of storage, whereas in the UK, without Rough, we do not have so much storage? Yes, I can confirm that. As Rough holds 80 per cent. of our storage capacity, I can confirm to Opposition Members that when Rough is out of action our storage capacity is reduced. I hope that that helps them.

**Paddy Tipping** (Sherwood) (Lab): Does the Secretary of State recall that the hard-hitting EU report that he mentioned sprang directly from the Heads of Government discussions at Hampton Court? Is not the real issue before us—the key way forward—transparency in the European market? We have talked about that for a decade. Is it not now time that the EU took action?

**Alan Johnson:** My hon. Friend is absolutely right: transparency is key. At the moment, we have to try to find out what facilities exist in other EU member states and what can come through the interconnector. It is because there is no transparency that no member state knows what is happening with energy supplies. He is absolutely right to mention Hampton Court, where we set in train the process for reaching an understanding across the EU about energy supplies, and the situation at Christmas between Russia and Ukraine was a real wake-up call. If we had not raised that issue at Hampton Court, other member states would have realised, following what happened at Christmas, the need to have an energy supply policy throughout the EU.

**Peter Luff** (Mid-Worcestershire) (Con): There is nothing particularly unseasonal about the weather this March—March can often be a very cold month—and we face these problems again next winter. Indeed, the problems are exactly as the Select Committee on Trade and Industry foresaw in its report published in December, to which the Government responded so constructively. As little can be done over the next 12 months to correct the situation fundamentally, we referred to the need to take mitigating action, particularly for industrial and commercial customers—for example, fuel switching and removing some of the restrictions on emissions. The Government responded positively to that idea and said that they were exploring it with the Environment Agency. Can the Secretary of State update the House on what more the Government have done to enable such mitigating action to be taken—not just for this winter but, I am afraid, for next winter as well?

**Alan Johnson:** The hon. Gentleman and the Trade and Industry Committee produced an excellent report. We are acting on those recommendations. Indeed, if we do get into an emergency—I do not think that we will, and we should get things into perspective, as I have been saying—such mitigating factors can be introduced. We

*[Alan Johnson]*

are a long way along the route to helping, in strict accordance with the recommendations that he made. He is right to suggest that the weather may not be unseasonal, although I think that the weather has improved since 1997—I would make that claim on behalf of the Government. None the less, a cold spell this late in the winter with storage capacity out of action is a series of events that we could have done without.

**Helen Goodman** (Bishop Auckland) (Lab): In my constituency two factories—Potters Ballotini and Weinberger—have been closed since November, allegedly temporarily, even though their sister plants on the continent are still open. At the same time, I understand, Barclays bank is paying its energy traders record bonuses. I find the Secretary of State's statement that supply is meeting demand—other than in a textbook sense—extraordinary. Can he not admit that it was precipitate to liberalise our energy markets before countries in the rest of Europe liberalised theirs?

**Alan Johnson:** No, I think that that was absolutely the right thing to do. As for how it has worked for our customers, both domestic and industrial, British industry, for instance, has paid something like £8 billion less for its energy since liberalisation than German industry. The record of UK companies' energy costs has been very good. We have a problem this winter—my hon. Friend refers to companies in her constituency—and I do not want to diminish in any way the effect on energy-intensive users: it has been dramatic this year, and it is something that we cannot deny.

My point about demand meeting supply is that National Grid issues a gas balancing alert when supply is not matching demand. It looks at the situation every day. Yesterday morning it decided that it should issue a gas balancing alert, because supply was not meeting demand. This morning it decided that it should not do so, because supply is meeting demand. That is the only point that I was making on behalf of National Grid. I was not trying to make some great philosophical point about the political situation with energy.

**Mr. Alex Salmond** (Banff and Buchan) (SNP): Does the Minister accept that it is little consolation for consumers facing sky-high prices and major users facing interruptions in supply to be told by the Minister that yesterday's announcement is part of a grand master plan that is working exactly as it should? Is it not weak-kneed and feeble to claim that a fire in a single installation can bring the UK gas market into chaos and disarray? When will the Government accept responsibility for the lack of capacity in the system and the lack of investment, principally caused by Ofgem, which has delayed Norwegian supplies to this country? Why, with 24 discovered but underdeveloped gas fields west of Scotland, have the Government imposed a 10 per cent. supplementary charge on pipeline infrastructure, which has delayed their development? Does the Minister think that that is a good idea, in the circumstances?

**Alan Johnson:** Last year there were a record number of licences for exploration in the North sea, and we are pleased by the amount of interest there. All the major explorers have continued to make the point that they are interested in looking for supplies in the North sea, but increasingly they are looking longer for fewer resources. In the spirit of knockabout it is good to suggest that there is a magic wand that we could wave to put the situation right this winter. All that we can do is put it into context and make the argument about what needs to be done to rectify the situation for British business. What is needed is liberalisation in the European Union and more investment in pipeline facilities and storage. Some £10 billion of investment will be made by the private sector—we would never have been able to do that in the public sector—in the next few years. It is easy to exaggerate the problems and the situation in the UK, but it is incumbent on us to put the issues in perspective and to repeat yet again that there is no emergency.

**Mr. Bob Blizzard** (Waveney) (Lab): Is not the lesson from yesterday that even in exceptional circumstances the system worked as it was designed to work? A couple of weeks ago, I asked the head of one of the largest European gas companies why his company was not trying to sell more gas to this country when our prices were higher. His answer, quite simply, was, "I am sewn up in long-term gas contracts with my customers, and I have to put them first." Does my right hon. Friend accept that explanation, and if so, does it not say something about the balance between the amount of gas that this country receives on long-term contracts and the amount that people are buying or supplying on spot prices?

**Alan Johnson:** It is undoubtedly the case that in continental Europe there are far more contract supplies of gas and energy. In this country, the position was similar until recently. More companies have decided to buy on the spot market, and who can blame them, as it was producing gas at 22p a therm only 18 months to two years ago? In Europe there are more contractual supplies than in the UK, but across Europe we need transparency, as my hon. Friend the Member for Sherwood (Paddy Tipping) said, and a liberalised market. If we can achieve that, we can ensure that instead of having national champions—a system pursued by many European Union countries—we have consumer champions producing the low energy costs that we have enjoyed in this country for many years.

**Mr. Peter Bone** (Wellingborough) (Con): The Secretary of State is right to say that the problem lies with liberalisation in Europe and that the Government have tried to do something about it. However, they have been trying to do that for many years, so why does he think that the Europeans are going to listen to him now?

**Alan Johnson:** I do not know how many years we have been trying, but one thing is different: the Commission, and Commissioner Neelie Kroes in particular, are determined to tackle the issue. The Barroso Commission is a breath of fresh air, given the intensity of its desire to liberalise not just in energy but in other areas that remain unliberalised, and given its whole approach to regulation throughout the European Union.

**Mr. John Grogan** (Selby) (Lab): The Government have said that the owners of LNG terminals and gas storage facilities must either use them or lose them. Is there not a strong case for establishing the principle of third-party access for suppliers to storage facilities and terminals to enable the market to operate more effectively?

**Alan Johnson:** There may well be a case. That is an issue that we will examine in the energy review.

**Mark Pritchard** (The Wrekin) (Con): Does not the recent series of events show how UK plc is vulnerable when its energy supplies are disrupted? If the Secretary of State agrees, will he tell the House what new measures have been put in place to ensure that our storage and infrastructure facilities are protected from malicious attack?

**Alan Johnson:** We have a vulnerability this winter and next winter. Beyond that we do not expect our situation to be any more vulnerable than that of any other country. We are fortunate that we still have an indigenous supply. *[Interruption.]* It may be declining, as the hon. Member for Rutland and Melton (Mr. Duncan) says from a sedentary position. We may be a net importer of gas—but of all the G7 countries, only Canada is not a net importer of energy. I think that we will be in a position similar to that of other countries. As for malicious attacks, if the hon. Gentleman is talking about terrorism, we have long-standing measures in place to protect against that, particularly at our nuclear facilities. We believe that those measures have worked, and will work in the future.

**Mr. John Redwood** (Wokingham) (Con): What specific measures would the Secretary of State like the European Union to take to address the gross distortions of the continental gas market, and what is the time frame for getting those remedies in place so that they take effect?

**Alan Johnson:** The specific remedies will be, first, transparency, with everyone being absolutely open about the energy supplies that exist in the European Union. That is a big issue for the EU. Germany imports about 41 per cent. of its gas from Russia and is extremely worried about being over-dependent on Russia. There is an urgent need for the European Union to look at its own resources. Secondly, although other member states were due to liberalise seven or eight years ago when the directive went through, that has not happened. Policy has not been put into practice. That needs to happen, which is why Neelie Kroes is looking at anti-trust measures that should be adopted to galvanise the situation. On the time scale, we expect anti-trust measures to be taken within weeks, as I said earlier. Beyond that I am not sure, but we are seeing a level of activity in the Commission that we have not seen for many years.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): May I tell the Secretary of State that three British companies are drilling for gas off the coast of Mauritania and have found significant reserves of gas in that country? Will he agree to meet representatives of those companies? Does he agree that it is disappointing that we do not have an embassy in Mauritania? If we are to start exploring for gas in such countries, we need representation there.

**Alan Johnson:** I, or my hon. Friend the Minister for Energy, would be glad to meet the hon. Gentleman's constituents, although I am not so keen to go to Mauritania. His question about Britain having an embassy in Mauritania is more properly one for the Foreign and Commonwealth Office, which I am sure will consider it with interest.

## BBC White Paper

4.23 pm

**The Secretary of State for Culture, Media and Sport (Tessa Jowell):** With permission, Mr. Deputy Speaker, I should like to make a statement. I am today publishing a White Paper on the future of the BBC, entitled "A Public Service for All: the BBC in the Digital Age". It does exactly what that describes.

We live in an era of rapid change. In broadcasting, new technologies are leading to vastly more television and radio channels and to new media services. The BBC's charter, shortly due for renewal, needs to create a BBC strong enough to thrive in the new environment and flexible enough to adapt to new challenges. The BBC is a driving force to enrich our public realm. It is one of those institutions that brings the people of this country together as equals.

More than 70 per cent. of households now have digital television. As digital delivers ever more choice, there are some who describe the BBC as an anachronism. The Government disagree. More importantly, the British people disagree. Our unprecedented engagement with the people of this country in the development of the White Paper—more than 10,000 people wrote to us—has shown that people right across the country want a strong BBC that is independent of Government and is responsive to public wishes.

The Government hope that the new charter will give the public the BBC that they want. The Reithian principles—"inform, educate and entertain"—will be adapted for the digital age, but we will give audiences and competitors greater clarity about what that means in practice.

The BBC will have six new purposes: sustaining citizenship and civil society, promoting education, stimulating creativity, reflecting the identity of the UK's nations, regions and communities, bringing the world to the UK and the UK to the world and building digital Britain, where the BBC will act as a "trusted guide". There was strong public support for all those objectives, but licence fee payers also want to ensure that they get the BBC programmes that they want to watch and listen to, and they do not want an overdose of worthiness.

The White Paper makes entertainment central to the BBC's mission. The BBC should continue to take fun seriously, engraining entertainment into all its services, but the White Paper is not about writing the BBC a blank cheque or chasing ratings through copy-cat programming. It is about ensuring that the BBC delivers what licence fee payers want in terms of quality and distinctiveness.

The BBC's governance structure has become anachronistic, and the BBC needs a new form of accountability to licence fee payers, as the BBC's shareholders. Our new arrangements will make the BBC closer to the people who pay for it and more accountable to them. In a step change for the BBC's governance, we will abolish the BBC governors and replace them with two new bodies, the BBC Trust and a separate executive board.

The trust will be the licence fee payer's voice. It will act as a proxy for the BBC's shareholders, making it the first public interest body on that scale that the country has ever seen. The trust will oversee the executive board, whose own job will be to run the BBC's services. There will be clear separation of responsibilities between the trust and the executive board. Although the trust will be the sovereign body of the BBC—its word will be final—the new charter and agreement will prevent it from doing the executive board's job, which is critical to maintaining the objectivity required to generate and sustain public confidence. That is a unique solution for a unique organisation in unique circumstances.

An important part of getting the best programmes to the screen is competition for quality programmes. The White Paper requires the BBC to operate a commissioning system that encourages greater competition between in-house and independent producers but maintains the critical mass of in-house production. That new "window of creative competition" should result in the independent quota of 25 per cent. genuinely becoming a floor, not a ceiling.

I repeat our welcome in principle for the BBC's proposals to move a significant amount of production to Greater Manchester, helping to ensure that the licence fee is used as venture capital for the whole nation's creativity.

The BBC will continue as the cornerstone of public service broadcasting. We are equally committed to maintaining a dynamic commercial sector. That, too, is in the interests of the licence fee payer. In order to do that, we will put in place a triple-lock system to ensure the highest standards of accountability. First, the trust will issue licences to the executive board for running each BBC service. Secondly, BBC content will have to have distinctive characteristics, such as being original, of high quality, challenging or innovative—all supported by the consultation with licence fee payers. Thirdly, a public value test will be applied to all new BBC services or significant changes to existing services. In response to some concerns raised in the debate that followed the Green Paper, I am happy to clarify that whenever the trust carries out a public value test, Ofcom will provide the market impact assessment to guarantee rigour and ensure wider public confidence.

We will also put in place: a new duty on the trust to have regard to competition issues; ex ante codes in specific areas that have the potential to raise issues or concerns about competition; an overhauled fair trading regime; and a fair, transparent complaints system. The White Paper also confirms that the BBC will be fully licence fee funded for the period of the next charter. There will be future reviews into the scope for other methods of funding the BBC beyond 2016 and the possibility of distributing public funding, including licence fee money, beyond the BBC.

The process of deciding the next licence fee settlement has already started. Licence fee payers and industry will help to form our conclusions. The trust will need to make some tough decisions about how resources are allocated within the boundaries of the settlement. That will include self-help. To help the trust exercise stewardship of the licence fee, the relationship between the BBC and the National Audit Office will be strengthened within the existing arrangements.

Despite past predictions, public service broadcasting, led by the BBC, remains the bedrock of today's media, with strong public support. We are optimists about the

future of the BBC, but it cannot take its position for granted. It must develop its role over the next 10 years, strengthening its accountability, bringing in new generations of viewers and listeners, and building a new consensus around the value of its place in Britain. The White Paper gives it the means to build that national consensus, with the authority and support of licence fee payers, and so I commend it to the House.

**Mr. Hugo Swire** (East Devon) (Con): First, may I thank the right hon. Lady for allowing me to have prior sight of both the White Paper and her statement? The wait was almost worth it, although I cannot quite see the difference between the Green Paper and the White Paper and we had to wait for the equivalent of the gestation period for an elephant to get the White Paper. I would be interested if the right hon. Lady would tell us where the differences are between one and the other.

The BBC is indeed a unique, much loved and much cherished institution and the Conservative party is committed to ensuring its future. Across the country and the world, the BBC stands out as a beacon of excellence. Our duty is to ensure that the BBC that we pass on to future generations is equipped to flourish in the decades ahead. Does the right hon. Lady not understand that to many the White Paper is such a disappointment? It singularly fails to rise to the challenge that the BBC faces. It was supposed to provide us with a springboard to the new digital age. But it is not so much a launching pad as a holding pen.

The White Paper is a huge missed opportunity for change and innovation. The Secretary of State has failed to grasp the challenges facing broadcasting in the 21st century. Digital television, broadband internet, podcasting and on-demand viewing are transforming the world in which the BBC operates and will change forever the future of public service television in Britain. In a fast-paced digital age, with people watching television on their mobile phones, iPods and laptops, and with the eclipse of the traditional television channel, is it credible to believe that a compulsory tax on the ownership of a television set is the right way to fund our national broadcaster for the next 10 years? Do not hon. Members accept that by failing to respond to those challenges, the Secretary of State has produced a White Paper that fails not only the BBC but the viewing public?

With an international reputation to uphold, it is vital that the BBC is bound by the highest standards of quality, impartiality and integrity. Does not the Secretary of State agree that the fine judgments that the BBC makes daily must be in the interests of the public, not Ministers and the Government? That is why the BBC needs a proper independent regulator. Why is it that Ofcom has the ability properly to regulate every other broadcaster in the UK, but not the BBC?

> "I fully support the recent proposals that there should be a single regulatory body for all terrestrial television."

Those are not my words, but those of Michael Grade, the chairman of the governors of the BBC, when he was chief executive of Channel 4.

Is the BBC Trust proposed by the Secretary of State anything more than the BBC governors in another building—just as cosy, but twice the rent? If the BBC is to meet its public service broadcasting obligations, is it not essential that the British public have confidence in its independence and integrity? The Prime Minister may think that it is appropriate for him to act as judge and jury, but surely we cannot accept a model that fails to separate governance and regulation. Must not we have a system in place whereby those regulating the content, impartiality and standards of the BBC see themselves as representing the licence fee payer, not the Secretary of State?

The BBC is a unique organisation in a unique position. Because of that, we must ensure that that position is not abused to the detriment of other broadcasters or the viewing and listening public. Is it not unacceptable for a publicly funded BBC to be allowed to outspend and outgun its competitors, prevent innovation and stifle competition?

How can we be confident that the advisory role for Ofcom, as envisaged in the White Paper, will have the power to clip the wings of Auntie when she spies a lucrative potential market? Why can Ofcom do no more than send an advisory report to the BBC? That is not a criticism of Ofcom, just bewilderment at the way in which the Secretary of State is tying its hands. As long as the BBC has the ability to ignore Ofcom, as it does under the right hon. Lady's plans, it will continue unchecked and unrestrained. Will the right hon. Lady tell us whether Ofcom will be allowed to investigate the BBC's activities retrospectively? I doubt that. I suspect that Ofcom will not be a watchdog, but more the proverbial toothless tiger, and that we will be left with a typical new Labour initiative—a competition champion with only advisory powers.

Does the Secretary of State appreciate our concerns about her White Paper's suggestion that the BBC should be under a charter obligation to promote Britain abroad and to sustain citizenship and civil society? The Chancellor is already talking about his desire to see a flagpole in every garden. Is not there a danger that that will soon be followed by a Union jack flying from every TV aerial in the land? Jesting apart, does not such a move—at least in the hands of the Government, who are not known for their respect for independent institutions—represent an insidious threat to the BBC's impartiality? Surely the Secretary of State can see the dangers.

We are considering an unprecedented increase in funding for the BBC—from just under £3 billion a year to well over £4 billion in 2013. Why does the settlement require such an increase? Why are we faced with a bill for the BBC that is higher than the gross domestic product of Mongolia? Is it because of the grasping hand of the Chancellor? Are not the Government using charter renewal as a Trojan horse to pay for digital switchover? When there is a smell of easy money, the Chancellor is never far away, looking for ways of paying for policies that he cannot afford. Is it not the case that he is hellbent on trousering between £2 billion and £5 billion from flogging off the analogue spectrum? The licence fee payer will pay for that, but will not get anything back for the investment. Like the worst dinner date, the Chancellor is never around when the bill arrives.

We know that the Chancellor has form—he made £27 billion from the sell-off of the 3G network, and he is looking to repeat the exercise. Surely his ingenuity does not stop there. An example of the stealthiest of stealth

*[Mr. Hugo Swire]*

taxes, he hopes that, by using the word "spectrum", the unsuspecting public will not realise that he has just imposed the first new Labour TV tax.

Like the computer salesman who bamboozles the customer with jargon, the Chancellor hopes that we will simply not notice another £300 million going from our pockets into his. Does not the Secretary of State accept that a licence fee that exceeds £180 will hit hardest the poorest in Britain—those on low and fixed incomes? Does not she agree that there is a danger that public confidence in the BBC, as a national institution, will be undermined by a licence fee that is set beyond many people's ability to pay, simply to feed the Chancellor's tax-and-spend habit?

We had high hopes of the White Paper because we had high hopes of the BBC. However, the document is a missed opportunity to introduce regulation to guarantee impartiality and independence. It is a missed opportunity to harness the potential of the digital age, to provide a level playing field for the commercial sector, to reinforce public confidence in the BBC and to give the BBC licence fee payers value for money.

**Tessa Jowell:** With great respect to the hon. Gentleman, that was high on rhetoric and low on substance. He will be considerably reassured when, in a calmer frame of mind, he reads the substance of the White Paper.

Let me begin with the differences between us, which have led to the Government pursuing their approach to the future shape of the BBC. As I said in my opening remarks, the BBC Trust is a unique organisation and a unique solution, which recognises the BBC's unique nature. The BBC is an organisation like no other in this country. Our intention is that it should be more accountable than ever to the people who pay for it—the licence fee payers.

There has been a time-honoured consensus in this country about the importance of universal free-to-view broadcasting. That principle safeguards the interests of the most vulnerable and those who, at a time of rapid change, are at risk of being left behind. I remind the hon. Gentleman that, as part of mitigating the risk, the Government introduced free television licences for those over 75. We will ensure that targeted help, which is necessary as a consequence of digital switchover, protects the interests of the vulnerable and the very elderly.

I shall deal with some of the hon. Gentleman's specific points, particularly on the changes that have taken place since the Green Paper was published some months ago, which are reflected in today's White Paper. Several important parliamentary reports have appeared in the interim, including the report of the Select Committee, which is chaired by the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), and the report of the House of Lords Select Committee. It was right to give due consideration to both those reports in developing the White Paper policy. It is in the light of the concerns raised, particularly by the House of Lords Select Committee, on the structure of the trust, that we have sought to strengthen its role in relation to broader competition issues, the development of ex ante codes, the role of the National Audit Office in working with the trust to ensure value for money for the licence fee payer, and the role of Ofcom in conducting and developing market impact assessments. All of that will ensure that choice for the consumer—the licence fee payer—is not diminished as a consequence of the BBC's intended place in the broadcasting marketplace. If the hon. Gentleman considers those matters in a rather more serious and rational way and sets aside his rather overblown rhetoric, he will understand that that solution is right for the BBC and wanted by the people of this country.

**Mr. John Whittingdale** (Maldon and East Chelmsford) (Con): The Secretary of State will be aware that there have been numerous complaints from news providers, software publishers, online services, record companies and mobile phone operators about the impact of the BBC's ambitions in that respect. While the BBC is clearly right to make available its programmes in whatever format the consumer chooses, does the Secretary of State accept that its intervention could risk having the same kind of impact as that of an elephant jumping into a swimming pool? Will she therefore consider making Ofcom's role more than simply an advisory one? Will she also ensure that the final decision about launching new services does not rest with the BBC alone, even in the guise of the new BBC Trust rather than that of the old BBC governors?

**Tessa Jowell:** The hon. Gentleman has raised two important considerations. If the broadcasting market is to continue to flourish, it is crucial that the potential competitive impact of the BBC is understood and subject to scrutiny. That is why the market impact assessment will be conducted under the joint surveillance of the trust and Ofcom, and why the trust will have a duty to consider the wider interests of licence fee payers.

The hon. Gentleman raised a second important issue, which is now being considered by Ofcom, about the ownership of broadcast rights to material delivered through new media. He will be aware that Ofcom will shortly reach its conclusion on that consultation, and we should obviously await that. Those are two examples of the competitive challenges facing the BBC and any other media organisation of scale in this country. It is important that the BBC should be a source for growth in innovation, not a constraint on innovation. The structure of the trust will ensure that that happens, as will the role of Ofcom, which will publish in a transparent manner all the conclusions on market impact assessments. Ultimately, the BBC Trust will be accountable to the licence fee payers for its judgments.

**Sir Gerald Kaufman** (Manchester, Gorton) (Lab): While many of us have great confidence in Michael Grade as chairman of the BBC and Mark Thompson as director-general, does my right hon. Friend agree that the quality and integrity of BBC governance must not depend on the quality of individuals at any given time and that the test of the new governance structure that she proposes is that never again will it be possible for a huge and culpable blunder by broadcasters to be condoned and support for it railroaded through the board of governors, as occurred in the David Kelly

affair? Everybody agreed after that affair that, if there was one flaw in the BBC, it was the structure of governance. Can my right hon. Friend give me the assurance for which I ask?

**Tessa Jowell:** I would like to take this opportunity to pay tribute to my right hon. Friend for his distinguished chairmanship of the Culture, Media and Sport Committee, which has undertaken many inquiries into the BBC and whose recommendations we have taken very seriously indeed. Yes, I can give him the assurance about the importance of a structural separation of the role of the BBC Trust and that of the BBC executive. It is important that the organisation is structurally robust, and, as he suggests, not simply built around personalities. These are structures designed to run the BBC for a decade to come.

**Mr. Don Foster** (Bath) (LD): The test of the White Paper must be whether it guarantees a strong, independent and securely funded BBC equipped to meet the challenges of the digital age, strengthened in its independence from the Government and set to remain the envy of the world.

Unlike the hon. Member for East Devon (Mr. Swire), I think there is much in the White Paper to applaud: a clear statement of purposes to the BBC, emphasising quality, not ratings; increased opportunities for independent production; greater scrutiny of BBC finances under the NAO; continuation of the licence fee; and a charter lasting 10 years, ensuring long-term planning. That said, there are concerns on regulation, Government demands on the BBC and public service broadcasting in general.

On regulation, does the Secretary of State accept that while the proposed BBC Trust is an improvement on the BBC governors, it is still not a totally independent regulator? It will have, as we see in the White Paper, strategic oversight of major BBC decisions, and the White Paper even describes it as the sovereign body within the BBC, so it is still part of the BBC. Does she agree that that will be especially problematic when deciding whether the BBC is allowed to develop an existing service or introduce a new one?

The new proposals are certainly tougher than the current ones, and Ofcom's role—it is hardly a toothless tiger, I have to say—in assessing market impact is welcome, but will not the BBC still be its own judge and jury? Will the Secretary of State at least accept the need for a clear process of appeal to a truly independent authority? Better still, will she agree that a new single independent regulator for all public service broadcasters is the best option of all?

On demands made on the BBC, is there not a danger that the BBC will be buried under innumerable Government targets? Is not the Secretary of State slightly embarrassed by the fact that the last charter and agreement had 43 clauses between them, whereas the new charter and agreement have 175—a fourfold increase?

Given those demands, will the Secretary of State rule out a smash-and-grab raid on the licence fee payers to fund them? For example, does she agree that targeted assistance to help disadvantaged households in the switch to digital should be paid from general taxation, not the licence fee? Does she agree that the regeneration benefits, not the programme quality improvement benefits, of the move to Manchester should be paid for by Manchester authorities, not TV viewers nationwide? I agree with the hon. Gentleman on one thing at least. If the Chancellor does introduce spectrum charging, will the Secretary of State rule out the possibility that the BBC will have to pay for it out of the licence fee?

Will the Secretary of State re-examine the question of who pays the licence fee, and review the policy of concessions for vulnerable groups? Is it not bizarre that while hotels need only one licence for the first 15 rooms, there are no concessions for women's refuges?

I hope the Secretary of State agrees that competition is good for the BBC. Will she make a firm commitment to preserving the plurality of public service broadcasting by, for example, protecting the future of Channel 4?

Notwithstanding those concerns, there is much to be welcomed in the White Paper. For 80 years, the BBC has been the cornerstone of public service broadcasting in this country. Although they are not perfect, the proposals in the White Paper should ensure that as we enter the digital era the BBC will continue to play an important role in all our lives.

**Tessa Jowell:** I thank the hon. Gentleman for his generosity.

During the development of the White Paper, the central debate was about the nature of regulation of the BBC. As the hon. Gentleman will know, at least four options have been widely canvassed and widely debated. As I have made clear, Labour Members believe that the BBC Trust is equipped with the necessary powers to be close enough to the BBC to know what is going on, but strong and independent enough to make tough decisions that are in the interests of the licence fee payer. It has a duty and an accountability to the licence fee payer, and as it develops and matures it will be its responsibility to determine the way in which mechanisms for accountability are defined.

The hon. Gentleman and I disagree on switchover and switchover costs. He will see from the regulatory impact assessment that the additional costs that are likely to fall on the BBC are the switchover costs. Throughout the next charter period, the National Audit Office will oversee the self-help programme when the level of the licence fee is eventually determined. I think that that is an important statement of accountability.

The hon. Gentleman and I differ on how the switchover costs should be funded. The principles relating to spectrum charging were agreed in the Communications Act 2003, as the first chapter in this episode of digital switchover. The costs of switchover are broadcasting costs, and historically broadcasting costs that have matched periods of rapid change have always been borne by the BBC. We believe that that should continue.

The hon. Gentleman raised an important point about concessions. Again, I am happy to consider representations on ways in which the existing list of concessions might be altered or amended, although ultimately someone will have to pay for the cost of those concessions. I shall, however, be happy to ensure that the hon. Gentleman's comments receive a response as part of the debate on the charter.

*[Tessa Jowell]*

I am glad that the hon. Gentleman welcomes so much of the White Paper. The differences between us are clear, but Labour Members believe that the proposals on which we differ are in the interests of the continuation of universal free-to-view broadcasting and the licence fee payer.

**Several hon. Members** *rose—*

**Madam Deputy Speaker (Sylvia Heal):** Order. Many Members are hoping to catch my eye. Accordingly, I make a plea for brief questions and answers.

**Mr. Dennis Skinner** (Bolsover) (Lab): Is the Secretary of State aware that some of us who have been ardent defenders of the public sector in all its forms have supported the BBC for many years, and have heard many statements like the one that she has delivered today? It is all about jam tomorrow: things are going to be different. Does she agree that the BBC has wasted wonderful opportunities in the past 10 to 15 years? With the advent of all these television stations, it could have been a giant in the field. Sadly, that has not happened. I hope that when the move to Manchester takes place, some changes will be made and that we do not have a repeat of what we have had recently: groups of people from the Murdoch empire running the BBC and its political programmes and following a *Daily Mail* agenda. One of them has had more transplants than Michael Jackson. I hope that some changes will be made and that the BBC will be more representative of the whole of the political spectrum, and not just the Tories.

**Tessa Jowell:** Public support for the BBC is not reflected in "jam tomorrow"; it is reflected in the polling and consultation that we have conducted over two years. My hon. Friend makes an important point about, first, value for money and maintaining the confidence of the licence fee payer and, secondly, the importance of accuracy and impartiality in BBC news and current affairs broadcasting. That will be a charter responsibility and I know it is a responsibility that the BBC takes extremely seriously. If at any time any Member of Parliament feels that those principles have been breached, the complaints procedure is available to him or her.

**Mr. Nigel Evans** (Ribble Valley) (Con): How independent will the trust be from the BBC? Does she agree that it is always better to have an independent body investigating an executive?

**Tessa Jowell:** The trust will be structurally separate from the executive and, as I have said on a number of occasions, will have a different accountability to the licence fee payer. There will be oversight and scrutiny of the way in which it discharges its competition functions by Ofcom, and value for money scrutiny will be provided through the joint studies that the trust will conduct with the National Audit Office. The House can have confidence in the independence of the trust, but it is a new body with a reputation that has to be earned and that will make or break the likelihood of its long-term continuation.

**Alan Keen** (Feltham and Heston) (Lab/Co-op): I congratulate my right hon. Friend on ensuring that the BBC maintains its uniqueness. In order to help it reach the 25 per cent. minimum of external production, may I suggest that she contact the BBC and say that we should have a parliamentary version of "The Office"? Would she support me in saying that there could be nobody better to write the script, and even play the main part, than the shadow Secretary of State, based on his performance this afternoon?

**Tessa Jowell:** I thank my hon. Friend and pay tribute to him for his work on the Select Committee. He is a little harsh on the hon. Member for East Devon (Mr. Swire).

**Mr. Gregory Campbell** (East Londonderry) (DUP): The fourth of the six new purposes mentions reflecting the identity of the nations and regions of the United Kingdom. How will that be done? For example, how will BBC Northern Ireland be represented on the trust and the executive board? What assurance can she give that the two bodies will not increase, rather than decrease, the bureaucracy that many believe exists within the BBC?

**Tessa Jowell:** A governor will have responsibility for Northern Ireland, and value for money will be a discipline that will apply throughout everything the BBC does.

**Janet Anderson** (Rossendale and Darwen) (Lab): My right hon. Friend will be aware of the support in the north-west region for the BBC's proposals to move a significant amount of its production to Manchester, which will enhance the creative economy of the region and constituencies such as my own. Is my right hon. Friend confident that the move will go ahead?

**Tessa Jowell:** I thank my hon. Friend for that question. This proposal has widespread support in the House and I urge Members with a constituency or regional interest to make their views well known to the BBC. The impact of such an approach on the economy of the north-west and Greater Manchester is well demonstrated, and there are many reasons why the BBC should rise to the challenge of spreading venture capital for creativity way beyond the M25.

**Mark Pritchard** (The Wrekin) (Con): What extra funding will be given to the BBC in the regions, and does the Secretary of State agree that the BBC in the regions does an excellent job? I am thinking of news-gathering organisations such as BBC Midlands Today and—last, but not least—BBC Radio Shropshire.

**Tessa Jowell:** I am sure that I can commend all the BBC regional television stations and the excellence of BBC Radio Shropshire.

**Miss Anne Begg** (Aberdeen, South) (Lab): Does my right hon. Friend agree that the White Paper and her comments today should give BBC viewers and listeners no reason to fear for the BBC's future? In fact, what has been mapped out suggests a strengthening of the BBC's uniqueness and its role not just in the United Kingdom, but across the world. However, they should

be afraid—very afraid—of the comments that we heard today from the shadow Secretary of State, the hon. Member for East Devon (Mr. Swire).

**Tessa Jowell:** I agree with everything that my hon. Friend says.

**Philip Davies** (Shipley) (Con): The Secretary of State referred to a targeted assistance programme for the poorest people, in order to offset the cost of digital switchover. Does she believe that that is a welfare cost that should be picked up by central Government, or a broadcasting cost that should be picked up by the licence fee payer?

**Tessa Jowell:** The Government's view is that it is a broadcasting cost, so it should be met by the licence fee.

**Mr. Michael Wills** (North Swindon) (Lab): I should first declare an interest, having worked for the BBC. As an independent producer, I both benefited from BBC commissions and suffered because of the way in which they were managed. I congratulate my right hon. Friend on a far-reaching and important statement, but I should be grateful for her reassurance that the new commissioning system will not damage the BBC's ability to retain a significant production base. That base has always been the key training house for the British television industry; indeed, it has been responsible for much that is excellent in that industry. I am particularly concerned about analytical current affairs, which there is a dire need for, as the recent Power report showed.

**Tessa Jowell:** I thank my hon. Friend for making that point, and I hope that I can reassure him that an enormous amount of consideration has been given to the structure of the joint commissioning proposal, precisely because we recognise the importance of the BBC's retaining sufficient scale in-house.

**Pete Wishart** (Perth and North Perthshire) (SNP): Will the Secretary of State understand the bemusement that will be felt in Scotland at this promotion of British citizenship through the re-branding of the BBC as the British bulldog corporation? In the meantime, we will lose our national voice by losing our governor. The 6 o'clock and 10 o'clock news service is increasingly irrelevant and unnecessary in Scotland. Instead of waving flags, can the BBC not accept the new constitutional reality of the UK and set its agenda accordingly?

**Tessa Jowell:** I hope that I can reassure the hon. Gentleman by pointing out that the specific purpose is to reflect the diversity of the UK's nations and regions. He will no doubt read with interest in the White Paper the references to Gaelic broadcasting.

**Mr. Pat McFadden** (Wolverhampton, South-East) (Lab): Most Members will support a well-funded, high-quality and strong BBC. As the Secretary of State knows, broadcasting today, particularly television, is vastly different from 10 years ago, and in 10 years' time it will be vastly different again. Does she therefore accept that there is a duty to ensure not only a strong BBC, but strong competitors? Will she say a bit more about how her Department plans to create an environment in which, as new technologies unfold and choice increases, we have not only the high-quality public service broadcasting from the BBC that we all want to see, but strong competitors that can produce and launch initiatives and provide similarly high-quality broadcasting? Overall, it is the viewer and listener who would be the winner through taking such an approach.

**Tessa Jowell:** My hon. Friend is right. The licence fee payers—the people of this country—are best served by having a wide choice in broadcasting. A unique challenge for broadcasting in this country is balancing the interests and scale of the BBC—which is, in any theoretical formulation, an intervention in the market, but which is there by virtue of long-established national consensus—with the importance of promoting innovation and diversity, as well as inward investment from other countries, subject to our regulatory system. The White Paper achieves that balance and rigour, maintaining choice in broadcasting for licence fee payers.

**Greg Clark** (Tunbridge Wells) (Con): The Secretary of State said that the White Paper is rich in substance, but is not the truth that it is lightweight and vapid in its reforms? Even the concept of the trust is limited. The White Paper says that the BBC Trust will not be a trust in the legal sense and its members will not be trustees of any property. Who are the trustees of the BBC's property, intellectual and physical, if not the trust?

**Tessa Jowell:** My answers are no and no to the hon. Gentleman's first two points. The trust will not be a legal entity in the fiduciary sense. It will hold the responsibilities of accountability, regulation and governance of the BBC on behalf of the licence fee payer. The hon. Gentleman is arguing about a fine legal point, but licence fee payers, with whom we have had extensive discussions on the issue, understand precisely what the trust is intended to achieve and support it by a majority for that reason.

**Tony Lloyd** (Manchester, Central) (Lab): Will my right hon. Friend confirm that the logic of the move to Manchester—I note her welcome for that—is not regeneration, as the Liberal Democrats seem to think, but about unlocking the creativity of the whole nation and ensuring that we build up the clusters and cultures that can deliver the television of the future? In that context, can she make it clear to those in the BBC who are resistant to the move that they cannot use it as a bargaining chip in licence fee negotiations, because the logic of the move has to be determined entirely by what is good for the viewing public?

**Tessa Jowell:** I am sure that those with sense in the BBC will listen to my hon. Friend and take seriously what he says. The creative gain will be enormous and the gain for the BBC in establishing a broader identity will be enormous. The potential for collaboration with other broadcasters will also be enormous. All of that provides a compelling case in support of the proposal. It will ultimately be a decision for the BBC, which will have to produce the business case and the arguments, but my hon. Friend should be in no doubt about the strength of the support for the proposal on this side of the House.

**Mr. Edward Leigh** (Gainsborough) (Con): The Secretary of State knows that for years the Public Accounts Committee has been campaigning for the present voluntary arrangements with the National Audit Office, which we have had for the past year or two. It is true that the White Paper will strengthen the arrangements somewhat, and I thank her for that. However, does she realise that we will still be missing the holy grail of external audit, whereby the external auditor has the untrammelled right to investigate a public sector body, which cannot veto that investigation? Under the White Paper, the interim arrangements will continue. The Public Accounts Committee met the National Audit Office last night and we decided to continue campaigning. Will the Secretary of State keep an open mind on this, because the spending of £3 billion of public money should be accountable to this House, the national Parliament?

**Tessa Jowell:** The hon. Gentleman is well aware of the arguments that have been resisted by this Government and the BBC. Like him, I welcome the settlement that the White Paper provides and I welcome the fact that the NAO will be invited to exercise scrutiny over the self-help and efficiency savings over the next period of the licence fee. I simply reiterate the point that the BBC is a unique organisation. The arrangements are unique and it is the responsibility of all those within the BBC to make them work in the public interest.

## Point of Order

5.15 pm

**Mr. Don Foster** (Bath) (LD): On a point of order, Madam Deputy Speaker. You will be aware that Mr. Speaker has frequently deprecated the provision of statements and other information to members of the press ahead of their provision to Members of Parliament. Are you therefore willing to draw to his attention my concern about the statement that we have just heard? Although the Secretary of State was especially generous in her interpretation of the ministerial code in making the statement available to me and to the hon. Member for East Devon (Mr. Swire) in advance of her making it to the House, you might be surprised to learn that members of the press received it one and a quarter hours before we did.

**Madam Deputy Speaker (Sylvia Heal):** I understand that that might be the usual practice, with the proviso that the press should observe certain procedures, such as an embargo. I have noted what the hon. Gentleman says and I hope that those procedures have been observed in the present case.

**Mr. William Cash** (Stone) (Con): Further to that point of order, Madam Deputy Speaker. Even if there was an embargo, the press at least had the opportunity to look at the statement, whereas we had no opportunity even to see it until the Secretary of State sat down. It seems to me that that is disrespectful to Parliament, and the practice should be deprecated and cease.

**Madam Deputy Speaker:** I have noted what the hon. Gentleman says, but I have nothing to add to my reply to the hon. Member for Bath (Mr. Foster).

## Licensing of Child Location Services

5.16 pm

**Judy Mallaber** (Amber Valley) (Lab): I beg to move,

That leave be given to bring in a Bill to establish a licensing regime for the sale or promotion of any service providing data on the location of children where these data have been derived from any mobile telephone network, satellite system or other electronic or communications medium.

Only weeks ago, I knew nothing about electronic location services, but now I seem to hear about them everywhere I go and I am becoming paranoid about whether I am being tracked. I just saw an item on CNN about CeBIT, the world's largest annual high-tech trade fair, which opened in Hanover last week and at which more than 6,000 companies are showing off their latest wares for the IT and communications market. There was an item about the sector of the fair devoted to devices for tracking individuals—location services. One exhibitor said that he was amazed that more parents had not yet invested in his child location product—"Just pop it in your kid's backpack and get peace of mind." But what if it is someone else who pops that tracker into your kid's backpack—someone else who wants to trace your child? The exhibitor said nothing about how he checks whether he has sold his product to a parent or to a paedophile.

That illustrates my main point: in the right hands, location data—knowing where someone is—can be valuable and reassuring, but in the wrong hands such data are extremely dangerous. My Bill will set up a licensing and regulatory regime to make sure that those services are in the right hands and that those who are being tracked know about it.

I also have a broader point: for the first time in our history, we have it within our power—every one of us, not just James Bond types or the police—to track another person 24 hours a day, seven days a week, 365 days a year. The mass consumer market is about to be flooded—is being flooded—with cheap, easy-to-use tracking devices; some are even being given away free. In addition to special tracking devices, there are services to track people through their mobile phones. Since the children's charities internet adviser told me of the new industry, I have learned of three journalists who in recent weeks have used such services to track people without their knowledge. The supposed safeguards to stop that happening did not work; they can be evaded all too easily. It is hard to believe but it is true: Members could all easily be being tracked now.

Urgent debate is needed and controls must be established, not least because it is in the name of child protection that the new surveillance technologies are starting to reach the mass consumer market. Let us take the Teddyfone as an example. Launched last November, it is not hard to guess what the device looks like: its fetching blue and white livery will instantly appeal to the hungry eyes of at least the younger end of the 4 to 10-year-old market in which the company says it is interested. It will easily fit into tiny hands, pockets or backpacks. A Teddyfone does what any phone will do—it lets someone talk to the person who has it—but just sending a text message automatically and silently converts it into a listening device. As Teddyfone told a colleague of mine, if the child knew that someone was listening, it would defeat the point. The Teddyfone also provides information about the physical whereabouts of the person carrying the phone.

All mobiles are now potential tracking devices. When any mobile phone is switched on, it is transmitting and receiving signals from individual, geographically specific radio cells on the owner's mobile phone network. The network knows where someone is, possibly to a matter of metres. If the phone has been turned off, has run out of power or is out of range of the network, the network knows where it was at that last connected moment.

The emergency services have always been able to access that information, if necessary. However, the UK's mobile phone networks have now put that location information on sale to the public and, so far, about 30 companies, of which Teddyfone is one, are packaging and selling it. Some are doing so as part of so-called child safety products. In the case of Teddyfone, parents do not have to go to the trouble of speaking to their child; they just go to a website to see where he or she is, or ask for a map showing that information to be sent to their mobile phone.

There are lots of other examples. The i-Kids phone even lets parents listen to their child's conversation, which is not a very good recipe for relationships with their teenager or for harmonious family life. That phone runs on satellite-based technology: the global positioning system. It is great to have satellite navigation in one's car to find a route, or so that one can be found by the emergency services in the event of an accident, but it is dangerous if, say, a violent man were to post a device to his estranged partner in a refuge with an anonymous post office box number in order to track her down, and that is very easy to do.

Getting back to child protection, in theory the child must consent to his phone being tracked in the first place, but is there not something a bit odd about the idea of a four year-old, part of Teddyfone's target market, being able to give and maintain consent? An oppressive parent could insist on the child giving consent, or a devious paedophile skilled at grooming could easily find a way around the necessity, for example, by registering the second phone to himself before handing it to the child or hiding it in his backpack. To extend that to adults, *The Guardian* journalist Ben Goldacre showed recently that someone needs possession of another person's mobile phone for only a couple of minutes to appear to give the consent required under mobile phone companies' current procedures. The person he was tracking never got any of the warning messages that were meant to have been sent to her. Even more scarily, a hacker's website has recently published information telling how to spoof consent without even having to have temporary possession of the target's phone; all that is needed is the number. If someone has a person's number, he can track them. It is not a problem. I know where the website is, but I am not going to tell Members. It is possible to track people just through their phone numbers.

*[Judy Mallaber]*

There are other devices. Pupillo can listen and can watch as well, even in the dark. It was brought out recently and sees in the dark for anyone who has the number to dial. It may be ideal for a baby monitor, but what else will it be used for? That is a serious question.

There are meant to be controls over location services. The Home Office, the police and children's charities negotiated with the UK's six largest networks and agreed a voluntary code of practice governing the deployment of child location services and location services generally. The code is meant to cover the identity of the person doing the tracking, his relationship with the person being tracked, getting consent and giving warnings, but in practice, as journalists have found, the voluntary code can only too easily be evaded—if it is applied in the first place or if people knew that it is meant to be applied. Furthermore, it does not apply to new tracking devices using the GPS system or new technologies that bypass mobile phone networks. They are being sold without any code of practice governing their deployment. That needs to be checked and followed up.

Appeals to the Home Office and the Department of Trade and Industry to get involved have so far drawn a blank. In one case, the DTI gave financial assistance to a company that was developing a child tracking product. When asked whether it had considered possible criminal or other misuses of such technology, the DTI answered that such questions were not part of its business. Indeed, it gave the firm in question a prize for innovation. When DTI officials were asked whether they should have consulted child protection specialists, they said, "No."

I hesitate before calling for yet another national debate, but someone somewhere needs to take responsibility for the situation before it gets out of hand. The DTI and the Home Office have done excellent work on other child protection and technology issues; now they need to tackle the problem I have set out. The internet was kicking around for 20 years or more without anyone taking much notice—it was just the plaything of a few boffins—but once it started to penetrate the mass market, we realised that it raised many social and political issues. It is a great force for good, but it also allows trade in child pornography, the movement of criminal funds and other dangers.

Let us talk now about the implications of this latest surveillance technology for family life, children's safety and society as a whole. A child location service can give parents peace of mind, but what peace of mind will they have if such services remain unregulated and open to any stranger to misuse? That stranger may be one of those people who are so clever at grooming a child.

The issue is not just about child protection. We are sleep-walking into a world where jealous partners or obsessed stalkers could spy on us simply by obtaining our phone number. We must act now before that new surveillance industry gets out of hand. We must establish controls and a licensing regime fast.

I commend the Bill to the House.

*Question put and agreed to.*

Bill ordered to be brought in by Judy Mallaber, Kali Mountford, Annette Brooke, Margaret Moran, Derek Wyatt, Mrs. Betty Williams, Paddy Tipping, Dr. Howard Stoate, Mr. Ian Taylor, Siobhain McDonagh, Roger Berry and Mary Creagh.

### Licensing of Child Location Services

Judy Mallaber accordingly presented a Bill to establish a licensing regime for the sale or promotion of any service providing data on the location of children where these data have been derived from any mobile telephone network, satellite system or other electronic or communications medium: And the same was read the First time; and ordered to be read a Second time on Friday 16 June, and to be printed [Bill 144].

## Animal Welfare Bill (Programme) (No. 2)

5.27 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** I beg to move,

That the Order of 10th January 2006 (Animal Welfare Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on consideration shall be taken in the order shown in the first column of the following Table.

3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

| *Proceedings* | *Time for conclusion of proceedings* |
|---|---|
| New Clause relating to the docking of dogs' tails. | Two hours after the commencement of proceedings on the motion for this Order. |
| Remaining proceedings on consideration. | Five hours after the commencement of proceedings on the motion for this Order. |

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on the motion for this Order.

The change in the programme motion is intended to ensure that there is a clear opportunity to discuss all aspects of the Bill, which is particularly important when there is a need to debate fully a controversial issue. We will have free votes, which have been facilitated by Government amendments, as well as a wide range of other proposed amendments. We should remember that the Bill has already been well debated at eight Committee sittings and during pre-legislative scrutiny.

*Question put and agreed to.*

# Orders of the Day

## Animal Welfare Bill

*As amended in the Standing Committee, considered.*

### New Clause 8

DOCKING OF DOGS' TAILS

'(1) A person commits an offence if—

(a) he removes the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment;

(b) he causes the whole or any part of a dog's tail to be removed by another person, otherwise than for the purpose of its medical treatment.

(2) A person commits an offence if—

(a) he is responsible for a dog,

(b) another person removes the whole or any part of the dog's tail, otherwise than for the purpose of its medical treatment, and

(c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.

(4) For the purposes of subsection (3), a dog is a certified working dog if a veterinary surgeon has certified that the dog is likely to be used for work in connection with—

(a) law enforcement,

(b) activities of Her Majesty's armed forces,

(c) emergency rescue,

(d) lawful pest control, or

(e) the lawful shooting of animals.

(5) It is a defence for a person accused of an offence under subsection (1) or (2) to show that he reasonably believed that the dog was one in relation to which subsection (3) applies.

(6) A person commits an offence if—

(a) he owns a subsection (3) dog, and

(b) fails to take reasonable steps to secure that, before the dog is 3 months old, it is identified as a subsection (3) dog in accordance with regulations made under this section.

(7) A person commits an offence if—

(a) he shows a dog at an event to which members of the public are admitted on payment of a fee,

(b) the dog's tail has been wholly or partly removed (in England and Wales or elsewhere), and

(c) removal took place on or after the commencement day.

(8) Where a dog is shown only for the purpose of demonstrating its working ability, subsection (7) does not apply if the dog is a subsection (3) dog.

(9) It is a defence for a person accused of an offence under subsection (7) to show that he reasonably believed—

(a) that the event was not one to which members of the public were admitted on payment of an entrance fee,

(b) that the removal took place before the commencement day, or

(c) that the dog was one in relation to which subsection (8) applies.

(10) A person commits an offence if he knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section.

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(11) The appropriate authority may by regulations—

(a) make provision about the giving by veterinary surgeons of certificates for the purposes of this section;

(b) make provision about the identification of dogs as subsection (3) dogs;

(c) make provision about the functions of inspectors in relation to certificates for the purposes of this section and the identification of dogs as subsection (3) dogs.

(12) Power to make regulations under subsection (11) includes power to make incidental, supplementary, consequential provision or transitional provision or savings.

(13) Before making regulations under subsection (11), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.

(14) In this section—

"commencement day" means the day on which this section comes into force;

"subsection (3) dog" means a dog whose tail has, on or after the commencement day, been wholly or partly removed without contravening subsection (1), because of the application of subsection (3).'.—*[Mr. Bradshaw.]*

*Brought up, and read the First time.*

5.28 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker (Sylvia Heal):** With this it will be convenient to discuss the following: Amendment (a), in line 13, leave out subsections (3) to (6).

Amendment (b), in line 36, leave out subsection (8).

Amendment (d), in line 41, at end insert ', or'.

Amendment (c), in line 42, leave out from 'day' to end of line 43.

Amendment (e), in line 44, leave out subsections (10) to (13).

Amendment (f), in line 63, leave out from beginning to end of line 66.

Amendment No. 4, in page 3, line 21, clause 5, after 'apply', insert—

'(a) to the docking of the tail of a working gundog; or

(b) '.

Government amendment No. 38

Amendment No. 5, in page 3, line 25, at end insert—

'(6) In subsection (4), "docking of the tail of a dog" means the deliberate removal of any part of a tail of a dog if the removal is carried out—

(a) by a veterinary surgeon; and

(b) on a dog which is less than 10 days old.'.

Government amendments Nos. 39 to 60.

**Mr. Bradshaw:** The purpose of the first part of our deliberations this afternoon is to facilitate a debate and then, if the House desires, votes on the docking of dogs' tails. When we published the Bill, the Government said that we would not seek to be a persuader on such a contentious issue, where views on both sides are strongly held and the evidence disputed. We said that we would listen to Members' views.

In Committee, the majority of Members who spoke advocated a total ban on the docking of dogs' tails. Some Members said that they would prefer an exemption for working dogs and no Member who spoke supported the status quo of allowing cosmetic docking. However, all members of the Committee, whatever their views, said that they felt that the issue should be opened up more widely to all Members. That is what we are doing now.

We are offering the House three options—first, a ban on tail docking, but with an exemption for working dogs; secondly, a ban with no exemption for working dogs; and thirdly, the status quo, which allows cosmetic docking. Of course, it will remain possible under all those options for a vet to dock a dog's tail if that is necessary for medical reasons—for example, because the tail is damaged or has become diseased.

Members who wish to support option one—a ban, with an exemption for working dogs—should vote for new clause 8, which stands in the name of my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, and against amendments (a) to (f), which stand in my name. Members who want a total ban should vote for the new clause and those amendments. Members who wish to retain the status quo should vote against the new clause.

I wish to make it clear that I support an exemption for working dogs. I appreciate that that puts me in the somewhat unusual position of not voting for my own amendments. Amendments (a) to (f), which stand in my name, are intended to facilitate the deliberations of the House.

I do not intend to repeat the long arguments that were aired in Committee, so that as many Members as possible can contribute to the debate. No doubt, Members will have been lobbied both for and against a working dogs exemption. However, to help the debate, I wish to say something about how the new clause banning docking, with a working dogs exemption, would work.

One of the main concerns expressed in Committee by those hon. Members whose minds were not already made up was that any exemption for working dogs should be workable and enforceable. The Government agreed, and we have endeavoured to achieve that in the new clause. Under the new clause, only a vet could preventively dock a dog's tail provided that, first, the dog is no more than five days old, and secondly, the vet has been shown specific evidence that the dog is likely to be used for work in connection with law enforcement, the armed forces, emergency rescue, pest control or the lawful shooting of animals.

**Mr. David Drew** (Stroud) (Lab/Co-op): I am sorry to interrupt so early in my hon. Friend's explanation. However, the law is very clear that tail docking should be carried out only by a qualified veterinary surgeon, but the number of surgeons willing to do that operation and the number of dogs whose tails are docked do not correspond. Quite simply, the law is not being enforced

at the moment. That is the problem. Why is the law more likely to be enforced if we agree to the exemption compared with current practice, where the law is an ass?

**Mr. Bradshaw:** I shall come to some of the extra safeguards that we have put into the new clause in a minute, but there would be a fairly significant reduction in the overall number of dogs that could be docked legally, to about 20 per cent. of the current number. That is our estimate of the number of dogs docked currently that then go on to be worked.

**Richard Ottaway** (Croydon, South) (Con): Will the Minister give way?

**Mr. Bradshaw:** Yes, of course. I am about to explain some of the safeguards in a little more detail, but I am happy to take another intervention.

**Richard Ottaway:** New clause 8, on my reading of it, relates to dogs. What is the position for other animals—cats and, particularly, sheep, most of which are already docked?

**Mr. Bradshaw:** That is all in the Bill. There is a general prohibition on mutilation, with exemptions that will be set out in regulations. Those exemptions will not change the status quo—for example, for animals whose tails are legally docked currently—because the Government's original intention was to deal with the issue by regulation. However, feelings were so strong among hon. Members on both sides of the argument on Second Reading and in Committee that it was thought more appropriate for the issue to be settled once and for all in the Bill, rather than leaving it for future Governments to settle by regulation, which would not allow the same parliamentary scrutiny and debate.

**Mr. James Paice** (South-East Cambridgeshire) (Con): For the benefit of my hon. Friends and other hon. Members, will the Minister confirm that if new clause 8 and the relevant amendment are both rejected, there will not be a change to the Bill, and he will undertake to introduce a total exemption for tail docking of dogs in the regulatory process?

**Mr. Bradshaw:** Yes.

The vet would issue the owner with a certificate showing that the dog had been docked legitimately and detailing the evidence that they had seen. The puppy must be microchipped before it is three months old and the microchip number added to the certificate. The effectiveness of the new clause hangs on the definition of a dog that is "likely" to work. The Government have sought to define that tightly, but we also propose to introduce a delegated power to allow the appropriate national authority to tighten it further as necessary. I will explain to the House how we would use the power initially if the new clause is passed unamended. Through regulations, we would prescribe a template certificate that a vet must use for each dog that they dock and which would record the details of the vet, the owner, the date of docking and the microchip number. The vet and the owner would sign it—the owner to confirm that they had not provided false information. Providing false information would be an offence carrying a penalty of up to 51 weeks in prison, or a level 4 fine—currently £2,500—or both. The regulations would specify, too, the evidence that the vet must be shown before they could certify that a dog was likely to work. For law enforcers, for example, that could be a police identification badge and evidence from the head of a police force's breeding programme that the dog was intended to be worked.

**Rob Marris** (Wolverhampton, South-West) (Lab): One could drive a coach and horses through the regulations on law enforcement by taking a four-year-old dog to the vet and saying, "I'm going to use this dog to protect my scrapyard. Keeping trespassers out is law enforcement, so can you dock its tail?" Because proposed subsection (4) of the new clause does not say that the dog must be used predominantly as a guard dog, after the scrapyard owner has used the dog for two days he can sell it to a man in a pub as a docked dog and escape scot-free.

**Mr. Bradshaw:** There would not be any circumstances under which a four-year-old could have its tail docked. *[Interruption.]* Perhaps my hon. Friend meant four days.

**John Bercow** (Buckingham) (Con): I am glad that the Minister has abandoned his self-denying ordinance, because I did not have the privilege of serving on the Committee and thus did not hear his mellifluous tones, but I am more than happy to do so this afternoon. Great man though he is, the hon. Member for Wolverhampton, South-West (Rob Marris) has an insatiably suspicious disposition, and I am not sure that his suspicion is justified. Will the Minister clarify the regulation-making process? Why cannot we see—or perhaps we can—draft regulations before the final passage of the Bill, as that always makes me much more sanguine than knowing that they will be published at a later, unspecified date?

**Mr. Bradshaw:** I do not rule that out, because the Bill still has to proceed to another place. If it will reassure the hon. Gentleman, I am certainly prepared to consider that suggestion with officials to see if we can do so when the Bill returns to the House. Briefly, in response to my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), I accept that there are Members on both sides of the House who will not vote for the exemption because they do not think that it is drawn tightly enough or is enforceable. I take a different view and I urge them to listen patiently to the extra safeguards that we have included. If that does not change their minds, the way in which they cast their vote is their prerogative—we are offering a free vote, as is every party in the House.

**Mr. Peter Atkinson** (Hexham) (Con): Would I be prosecuted if I went to a rescue centre and bought a dog with a docked tail that was born after the commencement of the measure?

**Mr. Bradshaw:** Not,if the tail had been docked legally. *[Interruption.]* The hon. Gentleman would not be responsible, as the offence was committed by the person who docked the tail illegally, or perhaps by the vet who allowed it to be done illegally.

*[Mr. Bradshaw]*

As I was saying, the vet would issue the owner with a certificate showing that the dog had been docked legitimately and detailing the evidence that the vet had seen. The pup must be microchipped before it is three months old and the microchip number added to the certificate. The new clause includes provisions to drive down the demand for cosmetically docked dogs, which is extremely important for Members who are considering voting for the exemption, but would like more reassurance that it will bite—excuse the pun. Experience from Sweden and Germany—countries with a complete ban and an exemption for working dogs, respectively—suggests that not restricting the showing of docked dogs results in continuing demand for them and incentives to find ways around a ban, including importing. Therefore, the Government propose restricting the showing of legally docked dogs to demonstrations of their working ability. That is not because of any distaste for showing, but to support the aim that only dogs intended for working are docked. That would ensure that the number of dogs docked would be kept to a minimum.

Amendments (a) to (f), tabled in my name, would remove the exemption from working dogs currently set out in the new clause. The amendments also remove the exemption that allows certified docked dogs to be shown to demonstrate their working ability. Under the amendments, no dog docked after the provision is enacted could be shown.

**Mr. John Redwood** (Wokingham) (Con): My question relates to the Minister's earlier point. I believe that in many cases people cannot decide for some time—certainly not by the five-day stage—whether a dog is suitable as a working dog, so is the intention to give people latitude to have several puppies to choose from for their working purpose, or would the exemption be narrow and possibly lead to problems?

**Mr. Bradshaw:** In the end, we will have to leave it to the courts to decide whether the intention at the time was for the dogs to be worked. The right hon. Gentleman is right—it is not always possible to know for certain at the time of the docking that the dog will definitely be worked, even though the likelihood exists and can be certified by a vet who sees the dam. That is why some of my hon. Friends and some Opposition Members are concerned about an exemption. Nobody has proposed a tighter exemption because it is difficult to devise one. We have done our best to do so in order to facilitate a free vote.

**Lembit Öpik** (Montgomeryshire) (LD): I support the Government's new clause, but does the Minister accept the view that I take—that a blanket ban on docking is bad for animal welfare because some working dogs will necessarily suffer if they are not docked, yet are used in perfectly legal activities in the countryside? Would he, like me, counsel those who want a blanket ban to recognise that that will have the opposite effect in some cases, by increasing animal suffering rather than reducing it, as the Minister is attempting to do in a reasonable way in new clause 8?

**Mr. Bradshaw:** That was the point. The reason I am supporting the exemption is that I partly agree with the hon. Gentleman.

If the House chooses not to vote for the new clause, that will leave it open, as I reaffirmed to the hon. Member for South-East Cambridgeshire (Mr. Paice) a moment ago, to the Government to make regulations exempting tail-docking from the general ban on mutilations prescribed in clause 5. The Government would subsequently be able to alter the law without recourse to primary legislation. Despite the strength of feeling on all sides, the House may still detect some virtue in this flexibility.

Amendments Nos. 4 and 5 tabled by the hon. Member for Leominster (Bill Wiggin) would introduce an exemption for working dogs from the ban on mutilations. However, there are problems with the drafting. Amendment No. 5 seeks to define a term that does not appear in amendment No. 4. I hope that the hon. Gentleman will agree that my right hon. Friend the Secretary of State's new clause is a more appropriate way to achieve a ban on docking, with a working dog exemption. I hope that on this basis he will not press his amendments.

**Mr. Eric Martlew** (Carlisle) (Lab): I may be wrong, but I think that I heard my hon. Friend say that there was an exemption for working dogs in Sweden. My understanding is that that is not the case. Does he intend to name the breeds to which the exemptions will apply?

**Mr. Bradshaw:** No, I will not name the breeds now. That will be subject to regulation, but the breeds will be named. That will be part of the template document for the vet, and they would be tightly drawn. My hon. Friend misheard what I said about Germany and Sweden. Sweden has a total ban. Germany has a ban with an exemption for working dogs, but in both countries Governments and animal welfare organisations argue that the much more important aspect is the ban on showing. That is what we are including in the exemption. The ban on showing acts as the biggest disincentive to illegal docking or the import of docked breeds.

**Bob Spink** (Castle Point) (Con): Before the Minister moves on from specific breeds, will he confirm that it is possible for cross breeds to make excellent working dogs?

5.45 pm

**Mr. Bradshaw:** I will give hon. Members a further insight into the breeds that we would consider if the new clause were passed without amendment. The exemption for working dogs would include spaniels, hunt point retrieve breeds, working terriers and crosses involving one or more of those types.

**Mr. Michael Wills** (North Swindon) (Lab): Will my hon. Friend clarify the evidence on which he has formulated the proposed exemption? What is the potential damage to working dogs if docking is forbidden? *[Interruption.]*

**Mr. Bradshaw:** My hon. Friend the Minister for Climate Change and the Environment says from a

sedentary position that the matter is disputed. He takes a different view from me, and I suspect that we will be in different Lobbies later this evening. Not only the British Association for Shooting and Conservation, but the police have produced evidence on that point in the past few days. The police have provided compelling evidence on the number of dogs that they use in important security operations that have had to have their tails docked later in life because of injuries that they have sustained in the course of their work.

**Paddy Tipping** (Sherwood) (Lab): The Minister has made my point for me. Working dogs are used for far more than shooting, and there are police, rescue and customs dogs. The police are the only body that has provided any real evidence, and they have come out very strongly in favour of an exemption for their working dogs.

**Mr. Bradshaw:** My hon. Friend may have received a letter from Assistant Chief Constable Peter Vaughan, who is the Association of Chief Police Officers working dogs representative. Peter Vaughan has worked in the field for many years, and he has appealed to the House to support new clause 8, because it is common for working dogs to sustain serious injuries that require surgery if their tails are not docked.

**Mr. Andrew Love** (Edmonton) (Lab/Co-op) *rose—*

**Mr. Philip Hollobone** (Kettering) (Con) *rose—*

**Mr. Bradshaw:** I give way to the hon. Member for Kettering (Mr. Hollobone).

**Mr. Hollobone:** Has the Minister considered the case of the old English sheepdog, which used to be a working dog? Many old English sheepdog owners prefer to dock their dogs for reasons of hygiene. Has he dismissed heavy-coated breeds, which are at risk of perennial fouling and which will be caught by the new legislation?

**Mr. Bradshaw:** Yes. The new clause does not include such breeds. The best answer to that problem is to clean the dog.

**Mr. Love:** I thank my hon. Friend for eventually giving way. I am a complete novice in this matter and want to focus on certification, about which the veterinary profession has some concerns. Will he detail how we can be certain that dogs as young as four or five days will be working dogs?

**Mr. Bradshaw:** As I have said, there is no such thing as absolute certainty, which is why I am sure that some hon. Members will not be satisfied even by the tightly drawn exemption that we have devised. Given the extra safeguards that we have introduced—the provisions on showing are unprecedented in animal welfare legislation—we will achieve a lot more than countries such as Sweden, which has a total ban.

**Dr. Evan Harris** (Oxford, West and Abingdon) (LD): Does the Minister recognise the difference between carefully formulated scientific evidence and the experience of police officers, which is valid but anecdotal? Will he explain why he thinks that the veterinary associations that support a ban on docking working dogs take a different view from the police? Does he believe that it is right, at least in the first instance, to trust the view of medical and scientific experts, rather than the anecdotal experience of people who currently work with working dogs?

**Mr. Bradshaw:** It has long been the view of the majority of the council of the Royal College of Veterinary Surgeons to oppose all tail docking, but, at the same time, there have been vets who have been prepared to carry it out. It is important that hon. Members listen to the views of people from all organisations—be they vets, police or people who have intimate working knowledge of dogs—and make up their own minds. I am not trying to persuade the hon. Gentleman of my view; I am simply trying to give him and other hon. Members options so that they can reach a view and express it in the way that they vote this evening.

**Shona McIsaac** (Cleethorpes) (Lab): I was interested in what my hon. Friend said about the police. I understand that the police have something like 2,000 or 2,500 working dogs. Will he tell the House what percentage of those working dogs sustained an injury so severe that it necessitated amputation of their tail?

**Mr. Bradshaw:** It may help if I quote from the letter dated 9 March that I received from Assistant Chief Constable Peter Vaughan, who said:

> "Twenty working dogs have had to have their tails docked as a result of injury in the last two years."

He goes on to say:

> "Experience over many years of working with police dogs has shown us that certain dog types, performing certain roles; usually a search function where dogs are often required to work in difficult terrain and confined spaces are susceptible to causing injury to their tails. Any docking of new puppies is restricted to such dog types and conducted in order to minimise the risk of such injury, which can be particularly distressing and require a protracted period of recuperation."

I cannot do any more than quote from a third party.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): If we are talking about scientific evidence, surely the Minister should tell the House what proportion of working dogs, or indeed police dogs, that represented. The control would be the proportion of tail docking that took place in the non-working dog population, among breeds that tend to have their tails docked, although that has been shaped by fashion. Tail docking used to be a tax avoidance device. In the 18th century, it was introduced to avoid the tax that had been imposed on certain types of working dog.

**Mr. Bradshaw:** My hon. Friend will have to forgive me, but I do not know what proportion of working dogs Assistant Chief Constable Vaughan is talking about. I am not sure whether my hon. Friend was in the Chamber a little earlier when I gave the overall figures, but I repeat that, even with the exemption, at least 80 per cent. of current dockings would be illegal. The cosmetic dockings that I think most hon. Members want to consign to the history books would not happen.

**Mr. Paice:** Will the Minister give way?

**Mr. Bradshaw:** I will give way a final time, because this is turning into a debate.

**Mr. Paice:** Forgive me, but I think that this is a debate. However, I am grateful to the Minister for giving way. Will he confirm my impression from the figures in the letter from the police that it would be a mistake to compare the 20 working police dogs that have had to have therapeutic docking in the past two years with the total number of 2,500? The vast majority of the 2,500 working police dogs will not be of a type that works in confined spaces. They will be Alsatians and Labradors that are used for other purposes. A much smaller proportion—spaniels, predominantly—would be used in those circumstances and so might be at risk. It is not a direct comparison to talk about 20 out of 2,500.

**Mr. Bradshaw:** The hon. Gentleman makes a very good point. I hope that he will forgive me—I was not trying to say that we are not having a debate. There have been a series of interventions. There are hon. Members who have come here to make a considered contribution and I want to allow them time to do that.

**Mr. Jim McGovern** (Dundee, West) (Lab): Will the Minister give way?

**Mr. Bradshaw:** This really is the final time that I will give way and then I will conclude.

**Mr. McGovern:** I understand that a ban already exists in Scotland. If the same does not apply in England, it will lead to tail-docking tourism, whereby Scottish people bring their dogs down to Carlisle, get their tails docked and then go back up to Scotland with them. Is that a scenario that the Minister has considered?

**Mr. Bradshaw:** The Scots have not yet legislated on the matter, but, in theory, my hon. Friend is right and that would be one of the consequences of the devolution that I imagine he and the rest of us supported.

In conclusion, the House has three options. Those who favour the status quo and the flexibility afforded by the delegated power in clause 5 should oppose the Second Reading of the new clause. Those who want a ban on cosmetic docking, but with an exemption for working dogs, should vote for the new clause tabled in the name of my right hon. Friend the Secretary of State. If the new clause is given a Second Reading by the House, those who wish to go further and ban all tail docking should vote for the amendments that stand in my name. However, those who are persuaded by the arguments in favour of a working dog exemption should vote against those amendments.

**Bill Wiggin** (Leominster) (Con): First, let me welcome the attack of common sense that the Government seem to have had since the Bill was in Committee. Perhaps it was a rush of blood to the Minister's head that caused him to abandon the status quo, for which he had the blessing of the Secretary of State, take the temperature of the Committee and conclude that a total ban on docking was needed. I welcome the change that has happened since.

We all agree that what is needed is a cool head and a measured approach. At all stages, we must bear in mind that any sort of docking is illegal unless it is carried out by a qualified vet. The next step is to decide whether the procedure is necessary and whether it hurts. The evidence is overabundant, because everyone has an opinion. I am sure that it probably can hurt, but usually does not and that it is sometimes necessary, but it is not a feature that I personally find attractive in a dog. I am left to make a decision based on the overwhelming area of agreement, which is that the vet who performs the operation must do it properly and legally. If that is the case, I can see no reason why people who are so committed to animal welfare that they take six years to qualify, and end up with enormous student debts, should not be more than able to decide whether they feel comfortable with the operation, and why that should not be enough. That is satisfactory. There is no need for a ban.

**Mr. Drew:** That is the crux of the problem. Tail docking is not taught in veterinary schools any more, and the vast majority of vets do not want to do it. Those who do it are an ageing part of the profession. Surely it is almost inevitable that tail docking will die out. It is just that the law will follow that. Is that not a problem?

**Bill Wiggin:** I am grateful to the hon. Gentleman for agreeing that that is the nub of the problem. If he is right and tail docking dies out—personally, as I said earlier, I do not favour the look of a docked tail—that is how I would prefer things to proceed. Docking would die out because people did not want to do it, rather than because we legislated for that in the Bill.

**Angela Browning** (Tiverton and Honiton) (Con): Is it not the case that a great many veterinary surgeons today specialise purely in companion animals and small animal care, and that there are fewer vets who serve rural areas, including farm practices, and cover the sort of working dogs that we are talking about? That is why the views of the professional bodies are not necessarily representative of the minority who are specialists in rural areas.

**Bill Wiggin:** My hon. Friend makes an excellent point, and is absolutely right. We should not make decisions based on the number of vets available to carry out the procedure. People who own dogs have to deal with the issue for themselves. I do not like bans and I do not think that there is a need for a ban. Bans are bad for everybody. They lead to illegal activity, and when all is said and done, my suspicion is that people who prefer docked breeds will selectively breed bob-tailed dogs, which will make the enforcement of the law on tail docking extremely difficult.

I have seen the campaigns showing dead puppies, and I think that they are revolting. One says:

"Robbed of their tails. Robbed of their lives."

That campaigning is unhelpful. It is based on illegal docking, which will remain illegal whatever we choose to do today, and on spin rather than fact. It does not do the issue any favours.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): My hon. Friend is speaking with a great deal of knowledge and a lot of experience, and most eloquently. I share his view about the photographs. Most of them were of illegal tail dockings, yet they purported to show what was happening across the board legitimately and normally. Many people would have presumed that those dockings had been carried out by vets.

**Bill Wiggin:** I urge my hon. Friend not to be too modest with his praise for me; I am most grateful for it. What he says is right—and I have had some fairly unpleasant criticism from the Council of Docked Breeds, which actually agrees with me on this matter. The subject is emotive, and we should allow dog owners to make up their minds themselves.

6 pm

There is a temptation to vote in favour of new clause 8 because it contains an exemption for working dogs. The exemption is prudent and sensible, but I will be forced to vote against the measure because I prefer the status quo. I have changed my position slightly since the Committee stage. I have been persuaded by the volume of bureaucracy, paperwork and certificates—and sheer difficulty—that the measure would introduce.

Owners should decide which dogs need to be docked. There is a compelling argument for pre-prophylactic docking based on evidence that damage will be done later in life. The comments of the security services are also most helpful. As the Minister said, show standards are the area on which progress could be made. For example, a non-docked dog should be at no disadvantage compared with a docked dog unless the tail has a fault. There is an incentive for show dogs to be docked if there is a fault with the tail, so the anti-docking campaign should focus its attention on that.

There will be an entirely free vote on both sides of the House. Paragraph 15 of the Bill's regulatory impact assessment, which was signed by the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), states that the Government's preference is

"that there should continue to be freedom of choice."

Reluctantly, I will not support new clause 8, on the basis that I do not like banning things, paperwork or bureaucracy. I do not like cosmetic docking either, but we should make the matter a free choice for all dog owners, rather than using the Bill to determine what should happen.

**Shona McIsaac:** I am pleased to be able to participate in the debate. I will focus on the reasons why I believe that the only workable and practical way forward is to have a complete prohibition on tail docking with no exemptions for so-called working dogs.

As my hon. Friend the Member for North-West Leicestershire (David Taylor) said earlier, it is important to understand the history of tail docking and the reason why it became a common practice for certain breeds in this country. He rightly said that a tax was levied on the owners of working dogs. Farmers, drovers and other owners of working dogs began to dock, or shorten, their dogs' tails so that they could avoid the tax. The tax was repealed in 1796, but people who were worried that it might be reintroduced continued the practice of tail docking. Prior to the tax, working dogs were not docked. The practice dated only from when the tax was brought in.

It is important to appreciate what tail docking actually is. The Royal College of Veterinary Surgeons describes the practice as a mutilation, and defines a mutilation as

"all procedures carried out with or without instruments which involve interference with sensitive tissues or the bone structures of an animal and are carried out for non-therapeutic reasons."

It is right and appropriate to describe docking as a mutilation.

**Mark Pritchard** (The Wrekin) (Con) *rose—*

**Angela Browning** *rose—*

**Shona McIsaac:** I am happy to take interventions, but I would appreciate it if I could make a wee bit of progress first.

The process of docking involves cutting through—often by tying—bones, cartilage, muscle and nerves. It is done without anaesthetic on puppies under a week old and no analgesic relief is given after the procedure has been carried out. There is no justification for allowing the practice to continue.

People who support the exemptions for working dogs argue that because puppies are neonatal they do not feel any pain, but that is completely untrue. Scientific evidence demonstrates that the nervous system of neonatal puppies allows them to experience pain; they just experience it slightly more slowly than adult dogs. It would not be appropriate for hon. Members to argue that puppies do not feel pain, because they certainly do.

**Angela Browning:** I have been persuaded by the Minister on new clause 8. When considering the surgical procedure for tail docking, has the hon. Lady thought about other procedures in which the veterinary profession is involved? For example, I was present with a vet while a horse was being castrated and the procedure was pretty barbaric. Is she suggesting that there should be no more castration of stallions?

**Shona McIsaac:** I must admit that when I was preparing the notes for my speech, my mind had not actually wandered on to the subject of the castration of horses. The Bill allows such practices to continue. The practice would not be regarded as a mutilation under the veterinary profession's definition, even though the hon. Lady regards it as quite barbaric.

**Lembit Öpik:** I was going to make a rather similar point to the hon. Member for Tiverton and Honiton (Angela Browning). The vets' definition of mutilation that the hon. Member for Cleethorpes (Shona McIsaac) cited mentioned an attack on sensitive tissues for non-therapeutic purposes. Neutering a dog would fulfil the definition because that is obviously done for non-therapeutic purposes. If she is using the definition as a justification for opposing tail docking, she must, logically speaking, either support an outright ban on the neutering of dogs, or explain why she has different definitions for the two mutilations.

**Shona McIsaac:** The definition of a mutilation is not mine. I cited it because it is the veterinary profession's

*[Shona McIsaac]*

description of the practice of tail docking. As I said earlier, neutering is not covered by the Bill, as we determined in Committee, so the procedure may continue after the Bill has been passed.

**Lynne Jones** (Birmingham, Selly Oak) (Lab): I share the distaste for docking and regard it as a mutilation. I had intended to vote for a complete ban until I had an encounter in the Chamber a few hours ago with a docked springer spaniel. When I commented to the dog handler that docking might not be permitted in the future, the handler told me that that beautiful dog had had a full tail, but the tail had had to be docked because while doing its work looking after us in the Chamber, it had undergone serious injury from knocking its tail against the edges of the wooden seats and the Table. Can my hon. Friend convince me that that is only an isolated case? Given the safeguards that the Government intend to put in place, I am inclined to vote for new clause 8, but I put on record the fact that I want to see what the regulations are, so if the matter comes back to the House, I might well change my mind again.

**Shona McIsaac:** As I continue with my arguments, I hope that my hon. Friend will find that there are compelling reasons why we should vote for a full ban. I will come on to the point about injuries later, so I hope that she will stay in the Chamber to listen to that part of my speech.

**Richard Ottaway:** The hon. Lady may not have had horse castration in mind when she came to the Chamber, but has she considered the parallels with human circumcision, which, as she will know, is discretionary? Has she considered the fact that if she is successful, animals will have more protection against mutilation than humans?

**Shona McIsaac:** I did think about the issue of circumcision, because I received what I can only describe as racist and abusive letters from people who wrote to me about my stance on tail docking, having assumed on the basis of my surname that I was Jewish. The hon. Gentleman cannot draw that analogy, because the Bill excludes humans. An amendment that the hon. Member for Leominster (Bill Wiggin) tabled in Committee would have included humans, as well as all crustaceans.

**Bill Wiggin:** I was just sitting here quietly minding my own business—but the hon. Lady's point about crustaceans and cephalopods is valid. If she thinks that pain is the key to her decision, those creatures should be covered by the Bill.

**Shona McIsaac:** I did have sympathy with what the hon. Gentleman said about cephalopods, but I thought that including them in the Bill would be going too far. However, I do not want to go too far down that road, as we are talking about tail docking.

We have heard about the position of the Association of Chief Police Officers. I want to put on the record the names of the organisations that are supporting a total ban on tail docking. First, we have the Anti-Docking Alliance; it might be said that one would expect that of it Then we have the Blue Cross, the British Small Animal Veterinary Association, the British Veterinary Association, the Dogs Trust, the People's Dispensary for Sick Animals, the Royal College of Veterinary Surgeons, the RSPCA, Vets Against Docking, and Wood Green animal shelters. That is a substantial list of people who have to care for animals, and about the welfare of animals, and feel that the time has come to end docking dogs' tails just in case of injury.

**Mr. Martyn Jones** (Clwyd, South) (Lab): Does my hon. Friend agree that it seems a little strange to use the ACPO evidence, or so-called evidence, to support the amendment, given that the police could dock their dogs at the moment but are not doing so?

**Shona McIsaac:** Yes. The ACPO material is anecdotal—it is not based on scientific fact and has not been peer reviewed. In fact, most people who want exemptions admit that the supporting evidence is anecdotal.

I want to explain why new clause 8 will not work in practice. The exemption is for working dogs. Before Members vote, they should ask themselves this question: as tail docking is carried out on a neonatal puppy under a week old, how can one tell whether it will be suitable for training as a working dog? I would argue that one cannot tell with any certainty whether any dog will become a working dog. If one has a litter of eight springer spaniels, it is likely that the majority will not be working dogs but kept as pets.

**Mr. Bellingham:** I should declare an interest. My family have kept springer and cocker spaniels over the years, some of which have had puppies. If one is selling a puppy for quite a lot of money, it will be bought at the higher rate only by someone who is going to use it as a working dog. If one breeds a dog to a very high standard, there is probably a 95 per cent. chance that the entire litter will go into a working role.

6.15 pm

**Shona McIsaac:** I thank the hon. Gentleman for that comment, but I still do not believe that it answers the question of how one can tell with certainty whether any puppy will be suitable for training as a working dog.

Sweden has a ban on tail docking that it has not reversed since it was introduced. In fact, no country that has introduced such a ban has reversed it having monitored the effects. It has been argued that a study in Sweden demonstrated that injuries went up as a result, but that was not a scientific study. Again, it was anecdotal—and it was a survey by a breeders' group that wanted the ban reversed. The scientific evidence shows that there are injuries to the tails of working dogs, but after any prohibition on tail docking the level of injuries experienced reaches that experienced in the dog population in general. Among any group of dogs, the probability of a non-working dog injuring its tail is similar to that of an undocked working dog doing so. Some Members are shaking their heads; clearly, they do not understand probability.

My main worry about the exemption provision is that it asks vets to certify that a dog is likely to be a working dog. As I said, it is not possible to tell. I, and other

members of the Standing Committee, received a letter from the Royal College of Veterinary Surgeons, the governing body of the veterinary profession, citing the three options mentioned by my hon. Friend the Minister:

"the status quo . . . a ban on docking but with an exemption for certain working dogs; and an outright prohibition on docking otherwise than for the purpose of medical treatment."

It says that it

"recommends the third option: a ban on the docking of dogs' tails except when the operation is carried out for therapeutic purposes."

It goes on to say:

"We have particular concern with subsection (4) of the new clause. This provides for a veterinary surgeon to certify that a puppy is likely to be used as a working dog. In the College's view it would not be appropriate for a veterinary surgeon to offer such an opinion. Veterinary surgeons are trained to diagnose and treat animals, and their expertise does not extend to assessing the intentions of the current or a future owner of a newborn puppy. It is in any case not possible at that stage to judge whether a particular puppy in a litter will prove suitable for training as a working dog."

That is the stated position of the veterinary profession in this country, and it renders the new clause unworkable. If we claim that the veterinary profession must certify, but it says that it is inappropriate for it to do that, that is a serious problem.

**Anne Main** (St. Albans) (Con): The hon. Lady is worried about tail docking not having any purpose because it falls within the remit of normal injuries. Has she considered dew claws, which are often a problem on working dogs and are sometimes removed for cosmetic reasons?

**Shona McIsaac:** Yes, but the debate is about tail docking. The hon. Lady did not serve on the Committee, and those who did realise that I have a propensity to talk at length on such subjects—[HON. MEMBERS: "Hear, hear."] Hon. Members agree with that. I am therefore trying to restrict myself to tail docking, much as I would like to discuss dew claws, too. I shall refrain, despite the hon. Lady's intervention.

**Mr. Martlew:** Our objection to the new clause is that it will be abused. No dog nowadays should have its tail docked, because since 1993 it has been illegal for anyone but a vet to do that, and the veterinary associations have been against it. I draw my hon. Friend's attention to the discussions on the Hunting Act 2004. My good and hon. Friend the Member for Sherwood (Paddy Tipping) and I stood shoulder to shoulder on that but we probably provided too many exemptions, and people have abused the Act. Time and again, police forces tell us that they cannot police it. What chance do we have of policing the Under-Secretary's amendments?

**Shona McIsaac:** I agree. The exemptions would create a massive loophole, which the unscrupulous will abuse. The pain and suffering that the Bill is intended to prevent will thus be perpetuated. My hon. Friend the Member for Stroud (Mr. Drew) said earlier that the number of tail dockings carried out in this country could not physically be done by the number of vets who are willing to undertake them. It is being done illegally, and that is a serious problem, which the Royal College of Veterinary Surgeons has identified. Given the nature of some of the people with whom we are dealing, they will exploit any loophole and thus perpetuate pain and suffering.

**Mr. Bradshaw:** My hon. Friend cited the letter from the president of the RCVS, so it is only fair to say that my officials have worked closely with RCVS officials in drawing up the exemption and the regulation that would implement it. They accept that the way in which we are constructing the regulation would remove the problem that my hon. Friend envisages, because a vet would simply have to certify that the relevant paperwork was present and the type of dog was within the law.

**Shona McIsaac:** I thank my hon. Friend for that intervention but I do not know when he last discussed the matter with the RCVS. It has changed its view, and that is important. Recently—only days ago—its council took a vote to change its position to support an end to prophylactic docking and to say that it was time for a total ban. I received the letter that I read out only a couple of days ago. The position has changed, and I fear that my hon. Friend may be referring to the royal college's position before it changed its policy.

My next point relates to the intervention of my hon. Friend the Member for Carlisle (Mr. Martlew) about illegality. Vets are not taught how to dock in college nowadays. The Vets Against Docking website reveals that the vast majority of vets refuse to do it and are against docking dogs' tails. The exemptions therefore cause a serious problem and place the veterinary profession in a difficult position.

**Paddy Tipping:** My hon. Friend has been generous in giving way, but I am sure that she is conscious that many other hon. Members want to contribute to the debate. Will she confirm that the RCVS will tell its members that they should do whatever the law states? They may have professional views, but they must follow the law as defined by Parliament.

**Shona McIsaac:** Of course the royal college will follow the law, but it has pointed out to me and other Members of Parliament that it has serious anxieties about the law as it stands. When the law was changed in 1993, vets believed that it would end cosmetic docking. It is exceptional for the royal college, which took a step back from the issue for many years and left the choice up to individual vets, to change its position and state that it is time to end prophylactic docking and that it does not believe that it is appropriate for the profession to certify which dog will become a working dog. It has also stated that one cannot tell whether a puppy will become a working dog.

**Mr. Bellingham:** Will the hon. Lady give way?

**Shona McIsaac:** I have already given way to the hon. Gentleman. I know that other hon. Members want to speak—[HON. MEMBERS: "Hear, hear."] I could have made a much shorter speech, but I wanted to be generous and give way. I shall not do so again, so that I can conclude my speech and let others take part in the debate.

*[Shona McIsaac]*

Abuse is currently happening. Puppies die and are injured through illegal docking. I therefore believe that a complete ban is the only way to clamp down on illegal docking. The exemptions will create loopholes, which will be exploited and perpetuate the pain and suffering that the Bill is meant to prevent.

I spoke to the RSPCA—[HON. MEMBERS: "Oh."] Some Opposition Members groan when I mention the RSPCA. If they tempt me, I could mention many other organisations. However, last year the RSPCA received 205 complaints about docking involving 835 dogs. This is a serious concern, and the Bill is meant to be about the protection of all animals. Unless someone can stand up today and explain how they can tell with absolute certainty whether a two-day-old puppy is going to become a working dog, there can be no excuse for carrying out this mutilation "just in case". The profession is against it, as are the majority of animal welfare organisations, and I urge all hon. Members to support the option for a total ban. We must not leave loopholes that can be exploited.

6.30 pm

**Norman Baker** (Lewes) (LD): I thank the Minister for the manner in which he has handled this controversial matter, both by enabling a decision to be taken on the Floor of the House—as is right—and through his novel exercise in democracy in Committee when he cajoled from each member of it their view on the matter. On that occasion, not one Member wanted to maintain the status quo of allowing cosmetic docking to continue. The hon. Member for Leominster (Bill Wiggin) has now apparently decided that he does want it to continue, so I imagine that we will have a vote on that later. I confirm that the Liberal Democrats will have a free vote on this issue; I think that all three parties are in that position.

There needs to be a good reason to mutilate an animal. My hon. Friend the Member for Montgomeryshire (Lembit Öpik) spoke earlier about the neutering of animals, but neutering is carried out for a purpose, and that purpose is not achieved unless that procedure is carried out. That is not necessarily the case with tail docking, because there is doubt as to whether it is necessary. We need to concentrate on that key point.

To be fair to the Minister and his colleagues, the new clause has been drafted quite tightly—that was his stated objective in Committee—and the number of loopholes has been reduced. The idea that it was possible to identify breeds that would never work has been dealt with, as has the idea that breeds could be docked allegedly for one purpose but then shown. The issue remains as to whether an assurance might be given that a dog would be used as a working dog when there was no intention to do so. Notwithstanding the purity of a vet's intentions in those circumstances, they might later be held to have been complicit in a dishonest act because they had given information that turned out to be inaccurate.

**Mr. David S. Borrow** (South Ribble) (Lab): What would be the motivation for someone who breeds dogs to dock their tails deliberately if there was no intention to use them as working dogs, given that it would then be illegal to use them as show dogs?

**Norman Baker:** I agree that there would be less motivation. If they were working dogs under the provisions of new clause 8, there would be no problem. If, however, the intention was to show them, there would be no point in docking their tails. Some people might have domestic reasons for wanting to dock their dog's tail; they might wish to have such a dog in their house. There are circumstances in which it would be to someone's advantage to mislead a vet in that way, although I accept that they would be fewer and more constrained than they are at present.

The issues are whether the mutilation of a dog at birth is justified, and, whether or not it is justified, whether the dog suffers as a consequence of the procedure. It is now for others to make their case, as I have had the opportunity to do so at some length in Committee. I would simply say that a dog is born with a tail, so presumably that tail has a purpose. If it did not, it would have been eliminated through genetic manipulation over many generations. Tails assist balance and agility, and they are used to communicate with other dogs. It is questionable, to say the least, whether it is advantageous to dogs to have them removed.

As to whether puppies feel pain, to be fair, the science is not clear on that; there is no clear evidence in that regard as to the consequences of the mutilation. The RCVS has stated:

"Tail docking in dogs is an unacceptable procedure when carried out for non-therapeutic reasons".

That is the firm view of the experts. Like my hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris), I place more emphasis on what they say than I do on the anecdotal evidence of the police or of others who use dogs in their working capacity.

What are the downsides if tail docking is not performed on working dogs? It is up to those who advocate the mutilation of an animal to make the case that that mutilation is justified. It is not for those of us who believe that mutilation is wrong to make our case. An animal is born as it is born: a dog is born with a tail. Those who wish to remove their tails must justify that decision. I have not heard any such justification so far in the debate—to be fair to the Minister, he tried to be relatively neutral in his introduction—so I shall wait to hear from other hon. Members the justification that such actions are absolutely necessary.

I am happy to accept that some breeds are prone to tail damage if they work in thick cover or confined spaces. I am also happy to accept that, in some circumstances, tail damage in later life can lead to a dog suffering more severe pain, and that a general anaesthetic would be necessary to remove the tail at that time. One could also argue that working dogs were more susceptible to such injury than pet dogs. However, the scale of the incidence of such injury has not been teased out, even by those in favour of tail docking. The 20 examples given by the chief constable mentioned earlier is not a huge number. In any case, a tail—or part

of a tail; let us not forget that option—can be amputated under general anaesthetic later in a dog's life if necessary.

**Dr. Evan Harris:** As my hon. Friend is standing down from his Front-Bench position, may I take this opportunity to pay tribute to his work on animal welfare? I am pleased to be able to agree with him on this issue; I do not agree with him on everything. The key point is that the onus must be placed on those who wish tail docking to continue to demonstrate their case. The safest option, given the scientific doubt that exists, is to introduce a ban and see whether there is an increase in the number of reports of tail damage in working dogs as a result. We could then review the position in five years' time. However, the default position should be to go along with the experts' opinion, to avoid taking a disproportionate approach to the issue.

**Norman Baker:** My hon. Friend is absolutely right. In fact, he has stolen my conclusion from me. It is for those who wish to mutilate dogs to prove their case. I do not believe that the case is proven, or that mutilation is necessary, and I shall therefore vote in support of the new clause and of the amendment to it that has been sensibly tabled by the Under-Secretary.

**Paddy Tipping** (Sherwood) (Lab): I am grateful to be able to speak in this debate and to be able to support my hon. Friend the Under-Secretary in his rather uncomfortable position of voting against his own amendments. Like him, I want a ban on cosmetic docking, but with an exemption for working dogs. There are many different, deeply held views in the Chamber on this matter.

I am relatively new to this issue, and I come to it with no preconceptions. I became involved in it when I was a member of the Select Committee that looked at the draft Animal Welfare Bill. I also had the opportunity to take part in the debate as a member of the Standing Committee. The report produced by the Select Committee was a good one; it was unanimous, and among its findings was the recommendation that

"tail docking in dogs should be banned for cosmetic reasons."

It also commented that allowing an exemption for working dogs was difficult in view of the practicalities involved, but concluded that the best way forward was to introduce an exemption, provided that the procedure was carried out by a vet. The vet should take the necessary steps to establish that the dog was to be a working dog, and should maintain records and microchip the dog with details of who had done the docking. The vet should also give the owner a certificate showing why the dog had been docked. I think those are good recommendations from the Select Committee; I have not changed my view on them at all.

**Dr. Nick Palmer** (Broxtowe) (Lab): On that point, has my hon. Friend seen the letter from the RCVS? On whether a puppy is likely to be used as a working dog, it says:

"In the College's view it would not be appropriate for a veterinary surgeon to offer such an opinion. Veterinary surgeons are trained to diagnose and treat disease . . . and their expertise does not extend to assessing the intentions of the current or a future owner . . . . It is . . . not possible . . . to judge whether a particular puppy in a litter will prove suitable for training".

**Paddy Tipping:** Of course I have seen the RCVS letter and I have had discussions with the RCVS. I want to make the point—my hon. Friend was not in the Chamber—that the vets who work for the RCVS will do whatever Parliament decides. It is up to Parliament to decide on this issue, not the vets. Vets have a long training, and if that is too difficult an issue to discuss with an owner in relation to their intention—that is all vets are being asked to do and to certify best intent—I think vets are putting themselves down fairly badly.

I support the Select Committee report and I am delighted by the new clause, which takes all the points that the Select Committee has asked for and puts them down in detail. My hon. Friend the Minister has made the point that the strong aspect of the new clause is the unique proposal that will stop the showing of dogs that have been docked. That will stop the impetus towards docking dogs for cosmetic reasons.

The new clause has been carefully crafted, and I support it. It will do the things that I want to be done. I accept that this is a difficult area, but the Government and the parliamentary draftsmen have used their best endeavours—the new clause is perfectly clear. What is not clear is the scientific basis. Everyone who has spoken in the Chamber has acknowledged that. The only people to produce any reliable statistics are the police, and they have been accused of being anecdotal.

It is interesting to note that the police, Customs and search and rescue organisations, as well as those connected with shooting, all agree that there is a case for an exemption for working dogs. My hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) rightly said that this Chamber is searched each day by dogs that have been docked. It is important to see what evidence the police can produce. The Metropolitan police dog training school says very clearly that 10 dogs have had full amputations as a result of accidents at work.

**Mr. Borrow:** Does my hon. Friend agree that there is a difference between tail docking and full tail amputation, and that those dogs that have their tails docked as puppies retain most of their tail? The advantage they get from having a tail in terms of wagging and balance is also largely retained. Those dogs that injure themselves and have the whole tail docked lose the whole of that advantage and are in a much worse position.

**Paddy Tipping:** My hon. Friend the Member for Cleethorpes (Shona McIsaac), who is a good friend of mine and normally has similar views to mine, dismissed the notion of amputation by saying that only 20 dogs are involved, but it is important to those 20 dogs, as it is for working dogs. The Bill is about animal welfare. I want animal welfare for all animals. I want dogs that go out and work to be protected. That is what the new clause will do.

I want protection for working dogs and I want to listen to the voice of the rural community on this issue. I have met many dog owners who go out shooting whose dogs have been docked. Again, I have listened to the

*[Paddy Tipping]*

anecdotal evidence. I want to hear and respond to the voice of the organisations involved—the police, the rescue services and the shooting sector.

I congratulate my hon. Friend the Minister on the new clause and I hope very much that Parliament will reflect on it and vote for it tonight.

6.45 pm

**Mr. Atkinson:** I will be brief—I know that many other hon. Members want to take part in this short debate—and I start by drawing the attention of the House to my entry in the Register of Members' Interests, which is relevant to the debate.

The hon. Member for Sherwood (Paddy Tipping) made an extremely good case for the exemption for gun dogs. I think he is playing it wise in deciding how to vote on this. Sadly, I cannot agree with him, as I shall oppose the new clause and the Minister's amendments, which he does not agree with, because I believe that we should retain the status quo.

My particular reason for thinking that way is that I dislike bans. Parliament is increasingly getting into the habit of telling people what to do and not allowing individuals to make up their own mind on important issues. We did that with the Hunting Bill quite recently, and just the other day Parliament was telling pub owners, club owners and restaurateurs whether they would be allowed to have smokers or non-smokers in their establishments.

Today, we are once again producing a ban. In relation to anything to do with animals, reason often seems to flee the Chamber. I wonder what some of the people from history who sat on these Benches and debated matters of huge importance would think about the House spending two hours talking about whether a third of a puppy's tail should be removed. Perhaps this shows that ours is becoming a very nannyish state.

**Norman Baker:** I hope that history will look on us and see that we have shown some interest in animals, which is a good thing for the House to do. I put it to the hon. Gentleman that it is perfectly proper, as he says, to consider bans a last resort, which is a view I share, but must he not balance the right of individuals to do what they wish with the consequence for the animals? If he believes that the consequence for the animals is harmless, fair enough, but he must weigh those two together.

**Mr. Atkinson:** The answer to the hon. Gentleman's point is that the evidence is not conclusive on either side, which is why we should leave this to individuals. It is also why I believe that the hunting ban is wrong. People should make their own mind up on these issues.

Another reason for my voting against is that we are in danger of producing bad legislation. Goodness knows, the Hunting Bill was a bad enough muddle; this Bill will be a muddle even if it contains an exemption for gun dogs. I asked the Minister early in his speech what would happen if I acquired a dog with a docked tail, born after the legislation had come into force, and I could not produce any microchip evidence or a certificate from the vet. I could just say, "Well, guv, an Irishman sold it to me at a fair." It might be a stray or I might have got it from a man in a pub.

As the hon. Member for Stroud (Mr. Drew) said, it is easy for people to dock their own dogs. It is estimated that there are 1 million docked dogs in this country and very few vets that do it. Even today, there must be quite a number of illegally docked dogs. It will be easy to get round the legislation.

**Dr. Palmer:** I admire the hon. Gentleman's consistency on the matter, but does he not agree, whichever side of the hunting debate we were on, that there is a lot of unhappiness about the grey areas and the attempts to get round that legislation? We should be deciding: are we to allow docking or not? The attempts at a fudge somewhere in between are unhelpful.

**Mr. Atkinson:** The point I am getting at is that it becomes difficult to legislate precisely for all those issues. This one will be the same. I have explained to the House a simple get-out clause for someone who has a dog that has been illegally docked, and they are entitled to have it.

Let me make it clear that I am not an advocate of cosmetic docking— I have no particular liking for it—but the campaign should be directed once again at the breed societies and the show organisers, because if they take a stance against docking it will quickly die out without the requirement for an Act of Parliament.

**Mr. Mark Harper** (Forest of Dean) (Con): My hon. Friend has hit on a point there. I have changed my mind, having listened to the debate. I was going to support the new clause, but I am now minded not to, because a better approach would be to allow the status quo but introduce a measure focusing on showing dogs. That would drive down the demand for cosmetic docking. It would be much more effective and would avoid some problems with exemptions—for example, those raised by the hon. Member for Broxtowe (Dr. Palmer).

**Mr. Atkinson:** I agree with my hon. Friend. I do not think that legislation is needed, but I believe that show organisers and breed societies should think about the practice of tail docking, knowing how unpopular it is with many people.

**David Taylor:** Could not breeding societies be encouraged to breed dogs with the aim of producing shorter tails? There is a good deal of evidence that that is possible, and it would deal with some of the problems in the medium term.

**Mr. Atkinson:** I am no expert on the breeding of dogs, but if that is possible, it would certainly present a solution.

Members have asked how it can be established whether a dog will become a working dog. The answer is that that cannot be established, but many people own working breeds such as spaniels which, even if they are not used for shooting or similar pursuits, may nevertheless injure their tails. Even if it is kept purely as a pet, a spaniel with a full tail is in danger of rushing into undergrowth and damaging its tail. It is illogical to

suggest that one spaniel should have its tail docked because at some stage it may be used in field sports and another should not because it is simply a pet. The same applies to terriers, which may not be working dogs but may choose to run off and go down rabbit holes. It is when a terrier with a curly tail tries to back its way out of a rabbit hole that an injury may occur. The dog will often become stuck. The only way in which to get a terrier out of a hole may be to pull its tail—not its legs, which will break. That is one reason why terriers' tails are traditionally shortened.

**Mr. Russell Brown** (Dumfries and Galloway) (Lab): The House has discussed various types of working dog today, including hounds used in hunting. The most prolific working dog is undoubtedly the border collie used by shepherds. Can the hon. Gentleman explain why those two breeds do not have their tails docked?

**Hon. Members:** They do not go down holes.

**Mr. Atkinson:** As my hon. Friends are saying, border collies do not tend to go down holes, and foxhounds are not in the habit of going into thick cover. That is what spaniels and terriers do.

We are in danger of producing another complicated piece of animal legislation which will be difficult to enforce, will be widely abused, and will bring the House into disrepute.

**Mr. Nicholas Soames** (Mid-Sussex) (Con): Will my hon. Friend give way?

**Mr. Atkinson:** I am about to end my speech, but I will give way.

**Mr. Soames:** One of the depressing aspects of legislation of this kind is the House's inability to listen to the views of people outside who really know what they are talking about. Is that not a compelling reason to oppose the new clause, especially in the context of terriers?

**Mr. Atkinson:** I entirely agree. It is dangerous to be blinkered when faced with these issues, but when it comes to animals some Members are utterly blinkered. They see no reason and no scope for a compromise. As I have said, that leads to bad legislation—and ultimately, if the law is treated as an ass, the House will be brought into disrepute.

**Mr. Martyn Jones:** Originally, I was open-minded. I generally support shooting and field sports. Three or four weeks ago, when I first looked at the proposals, I thought that I would vote for the exemption for working dogs. However, I have the honour of being a member of the council of the Royal College of Veterinary Surgeons as a Privy Council appointee. I hasten to add that I am a lay member.

I am vice-chairman of the college's external affairs committee. When, about three weeks ago, the Bill came before the committee, all the vets opposed tail docking. That influenced my thinking. The vets were minded to put their views to the next meeting of the full council on 2 March, less than two weeks ago. I encouraged them to do so, because I felt that, as the ruling body of veterinary surgeons, the college should have a view on tail docking but that the matter should be put to the full council. It did, and as the chairman was absent I put to the council—without leading its members in any way—that the House would need guidance from a body such as the college. I was amazed when not one vet spoke in favour of tail docking. They all opposed it, and produced cogent reasons for their opposition. That persuaded me to vote for a full ban, which I shall do tonight.

Day in, day out, those vets on the council see dogs whose tails have been docked, and they know that they have not done the docking. Any exemption, whatever the wording in which it is couched, will muddy the legal waters and cause problems. The council's decision is now the policy of the college: its policy is not to allow tail docking. Unless we support it by voting for a ban, it will not be able to implement that policy.

I think that the Association of Chief Police Officers was misled. I think that it believes therapeutic docking following tail damage will be stopped. If that is not the case, why have not all its dogs' tails been docked? That would be legal.

**Shona McIsaac:** Is my hon. Friend aware that most of the dogs used by the police are gifted to them? Their tails may have been docked at an earlier stage.

**Mr. Jones:** That is a point, but the fact remains that most of the dogs' tails have not been docked to avoid damage. By definition, the police are using dogs whose tails have not been docked. Occasionally some are damaged, but that happens to all dogs with tails. Vets treat them as damaged dogs, and continue to practise therapeutic docking. What they do not want to practise is prophylactic docking on the off chance that a dog might be working.

**Mr. Paice:** Given my own view, I am rather sorry that the hon. Gentleman has reached this conclusion. He asked why the police did not automatically dock dogs' tails if they are in favour of that. There are two answers. First, the vast majority of police dogs do not engage in activity that makes damage likely. Secondly, a letter from Assistant Chief Constable Vaughan to DEFRA points out that nothing can be done about mature dogs that have been given to the police, and also states:

> "Experience over many years of working with police dogs has shown us that certain dog types, performing certain roles, usually a search function ... in difficult terrain and confined spaces are susceptible to causing injury in their tails. Any docking of new puppies is restricted to such dog types".

Does that not clarify the position?

**Mr. Jones:** Not at all. I still cannot see the logic. That is the opinion of a particular police officer who has seen tail damage. I think he believes that the Bill will not allow therapeutic docking. Why else would he reach such a conclusion?

**Mr. Bradshaw:** I have engaged in two lengthy conversations with Assistant Chief Constable Vaughan. He is under no illusion that the new clause would ban therapeutic docking; he is talking about prophylactic docking. *[Interruption.]*

**Mr. Jones:** My hon. Friend the Member for North-West Leicestershire (David Taylor) asks from a sedentary position why they do not use less vulnerable breeds. Why is this seen as evidence in favour of the exemption when, at the moment, those breeds are not used, for the very reasonable reason that it is not allowed or that those concerned get them too late to be docked? It is simply not an argument for the exemption that they are not using the exemption now.

**Mr. Martlew:** Does my hon. Friend agree that it is unlikely that the police would dock a five-day-old puppy that they were going to take later? The dogs would never be docked because they would later be doing police work.

**Mr. Jones:** My hon. Friend is absolutely right and makes the point perfectly that that is not an argument in favour of the exemption.

I accept the evidence of the vets; they work with animals every day, see dogs with docked tails and have great suspicion about where those dogs have been docked and by whom. The only way in which this abuse will be stopped is if we have a total ban on docking, which I urge the House to support.

7 pm

**Mr. Bellingham:** It is a pleasure to follow the hon. Member for Clwyd, South (Mr. Jones) and it is sad that we are not on the same side tonight. We have often debated countryside, shooting and rural issues and we have been on the same side. It is a great pity that we will not be tonight.

I have an interest to declare. I have owned dogs all my life. Since I was about 10, my family has had springers and cockers, and we have bred those dogs. It has always been accepted as a matter of fact that the working springers and cockers would have docked tails, for very good reasons. The dogs will go into thick undergrowth; they are natural hunters. I have seen docked springers and cockers coming out of thick undergrowth with blood and cuts on what is left of their tails. Those injuries heal quickly, but I have often wondered how much worse the injuries would have been if the dogs had not been docked at birth. I have always taken a great interest in this subject.

I also own a slightly old labrador called Tiffany. When she was younger, she was an active dog and had a habit of being in a good mood most of the time. She wagged her tail against different objects, such as doors and chairs. Her tail was in such a bad state that we nearly had to have it removed, or therapeutically docked. I am talking about a labrador with a tough tail; one can immediately see the difference between that and a spaniel's tail.

The difference was brought home to me when I thought about the dogs that are used by our security forces and by the police and which operate in confined spaces. If one comes in early to this place, one can see the dogs that work in this Chamber, the police sniffer dogs. They are in an extremely good mood and go careering round the Chamber, in a controlled fashion, in and out of tight spaces. If they had long tails, they would be banging them against every object in sight.

**Dr. Palmer:** The hon. Gentleman and I share the pleasure of having a labrador. Would it not be logical to say that we should cut off the tails of all dogs, including labradors? Indeed, I notice that the hon. Gentleman, like me, uses his arm a good deal when he speaks. Should we not cut off his arm in case he injures it?

**Mr. Bellingham:** The hon. Gentleman slightly devalues his argument with his rather flippant remark. My point is that a labrador has a different tail from that of springers, cockers and some of the sheepdog breeds.

I was interested to hear what the hon. Member for Clwyd, South had to say about vets. I have a great deal of respect for the hon. Gentleman, who commands a great deal of respect in this House and is a Privy Council nominee to the council of the Royal College of Veterinary Surgeons. In my constituency, the vets are divided on the issue. If one goes to a rural veterinary practice, one finds that vets are almost unanimously in favour of the status quo and of tail docking per se. In urban areas such as Norwich and King's Lynn, there are veterinary practices dominated by vets who are used to looking after smaller animals. They are not used to the countryside and have not spoken to the people there, who would be involved in countryside pursuits or farming. Those vets are mainly in favour of an outright ban.

One has to look carefully at the conclusion reached by vets and ask whether the decision is the result of the domination of that council by predominantly urban vets. Has the voice of the countryside been heard? I put that point to the hon. Gentleman, who is very wise on these matters.

**Mr. Jones:** I was trying to work out the numbers while the hon. Gentleman was speaking, but at least four members of the council are rural vets and all were in favour of a ban. There may be anecdotal evidence, and I am sure some vets are in favour of docking, but 91 per cent. of vets are against it; that figure must include quite a lot of rural vets.

**Mr. Bellingham:** I am interested in what the hon. Gentleman has said, which carries some weight, although I have discovered that my rural vets are in favour of the status quo.

Much misinformation has been put out by the Anti-Docking Alliance, the League against Cruel Sports and the RSPCA. I intervened on the excellent speech by my hon. Friend the Member for Leominster (Bill Wiggin), who went into this matter in great detail, and asked him about the e-mailed photographs that we have all received, some of which were quite disgraceful. They showed docked dogs with tails lying on the ground and older dogs that had been docked by amateurs. All those dockings would have been completely against the law. One must keep stressing the point that it has been illegal for the past 15 years or so for individual dog owners to dock a dog. It has to be done by a vet.

The issue of pain was discussed at some length. The hon. Member for Cleethorpes (Shona McIsaac) made a long speech and, to be fair, took a lot of interventions. I do not know whether she has seen a puppy being docked.

**Shona McIsaac** *indicated assent.*

**Mr. Bellingham:** She has. I have seen puppies being docked by vets and I do not feel that there is any lasting pain. *[Interruption.]* One cannot be sure of that, but the puppies in question immediately went back in with the litter, showing no sign of distress whatever. These were puppies with their eyes shut. That procedure cannot be compared with the pain suffered as a result of therapeutic docking that might have to take place at a later stage. There is no comparison whatever.

**Shona McIsaac:** Does the hon. Gentleman accept that scientific evidence demonstrates that the neonatal puppy experiences the sensations of pain and, possibly, because of the nature of the neurological pathways, does so more intensely? People argue that because the puppies do not react, there is no pain, but there is very little a two-day old puppy can do apart from squeal. The puppies that I have seen docked certainly squealed when their tails were amputated. No one in this place, I hope, would argue that a neonatal puppy could have a paw or an ear cut off and not experience pain.

**Mr. Bellingham:** I am grateful to the hon. Lady for that intervention. I am not going to pursue this issue in detail, but the point is that I have seen puppies having their tails docked and although they may well suffer some temporary pain, they get over it very quickly indeed, settle back into the litter and show no signs of ongoing distress. They are not put off their food and they soon develop as normal, healthy dogs.

I am in favour of the status quo. On entering into this debate, I probably erred toward voting for a partial ban and voting against cosmetic docking, but I have been impressed by the arguments of my hon. Friends the Members for Hexham (Mr. Atkinson) and for Forest of Dean (Mr. Harper). It is already illegal for individual dog owners to dock their dogs. Dogs have to be docked by vets, so what we should have is proper enforcement of existing law. If the law was properly enforced, if—as my hon. Friend the Member for Hexham pointed out sensibly and with such imagination—pressure was put on the showing community to veer from cosmetic docking, and if the word went through the entire breeding community that kennel clubs and the various breeders do not approve of it, we would see a big reduction in cosmetic docking. I am also impressed by the arguments concerning bureaucracy, freedom of choice and the complications to which an outright ban would lead, which is why I am in favour of maintaining the status quo.

I am sorry that the Minister has been put in this position. He gave various commitments to organisations such as the Countryside Alliance and the British Association for Shooting and Conservation. He spoke to them at length and told them that he would do all that he possibly could to ensure an exemption for working dogs. I am very sad that he has been unable to deliver on that.

**Mr. Bradshaw:** I can assure the hon. Gentleman and the House that I have never given any assurances on anything to the Countryside Alliance.

**Mr. Bellingham:** That is very interesting, because according to an article in *The Times* in 2004, the Minister had assured countryside rural sports organisations that there would be an exemption for working dogs. Whether such discussion included the Countryside Alliance, I do not know, but it certainly included a number of other organisations very close to it. It is a pity that the Minister, having said that he was standing up for the countryside and for freedom of choice in the countryside, has been unable to deliver.

**Mr. Borrow:** Will the hon. Gentleman give way?

**Mr. Bellingham:** I am going to sit down in a moment. This is yet another example of this Government saying one thing to the countryside and doing something completely different. That is why I am minded to support the status quo.

**Anne Snelgrove** (South Swindon) (Lab): As a member of the Standing Committee that considered the Bill, I want to thank the Minister for the way in which he conducted our debates, for taking the Committee's temperature and for allowing us a free vote.

I want to begin by taking issue with what the hon. Member for Hexham (Mr. Atkinson) said about past debates on animal welfare in this House. The first animal welfare Bill was debated and passed in 1911, and it is the sign of a civilised society when it debates, without mawkish sentimentality, the welfare of animals, whether they are pets or working animals. It is right that Members in all parts of the House find this issue important.

I will be supporting the Minister's amendments—even though he is unable to do so—mainly because of lobbying in my constituency. Stephen Smith, a local vet, wrote to me saying that tail docking

> "is a procedure I have never elected to perform, on welfare grounds . . . it is not in the animal's best interests . . . puppies feel pain during the process of docking . . . the use of the tail to communicate is essential to a dog's well being . . . There is no scientific evidence to show that undocked working dogs damage their tails any more than undocked non-working dogs . . . If exemptions are introduced into the law there will always be an opportunity for exploitation of a loophole and inevitably the law will fail to protect the animals that it is intended to protect."

Those are overwhelming reasons why we should vote for a total ban, with no exemptions.

Vets throughout the country are making the same arguments as Stephen, saying that docking is not in the dog's interest. That has put some doubt in my mind about the crucial test—whether tail docking is a good thing. Surely it cannot be, given that the Royal College of Veterinary Surgeons, the British Veterinary Association and the British Small Animal Veterinary Association have all long believed the practice to be unethical. As a result, it is no longer taught to veterinary students as part of their studies.

7.15 pm

The docking of animals' tails is not wrong if there is a scientific case for doing so; indeed, there is a strong case for the prophylactic docking of some animals. The Royal Society for the Prevention of Cruelty to Animals—I am afraid that some Members seem to have little respect for the RSPCA, but I have a great deal of respect for it—is not asking for a ban on the docking of

*[Anne Snelgrove]*

lambs or piglets, subject, of course, to specific restrictions on the manner in which it is carried out. The National Farmers Union emphasises:

"What may be appropriate provision for companion animals is not necessarily appropriate for animals kept for commercial purposes as in farming."

No one would suggest that farmed animals should not be protected by docking. Reference was made earlier to a sheepdog soiling itself, and it was argued that it would be better for such animals to have their tails docked at birth. Members should be aware that according to the RSPCA, proper and careful grooming of dogs is a far better approach than cutting off the tail to avoid the area underneath becoming soiled with faecal matter. In some cases, hygiene problems are increased by docking, as the procedure can damage the anal muscles. Therefore, we cannot extrapolate from one species to another, and the evidence is that what is appropriate for livestock is not right for dogs.

In considering whether to dock the tail of a puppy or to leave it, the moral dilemma will always be weighing the potential pain from possible tail damage against the definite pain from what may turn out to be an unnecessary preventive measure. There is evidence of pain, but no evidence of benefit. I advanced this argument on Second Reading and in Committee, where I was pleased to table the amendment prohibiting docking, and I want to address it again. The House of Commons Library provided a journal article on the available research and, according to that, all the evidence reviewed thus far is consistent with the claim that docking causes acute pain to dogs. No evidence could be found to support the claim that new-born pups do not experience any pain at the time of docking. On the question of benefit, the article concludes:

"The absence of appropriate studies in this area represents a significant difficulty for those who support tail docking, even in those breeds that may be expected to sustain tail damage."

**Dr. Palmer:** I was unable to read the full Committee proceedings, but am I right in believing that a substantial majority of Committee members favoured a total ban?

**Anne Snelgrove:** That is entirely correct. Those who reached a decision one way or another—that did not include the Conservatives—indicated that they supported a total ban, which is why we are debating this issue today and having a free vote on it.

An unscientific study by a Swedish German pointer breed society in 1989—my hon. Friend the Member for Cleethorpes (Shona McIsaac) mentioned it earlier—showed that of the 191 dogs studied, amputations had to be conducted on only seven. Therefore, 97 per cent. of those dogs did not need to be docked. In the light of robust evidence from Denmark and Norway, even if the pro-dockers are right and there is a 20 per cent. increase in tail injuries following a docking ban, which is doubtful, tail injuries would rise from under 0.037 per cent. to 0.044 per cent., leaving some 99 per cent. of dogs with healthy, uninjured tails.

**Mr. Russell Brown:** A local vet in my constituency produced two letters, one dated 1991 and the other 1997, from the Swedish Boxer club, suggesting that for that breed injuries had increased from 10 per cent. to 15 per cent., but the information is scant because it does not give the actual number of dogs involved. Does my hon. Friend have any more up-to-date information?

**Anne Snelgrove:** I have indications from vets in my constituency that the number of injuries to dogs whose tails were not docked following a ban would not exceed the number of injuries in dogs that are not docked at present. The number of injuries would remain almost the same and we would not see any huge increase. One in six dogs—1 million—is docked. We do not have 1 million working dogs. Only a third are even working breeds. Thirty thousand dogs are docked a year, if the average dog lives for 10 years. *[Interruption.]* Docking is a very popular practice and we need to be realistic and accept that there would be abuses—*[Interruption.]*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. May I remind the House that we must not have casual conversations while the hon. Lady is addressing the House?

**Anne Snelgrove:** We are told that an exemption would mean that a vet would have to certify that the dog is likely to be a working dog, but the word "likely" is not a very high barrier to overcome. We already know that even a dog likely to be a working dog is unlikely to injure its tail.

We are told that the exemption would also lead to a ban on showing dogs with docked tails, but as I have said, 1 million dogs are currently docked and not all of them are show dogs. People are docking dogs for cosmetic reasons, but not always to put them in a show.

As a House we welcome the Animal Welfare Bill and the story of the improvements in animal welfare in this country. We have moved a long way away from cruelty. Cruelty has been excused by tradition, for cosmetic or entertainment reasons, or on the basis of anecdotal evidence. However, we have moved towards the treatment of animals based on the best scientific evidence and the highest standards possible. I doubt that allowing docking to continue would be in any way beneficial, and without full confidence in that, I have to vote for a complete ban.

**Mr. Harper:** I had planned to vote for new clause 8, but having listened to the debate and to the Minister's promises of what he will do if clause 5 remains in the Bill, I shall vote against the new clause. I am not entirely comfortable with the definitions in the Bill of working dogs.

For welfare reasons, we have to consider the likelihood of a dog having more damage to its tail in later life than it would if it were docked. That likelihood has to vary with the nature of the breed involved. That is why I am not comfortable with considering only what the dog may do for a living. We also need to consider what dogs that are not working dogs do in rural areas. If certain breeds of dog have a particular propensity to suffer damage to their tails, it does not matter whether they are working dogs or companion dogs. Dogs taken for walks in rural areas, such as the Forest of Dean, are likely to engage in the same activities—going down holes, for example—as working dogs. That would not be covered by an exemption for working dogs.

A better approach would be to keep clause 5 in the Bill and have the Minister bring forward regulations to exempt tail docking. At the same time, we could consider how to drive down the demand for cosmetic docking by adopting the sensible provisions in new clause 8 about the showing of animals.

**Sir Patrick Cormack** (South Staffordshire) (Con): Has my hon. Friend had a satisfactory assurance from the Minister in that regard?

**Mr. Harper:** The Minister gave clear assurances to my hon. Friend the Member for Leominster (Bill Wiggin). If the Minister has anything further to add to that, I am happy to give way to him.

**Mr. Bradshaw:** I point out to the hon. Gentleman and others who have suggested that a possible solution may be to ban the showing of dogs with docked tails without banning the docking of tails, that that would be extremely difficult to achieve. Can he imagine the Kennel Club acceding to a situation in which docking was not banned, but showing docked dogs was banned? It simply would not work.

**Mr. Harper:** I still think that exploring that route would be beneficial, instead of having a ban.

When we were listening to the lengthy contribution from the hon. Member for Cleethorpes (Shona McIsaac), she referred on several occasions to the scientific evidence. It appeared that her definition of scientific evidence was the opinions that she agreed with, and anything else was purely anecdotal. One of the difficulties with the issue, which I have considered because of the interest expressed by my constituents, is that there is no clear evidence either way. It is certainly true, as the hon. Member for Clwyd, South (Mr. Jones) said, that many vets have opinions about the issue, but there is a lack of clear scientific evidence. There is anecdotal evidence from those who use working dogs and from what has happened in countries such as Sweden, which have a complete ban. That evidence appears to show that damage to dogs' tails has increased, and that has to be taken into consideration.

This is a complex issue and the scientific arguments are not clear. It would be much more sensible to stick with clause 5 and consider ways to drive down demand for cosmetic docking, instead of adopting new clause 8.

**Mr. Drew:** In the short time I have left, I shall try to be consistent. My hon. Friend the Minister has changed his position at least twice and the Opposition spokesperson has also changed position tonight. Thank goodness for the Liberal Democrats.

**Mr. Bradshaw:** I have not changed my position once on this issue.

**Mr. Drew:** At least the Liberal Democrats have been consistent, although the hon. Member for Lewes (Norman Baker) has unfortunately got the chop.

It is nonsense to pretend that we will go backwards if we retain the status quo, which has failed to deliver an end to the cosmetic docking of tails. The majority of vets want to see the end of the practice, but we have ended up with a lot of illegal tail docking—

*It being two hours after the commencement of proceedings,* MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

*Question put,* That the clause be read a Second time:—

*The House divided:* Ayes 476, Noes 63.

**Division No. 187]** **[7.27 pm**

**AYES**

| | |
|---|---|
| Abbott, Ms Diane | Cable, Dr. Vincent |
| Afriyie, Adam | Cairns, David |
| Ainger, Nick | Campbell, Mr. Gregory |
| Ainsworth, rh Mr. Bob | Campbell, rh Sir Menzies |
| Ainsworth, Mr. Peter | Campbell, Mr. Ronnie |
| Alexander, Danny | Carmichael, Mr. Alistair |
| Alexander, rh Mr. Douglas | Caton, Mr. Martin |
| Allen, Mr. Graham | Cawsey, Mr. Ian |
| Amess, Mr. David | Challen, Colin |
| Ancram, rh Mr. Michael | Chapman, Ben |
| Anderson, Mr. David | Chaytor, Mr. David |
| Anderson, Janet | Clapham, Mr. Michael |
| Armstrong, rh Hilary | Clappison, Mr. James |
| Atkins, Charlotte | Clark, Ms Katy |
| Austin, Mr. Ian | Clark, Paul |
| Bailey, Mr. Adrian | Clarke, rh Mr. Kenneth |
| Baird, Vera | Clegg, Mr. Nick |
| Baker, Norman | Clelland, Mr. David |
| Baldry, Tony | Clwyd, rh Ann |
| Balls, Ed | Coaker, Mr. Vernon |
| Banks, Gordon | Coffey, Ann |
| Barker, Gregory | Cohen, Harry |
| Barlow, Ms Celia | Connarty, Michael |
| Barrett, John | Conway, Derek |
| Bayley, Hugh | Cook, Frank |
| Beckett, rh Margaret | Cooper, Rosie |
| Begg, Miss Anne | Cooper, Yvette |
| Beith, rh Mr. Alan | Corbyn, Jeremy |
| Benn, rh Hilary | Cousins, Jim |
| Benton, Mr. Joe | Crabb, Mr. Stephen |
| Bercow, John | Crausby, Mr. David |
| Berry, Roger | Creagh, Mary |
| Betts, Mr. Clive | Cruddas, Jon |
| Binley, Mr. Brian | Cryer, Mrs. Ann |
| Blackman, Liz | Cummings, John |
| Blackman-Woods, Dr. Roberta | Cunningham, Mr. Jim |
| Blears, rh Hazel | Cunningham, Tony |
| Blizzard, Mr. Bob | Curry, rh Mr. David |
| Blunkett, rh Mr. David | Curtis-Thomas, Mrs. Claire |
| Borrow, Mr. David S. | Darling, rh Mr. Alistair |
| Boswell, Mr. Tim | Davey, Mr. Edward |
| Bottomley, Peter | David, Mr. Wayne |
| Bradshaw, Mr. Ben | Davidson, Mr. Ian |
| Brady, Mr. Graham | Davies, Philip |
| Brazier, Mr. Julian | Davies, Mr. Quentin |
| Breed, Mr. Colin | Dean, Mrs. Janet |
| Brokenshire, James | Denham, rh Mr. John |
| Brooke, Annette | Devine, Mr. Jim |
| Brown, Lyn | Dhanda, Mr. Parmjit |
| Brown, rh Mr. Nicholas | Dismore, Mr. Andrew |
| Brown, Mr. Russell | Dobbin, Jim |
| Browne, rh Mr. Des | Dobson, rh Frank |
| Browning, Angela | Dodds, Mr. Nigel |
| Bruce, Malcolm | Donaldson, Mr. Jeffrey M. |
| Bryant, Chris | Donohoe, Mr. Brian H. |
| Buck, Ms Karen | Doran, Mr. Frank |
| Burden, Richard | Dorrell, rh Mr. Stephen |
| Burgon, Colin | Dorries, Mrs. Nadine |
| Burnham, Andy | Dowd, Jim |
| Burstow, Mr. Paul | Drew, Mr. David |
| Burt, Lorely | Duddridge, James |
| Butterfill, Sir John | Dunwoody, Mrs. Gwyneth |
| Byers, rh Mr. Stephen | Eagle, Angela |
| Byrne, Mr. Liam | Efford, Clive |

Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Francois, Mr. Mark
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harman, rh Ms Harriet
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heald, Mr. Oliver
Healey, John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hoey, Kate
Holloway, Mr. Adam
Holmes, Paul
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Key, Robert
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Mr. Greg
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lait, Mrs. Jacqui
Lamb, Norman
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lidington, Mr. David
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malleber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Mr. George
Osborne, Sandra
Ottaway, Richard
Owen, Albert
Paice, Mr. James
Palmer, Dr. Nick
Pearson, Ian
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Pritchard, Mark
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Jamie
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rosindell, Andrew
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salmond, Mr. Alex
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shaw, Jonathan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Short, rh Clare
Simmonds, Mark
Simon, Mr. Siôn
Simpson, Alan
Simpson, Mr. Keith
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Streeter, Mr. Gary
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Ms Dari
Taylor, David

Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Tyrie, Mr. Andrew
Usher, Kitty
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watkinson, Angela
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, rh Mr. Alan
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Ayes:**
**Mr. Alan Campbell and Kevin Brennan**

**NOES**

Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Barron, rh Mr. Kevin
Bellingham, Mr. Henry
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Browne, Mr. Jeremy
Burt, Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Cormack, Sir Patrick
Davies, David T.C. *(Monmouth)*
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Forth, rh Mr. Eric
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Grieve, Mr. Dominic
Harper, Mr. Mark
Hayes, Mr. John
Herbert, Nick
Hollobone, Mr. Philip
Hoyle, Mr. Lindsay
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kennedy, rh Jane
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Laws, Mr. David
Leigh, Mr. Edward
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Maclean, rh David
Mactaggart, Fiona
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mercer, Patrick
Mitchell, Mr. Austin
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Prisk, Mr. Mark
Robathan, Mr. Andrew
Robertson, Hugh
Soames, Mr. Nicholas
Spring, Mr. Richard
Stuart, Mr. Graham
Swayne, Mr. Desmond
Vaizey, Mr. Edward
Wallace, Mr. Ben
Whittingdale, Mr. John
Wiggin, Bill
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas

**Tellers for the Noes:**
**Mr. Robert Goodwill and Mr. James Gray**

*Question accordingly agreed to.*

*Clause read a Second time.*

*Amendment proposed to the proposed new clause,* (a), in line 13, leave out subsections (3) to (6).—*[Tony Cunningham.]*

*Question put,* That the amendment be made:—

*The House divided:* Ayes 267, Noes 278.

**Division No. 188]** **[7.45 pm**

**AYES**

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Amess, Mr. David
Anderson, Janet
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Breed, Mr. Colin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Cairns, David
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angel
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Featherstone, Lynne
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Harman, rh Ms Harriet
Harris, Dr. Evan
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hillier, Meg
Holmes, Paul
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hughes, rh Beverley
Hughes, Simon
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Jackson, Glenda
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kilfoyle, Mr. Peter
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew

MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rosindell, Andrew
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thornberry, Emily
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vaz, Keith
Villiers, Mrs. Theresa
Waltho, Lynda
Wareing, Mr. Robert N.
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, rh Mr. Alan
Williams, Stephen
Willis, Mr. Phil
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

**Tellers for the Ayes:**
**Mr. Alan Campbell and Kevin Brennan**

**NOES**

Afriyie, Adam
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkins, Charlotte
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barron, rh Mr. Kevin
Beckett, rh Margaret
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benton, Mr. Joe
Berryon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blears, rh Hazel
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burnham, Andy
Burt, Alistair
Byrne, Mr. Liam
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clelland, Mr. David
Coffey, Ann
Conway, Derek
Cormack, Sir Patrick
Crabb, Mr. Stephen
Crausby, Mr. David
Cummings, John
Cunningham, Tony
Curry, rh Mr. David
Darling, rh Mr. Alistair
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, rh Mr. Frank
Field, Mr. Mark
Fisher, Mark
Flello, Mr. Robert
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
George, rh Mr. Bruce
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goodman, Helen
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hall, Mr. Mike
Hall, Patrick
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hewitt, rh Ms Patricia
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hosie, Stewart
Howard, rh Mr. Michael
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Huhne, Chris
Hurd, Mr. Nick
Hutton, rh Mr. John
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Johnson, rh Alan
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kelly, rh Ruth
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Key, Robert
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Knight, Jim
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lambeter, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Lewin, rh Mr. Oliver
Levitt, Tom
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Lucas, Ian
Luff, Peter
Maclean, rh David

Mactaggart, Fiona
Mahmood, Mr. Khalid
Main, Anne
Malins, Mr. Humfrey
Mann, John
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McFadden, Mr. Pat
McIntosh, Miss Anne
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mole, Chris
Moore, Mr. Michael
Moss, Mr. Malcolm
Murphy, Mr. Denis
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Mike
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Owen, Albert
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Purnell, James
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Reid, rh John
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rowen, Paul
Salmond, Mr. Alex
Salter, Martin
Sestack, Alison
Selous, Andrew
Shapps, Grant
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Simmonds, Mark
Simon, Mr. Siôn
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Usher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walley, Joan
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Mr. Roger
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Woolas, Mr. Phil
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Noes:**
**Mr. Robert Goodwill and**
**Mr. James Gray**

*Question accordingly negatived.*

*Clause added to the Bill.*

## New Clause 9

### Improvement Notices

'(1) If an inspector is of the opinion that a person is failing to comply with section 8(1), he may serve on the person a notice which—

(a) states that he is of that opinion,

(b) specifies the respects in which he considers the person is failing to comply with that provision,

(c) specifies the steps he considers need to be taken in order to comply with the provision,

(d) specifies a period for the taking of those steps, and

(e) explains the effect of subsections (2) and (3).

(2) Where a notice under subsection (1) ("an improvement notice") is served, no proceedings for an offence under section 8(1) may be instituted before the end of the period specified for the purposes of subsection (1)(d) ("the compliance period") in respect of—

(a) the non-compliance which gave rise to the notice, or

(b) any continuation of that non-compliance.

(3) If the steps specified in an improvement notice are taken at any time before the end of the compliance period, no proceedings for an offence under section 8(1) may be instituted in respect of—

(a) the non-compliance which gave rise to the notice, or

(b) any continuation of that non-compliance prior to the taking of the steps specified in the notice.

(4) An inspector may extend, or further extend, the compliance period specified in an improvement notice.'.—*[Mr. Bradshaw.]*

*Brought up, and read the First time.*

**Mr. Bradshaw:** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following: Amendment (a) to new clause 9, in line 2, leave out 'may' and insert 'must'.

New clause 3—*Improvement notices—*

'(1) Where an inspector considers that animals are being kept in a way which is likely to cause unnecessary pain, suffering or injury he may serve a notice on the person appearing to be in charge of the animals requiring that person, within the period stated in that notice, to take action that the inspector considers to be reasonably necessary.

(2) An inspector serving a notice under subsection (1) shall give his reasons for requiring that action to be taken.

(3) It is an offence to fail to comply with an improvement notice.'.

New clause 4—*Appeals against improvement notices—*

'(1) Any person who is aggrieved by an improvement notice served under section [Improvement notices] may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under subsection (1) shall be by way of complaint, and the Magistrates' Court Act 1980 shall apply to the proceedings.

(3) The period within which an appeal shall be brought shall be two weeks, or the period specified in the improvement notice, whichever ends the earlier.

(4) A court may suspend an improvement notice pending an appeal.'.

New clause 5—*Powers of a court on appeal—*

'On an appeal made under section *[Appeals against improvement notices]* against an improvement notice served under section *[Improvement notices]*, the Court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstance think fit.'.

**Mr. Bradshaw:** This amendment to the Bill reflects—
*[Interruption.]*

**Mr. Deputy Speaker:** Order. We now have to get on with the next new clause. Will Members who are leaving do so quietly and, if possible, not all together, so that we can get on with the business of the House?

**Mr. Bradshaw:** Thank you, Mr. Deputy Speaker.

This amendment to the Bill reflects my agreement in Committee to consider further a new clause proposed by the hon. Member for Leominster (Bill Wiggin). His proposition was that those accused of an offence should be told in a statutory improvement notice how they were breaking the law and what they needed to do to avoid being taken to court. I have taken that on board and that is what the new clause achieves.

Unlike the hon. Gentleman, however, we have not sought to replicate the approach taken in existing farm animal legislation, which makes it an offence not to comply with an improvement notice, but since the passage of the Human Rights Act 1998 may require an appeal process—a point that he acknowledges with his new clause 4. However, we believe that appeals are impractical because the period of an improvement notice is frequently short—for example, 24 hours—when dealing with the provision of water and feed. Appeals are also resource-intensive, as prosecutors may have to go to magistrates once for the appeal hearing and again for the prosecution, and the appeal process is easily abused by those who deliberately want to be obstructive and frustrate the inspectors.

Under new clause 9, we propose instead that someone who complies with an improvement notice will not be prosecuted. That is more straightforward, does not raise questions about appeals and is a clear incentive to someone to comply. Only inspectors, as defined in clause 46, will be able to issue those notices. I do not consider it appropriate that those who are not publicly accountable should be able to issue notices with formal legal authority.

8 pm

We do not agree with the Gentleman that an inspector should be obliged to issue a notice, although I note that he has proposed amendment (a) to new clause 9, which would do just that, but new clauses 3, 4, and 5, which he also tabled, would not do so. Compulsory notices would enable the serial offender to comply with each notice and then repeat the offence, safe in the knowledge that the worst that an inspector could do was issue another notice. In such circumstances, as in particularly serious cases that involve borderline cruelty, the inspector must be able to proceed directly to prosecution if he or she thinks that that is the best course, particularly if a disqualification order would be appropriate. In most cases, we would expect inspectors to issue a notice, but they should have the discretion to proceed directly to prosecution where that is warranted, particularly when private prosecutors are free to do so.

Finally, new clause 9 relates only to alleged offences under clause 8—the welfare offence—but new clause 3 would also include the power to issue notices for alleged cruelty violations under clause 4. I am sure that most hon. Members would agree that for most offences where actual cruelty has occurred, inspectors ought to proceed straight to prosecution, rather than issuing notices. On that basis, I commend new clause 9 and urge the hon. Gentleman not to press amendment (a) or new clauses 3, 4 or 5 to a vote.

**Bill Wiggin:** I have fought for the inclusion of the improvement notice in the Bill, and I am pleased that the Government have wrestled with the very difficult task of proposing such an amendment. New clause 9 will serve as a statutory provision that represents an intermediate step before prosecution and will operate as an independent measure that will help to improve animal welfare standards.

The principle of issuing warnings—or, in footballing terms, yellow cards—with a statutory requirement before pursuing prosecutions will not only save time and money, but help to focus resources elsewhere, on the most serious cruelty crimes. However, although I can see that the Minister's officials have done a good job in drafting the new clause, I am disappointed that it does not include a mandatory mechanism to ensure that suspected offenders are issued with an improvement notice before any prosecution can commence, and I have tabled a "one-word" amendment accordingly.

The offences under clause 8, for which the improvement notice will apply, relate to the raft of codes of practice that the Minister plans to introduce under clause 12. Given that many owners may not have read a copy of the draft cat code and may not have read it carefully enough to know whether their cat happens to be too fat or too slim or is receiving sufficient mental stimulation, it is only right that we give them the opportunity to alter for the better the way that they care for their animals.

The vast majority of animal owners would be prepared to do the right thing if they knew what it was. Of the 257 improvement notices issues in the RSPCA's eastern region, only 17 were ignored. Let us just think of the court time saved and how beneficial it would be to inspectors to be empowered in that sensible and practical way, which would improve animal welfare. It is those 17 people whom we are after. That is the path to cruelty, so they are the people whom we want to prosecute, and we want to do so in the spirit of the Bill, before their animals have suffered cruelty; we do not want to prosecute people who are willing to change.

Furthermore, the Select Committee on Environment, Food and Rural Affairs, which considered a draft version of the Animal Welfare Bill more than a year ago, recommended that provisions for improvement notices should be included in the Bill. So if we fail to amend the Bill to give law enforcers the power to issue improvement notices, we will open the floodgates to prosecution.

The RSPCA has pointed out that some clarity on those notices would be helpful, and I am sure that there will be opportunities in another place to clarify how we deal with people who abuse this important merciful intervention. We can overcome the technical difficulties associated with people who hide behind the time frame, or who repeatedly fail for different reasons.

We know that such orders work, so let us give them the full backing of Parliament by ensuring that they are issued on a mandatory basis before all prosecutions under clause 8(1). Amendment (a), which I tabled to new clause 9, would serve that purpose, as would new

clauses 3, 4 and 5, which I also tabled. However, it was the Minister's wish that I should not press that amendment or those new clauses to a vote. I shall happily take his advice on the new clauses, but I intend to seek a vote on amendment (a), which would make Government new clause 9 mandatory.

**Mr. Humfrey Malins** (Woking) (Con): I wish to intervene briefly on this matter to support my hon. Friend the Member for Leominster (Bill Wiggin). Under Government new clause 9, as I understand it, the inspector may serve a notice, rather than having to serve one. That envisages the possibility—as my hon. Friend has confirmed, so I think that my understanding is right—that certain people may be served with a notice and certain people may not be served with one. Those who are served with a notice have an opportunity to remedy the situation and thereby avoid prosecution. Those who are not served with such a notice have no such opportunity at all and can be prosecuted without having the benefit of a notice. I can see no reason whatever why there should not be a uniform approach, involving the need to serve a notice in every case. Otherwise certain persons will be disadvantaged and become defendants, when if they had had the privilege of being served with a notice, they would not necessarily have become defendants.

No provision in the new clause governs the discretion in the service of the notice. We have no guidelines on when a notice may be served or when one may not be. I should like to know, for example, how the notice will be served. Will it be served personally or by post? I should like a little bit more information about the compliance time limits and, in particular, the provision whereby there may be a continuation of a period for the putative defendant to take such steps as are necessary, but I strongly support my hon. Friend. I hope that I have picked up the argument correctly when I say that in this case, it makes much more sense to use the word "must". Otherwise there will be two classes of potential defendants.

**Mr. Greg Knight** (East Yorkshire) (Con): Is not the word "may" commonly used in such circumstances? Is it not a way of drafting designed to indicate that the inspector shall serve the notice? If we change the word "may" to "must", how much further is my hon. Friend taking the argument? Is he suggesting that the inspector would commit an offence if he failed to serve the notice?

**Mr. Malins:** My right hon. Friend, as always, makes an interesting point. Of course, an alternative for the word "must", which my hon. Friend suggests in his amendment, could be the word "shall". I accept the point that my hon. Friend is making, but there ought to be uniformity. It is silly to have one rule for one thing but a different rule for something else. Defendants would turn up in court—I am sorry to say, they may appear before me.

**Bill Wiggin:** They would be lucky to do so.

**Mr. Malins:** It is kind of my hon. Friend to say so, but if a defendant said, "I must tell you, your honour, that I received no such notice from the inspector, but a friend of mine down the road received a notice and could remedy the situation and was not prosecuted. I would have taken action if I had received such a notice." I would be bound to take that into account as a mitigating factor, and I would regard it as absurd that one person should have a notice served on him without any particular reason and another person did not. My hon. Friend's amendment is compelling, and would bring much more sense to the otherwise sensible clause.

**Mr. Drew:** I would be grateful if the Minister clarified the provision. I was lucky to serve on the Standing Committee, where we were led to believe by the Minister that there were disadvantages in the process of serving a notice. The greatest disadvantage is one of time: some animal welfare issues may need to be dealt with immediately, but if a notice is served there are opportunities not just for delay but for someone to produce mitigating circumstances. The Bill is an animal welfare measure that presumes that we are thinking on the animals' behalf, so I would be grateful if my hon. Friend clarified whether the Government have moved towards accepting the Opposition's proposal of a yellow card as an alternative to peremptory action. Can he assure me that there would not be any delay? Our discussions in Committee suggested that urgent interventions could be necessary.

**Bill Wiggin:** We share common ground on the issue of cruelty and the need to tackle it urgently. The new clause, however, applies to the breach of the welfare offence, which is obviously a lesser offence. It is important to serve a statutory improvement notice because we are not dealing with direct cruelty.

**Mr. Drew:** I agree, but there are gradations. What appears to be a welfare offence to one person is straightforward cruelty to someone else. Often, such matters are eventually decided in court; that is my dilemma.

**Bill Wiggin:** If that is the hon. Gentleman's dilemma and he is worried that he cannot decide without the court's help whether something is cruel or a welfare offence, surely the right thing to do is to issue the written warning. If owners ignore them and persist in their behaviour, it is clear that their intention is to be cruel. If they react immediately to the improvement notice and improve the animals' welfare, everyone has won, including the animals, on whose welfare the hon. Gentleman places key importance.

**Mr. Drew:** I largely agree with the hon. Gentleman. My only worry is that the treatment of an animal may not improve, leading to further delay. I would be grateful if the Minister assured me that the position will be clarified in regulations, as we need consistency. One inspector may issue a notice, and that is the end of their responsibility. Another inspector, however, may regard the same offence as a clear act of cruelty and take the animal into care, leading to a prosecution of the owner and so on. The Minister made a clear statement in Committee that that was not the Government's preferred approach, but if he can provide a good justification for the change I will happily go along with it.

8.15 pm

**Mr. Colin Breed** (South-East Cornwall) (LD): I thought that I understood the provision until I heard the last few exchanges. I, too, served on the Select Committee that conducted pre-legislative scrutiny of the draft Bill, and we discussed improvement notices at considerable length. That was a worthwhile discussion, which is reflected in the Government new clause. The word "must" suggests compulsion, but timing is an important issue too. There are sometimes conditions under which it is impossible for improvement to take place in a realistic time scale. Improvement notices, however, should be written in such a way that they are meaningful. People should try to write something to show how, step by step within a reasonable period, the animal's welfare can be addressed and hopefully it can recover. On some occasions, however, the abuse has gone so far that it would be difficult to codify a notice to deal with the problem. In those circumstances, the only logical thing to do is to proceed to prosecution, because an improvement notice would be meaningless.

**Bill Wiggin:** The point that the hon. Gentleman is making is valid if there were a prosecution for cruelty. If neglect has taken place for such a long time that there is no possibility of improving the animal's welfare, the animal has been treated cruelly. The purpose of my new clause is to tackle the welfare offence, which is partly dealt with by default in the code of conduct. Evidence suggests that when people are issued with an RSPCA improvement notice the vast majority want to comply with it. The problem is dealing with people's ignorance, and the new clause would help to address that.

**Mr. Breed:** I am grateful to the hon. Gentleman. We may be talking about only one word, but that word is significant. We are all travelling in the same direction, as we want to try to ensure that the improvement notices are designed to address the problem. Sometimes, however, flexibility on the part of people who are judging the situation can provide a more just solution. We are therefore dependent on the issuing of the notice and on its terms. It is not sensible to adopt a prescriptive approach to the issuing of a notice, insisting on the terminology to be used and the issues to be addressed if the animal is in a dire situation. We must trust the people who will go out and investigate offences. If there is an obvious case of cruelty they will tackle it straight away. There are always borderline cases, however, and people will take a subjective view as to whether bad welfare extends into cruelty. The flexibility provided by the use of the word "may" offers that opportunity, so that is my preferred option.

**Mr. Andrew Turner** (Isle of Wight) (Con): I have listened carefully to the arguments advanced by the hon. Gentleman and, indeed, by my hon. Friend the Member for Leominster (Bill Wiggin). Surely, the problem is not poor welfare tipping over into cruelty but poor practice tipping over into poor welfare. For example, many of us believe that keeping two Alsatians in a flat is contrary to the animals' best interests, but does that constitute treatment that justifies the serving of a notice under new clause 9?

**Miss Ann Widdecombe** (Maidstone and The Weald) (Con): It depends on how much exercise they have.

**Mr. Turner:** Indeed, but does that allow them to exhibit, in the words of—

**Madam Deputy Speaker (Sylvia Heal):** Order. Is the hon. Gentleman able to bring his remarks to a close?

**Mr. Turner:** Indeed, Madam Deputy Speaker. Can the hon. Gentleman say whether, at that end of the spectrum, it would be better for the inspector to have discretion as to whether to serve the notice?

**Mr. Breed:** Broadly, yes. The discretion should be with the officer who is confronted with each individual situation. In general, the desire of such inspectors is to issue an improvement notice when it is clear that matters can be resolved over time if the conditions in which the animal is kept are improved. Bearing in mind that inspectors will deal with a wide spectrum of cases, compulsion is not helpful to them in gaining people's trust and co-operation and working with them.

**Bill Wiggin:** If the inspector is of the opinion that a person is failing to comply with clause 8, that means that the inspector has had the opportunity to make a judgment. He must then issue the notice to improve. He does not have to issue such a notice if he believes cruelty is taking place. In that case, he must prosecute. He does not have to issue an improvement notice if he does not believe the person is in default of clause 8(1). The freedom of choice is available to the inspector. That may help the hon. Gentleman.

**Mr. Breed:** I wish it did. We are considering a range of cases, and some are more subjective than others. We on the Liberal Democrat Benches believe that giving reasonable latitude and discretion in the issuing of a notice would be a more sensible approach than compulsion.

**Mr. Greg Knight:** Should there not, though, be a provision to challenge the issuing of a notice? There may be a case where the inspector takes one view, and a vet who knows the animal takes another. Rather than subject the owner to the risk of costs being awarded against him if he goes to court, should there not be some provision through which to challenge the issuing of a notice?

**Mr. Breed:** That would cause the situation to escalate even further. If it is possible to challenge whether the notice should have been issued in the first place, the situation becomes unnecessarily complicated. Do we not trust the judgment of those who go and inspect the situation on the ground, the circumstances of the animal and the circumstances of the person who is likely to be issued with the improvement notice or prosecuted? We know that some people are negligent, cruel or passively delinquent in the way they look after an animal.

Introducing an element of compulsion will not necessarily serve justice or provide the flexibility and discretion that inspectors need. I therefore support the original wording "may".

**Bob Spink:** I do not want to rain on anyone's parade. Broadly, clause 8 is a good clause and is improved by the amendment tabled by my hon. Friend the Member for Leominster (Bill Wiggin). Subsection (2) highlights the fact that an animal's needs include the need for a suitable environment and a suitable diet. Subsection (4) exempts the humane destruction of the animal, but makes no comment about the transport of animals for eventual destruction—for instance, the transport of farm animals abroad to be destroyed in very unsuitable and distressing conditions, where their environment is certainly not conducive to their welfare and their diet is nil.

**Madam Deputy Speaker:** Order. The hon. Gentleman is going wide of the amendment under discussion.

**Bob Spink:** Thank you, Madam Deputy Speaker. Can the Minister find a way to address that issue in the context of the clause?

**Mr. Peter Ainsworth** (East Surrey) (Con): My hon. Friend should be aware that the Bill does not apply to farm animals, which is perhaps why Madam Deputy Speaker called him to order.

**Bob Spink:** I take that advice.

Clause 8(2)(c) calls for the animal

"to be able to exhibit normal behaviour patterns".

Does that mean that an inspector could object to the extreme use of an electric shock collar on an animal and issue an improvement notice to prevent that? Is that clarified in the Bill?

**Bill Wiggin:** The extreme use of an electric shock collar would be deemed to be cruelty, in which case the inspector would proceed immediately to prosecution.

**Bob Spink:** Having received those clarifications, I am happy to draw my remarks to a close and hope that I can support the new clause with amendment (a).

*Question put and agreed to.*

*Clause read a Second time.*

*Amendment proposed to the proposed new clause:* (a) in line 2, leave out 'may' and insert 'must'.—*[Bill Wiggin.]*

*Question put,* That the amendment be made:—

*The House divided:* Ayes 153, Noes 342.

**Division No. 189]** **[8.26 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Conway, Derek
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
Mercer, Patrick
Miller, Mrs. Maria
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

**Tellers for the Ayes:**
**Mr. David Evennett and**
**Mr. Henry Bellingham**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian

Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bruce, Malcolm
Bryant, Chris
Burgon, Colin
Burnham, Andy
Burt, Lorely
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Holmes, Paul
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
Meale, Mr. Alan
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Taylor, Ms Dari
Teather, Sarah
Thornberry, Emily
Thurso, John
Tipping, Paddy
Touhig, Mr. Don

Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Younger-Ross, Richard

**Tellers for the Noes:**
**Mr. Vernon Coaker and Gillian Merron**

*Question accordingly negatived.*

*Clause added to the Bill.*

## New Clause 2

SALE OF ANIMALS ON THE INTERNET

'(1) Within one year of the passing of this Act the Secretary of State shall lay before Parliament regulations making provision regarding the sale of animals on the Internet.

(2) The regulations shall, in particular, make provision with regard to persons who are involved in such sales but who are not themselves responsible for the animals concerned.

(3) For the purposes of subsection (2), the sale of an animal includes transferring, or agreeing to the transfer of, the ownership of the animal in consideration of entry by the transferee into another transaction.

(4) Regulations under this section—

(a) shall be made by statutory instrument, and

(b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.'.—*[Mark Pritchard.]*

*Brought up, and read the First time.*

**Mark Pritchard:** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following: New clause 6—*Abandonment*—

'(1) A person commits an offence if he abandons an animal for which he is responsible.

(2) A person commits an offence if he leaves an animal for which he is responsible and, without reasonable excuse, fails to make adequate provision for its welfare.

(3) A person who assumes responsibility for the care of an abandoned animal may apply to a magistrates' court three months after an animal was abandoned and seek an order transferring legal ownership to him.'.

New clause 10—*Circus animals*—

'(1) A person commits an offence if he uses or keeps in, or for the purposes of, a circus an animal not of a kind designated under subsection (2).

(2) The appropriate national authority may by regulations designate a kind of animal for the purposes of subsection (1) if that authority is satisfied, on the basis of scientific evidence, that the welfare needs of animals of that kind are likely generally to be met if they are used or kept for the purposes of a circus.

(3) It is unlawful to keep or use a winter holding quarters to which this Act applies except under the authority of a licence issued under this Act by the local authority for the area within which the whole or the major part of the winter holding quarters is situated.

(4) The appropriate national authority may by regulations make such provision for licensing in relation to the keeping or using of winter holding quarters as the authority thinks fit for the purpose of ensuring the welfare of animals to which subsection (2) applies and which are being used or kept in winter holding quarters.

(5) Without prejudice to the generality of the power under subsection (4), the appropriate national authority may by regulations apply in relation to such animals section 9A, 10, 11 and 12 of the Zoo Licensing Act 1981 (c. 37) ("the 1981 Act") (inspection of zoos by local authorities) with such modifications as the appropriate national authority considers appropriate.

(6) For the purpose of ensuring the welfare of animals to which subsection (1) applies and which have been used or kept in, or for the purposes of, a circus the appropriate national authority may by regulations apply in relation to such animals—

(a) subsection (2) to (11) of section 16E of the 1981 Act (obligations of zoo operator on closure of zoo); and accordingly

(b) sections 16F (power of local authority to dispose of animals), 16G (powers of entry) and 19(3D) to (3F), (4) and (5) (offences and penalties) of the 1981 Act,

with such modifications as the appropriate national authority considers appropriate.

(7) In this section—

(a) "circus" means a place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres at that place;

(b) "winter holding quarters" means any establishment other than a circus where animals which are kept or used in, or for the purposes of, a circus are kept on more than seven days in any period of 12 consecutive months.'.

Amendment No. 2, in clause 3, page 2, line 16, at end insert—

'(5) For the purposes of this Act, in the event of a person unlawfully taking possession of an animal, he will be treated as being responsible for that animal on a temporary basis, until such time as that the animal is recovered by its lawful owner or taken into the care of an inspector.'.

Amendment No. 3, in clause 4, page 3, line 4, at end insert—

'(3A) In this section, the term "suffering" includes both mental and physical suffering or cruelty.'.

Amendment No. 107, in page 3, line 4, at end insert—

'(3A) For the purposes of subsection (3)(c), the protection of property shall only be considered a legitimate purpose when animals are used by the police or armed forces in the carrying out of their duties.'.

Amendment No. 108, in clause 9, page 5, line 14, at end insert—

'(7) A person who takes part in an activity which could result in them receiving an animal as a prize shall have a duty to ensure that they make preparations to meet the need of the animal as set out in section 8(2) as soon as is practical after the receipt of the prize.'.

Amendment No. 17, in clause 16, page 9, line 4, at end insert—

'(7A) An inspector or constable acting under subsection (6) must seek the advice and certificate of a veterinary surgeon as soon as is practicable so to do.'.

Government amendment No. 78

Amendment No. 18, in clause 18, page 10, line 17, leave out subsection (4) and insert—

*[Madam Deputy Speaker]*

'(4) A court may not make an order under subsection (1) unless it has given the owner of the animal an opportunity to be heard, and—

(a) the prosecutor certifies that no prosecution is intended to be commenced, which certification shall be binding in respect of each animal the subject of the application, or

(b) it is satisfied to the criminal standard of proof that it is not reasonably practicable to communicate with the owner.'.

Amendment No. 19, in page 10, line 30, leave out subsection (6) and insert—

'(6) The appropriate national authority shall issue guidance about the exercise by a court of powers under subsection (1).

(7) In determining how to exercise its powers under this section, the court shall have primary regard to the welfare of the animal.'.

Amendment No. 20, in page 10, line 38, at end insert—

'(9) The Legal Aid Act 1988 shall have effect in relation to an application under this section as if those proceedings had been included in the definition of criminal proceedings under the Access to Justice Act 1999.'.

Amendment No. 21, in clause 22, page 11, line 41, at end insert—

'(1A) For the purposes of subsection (1), an inspector shall only be able to require the licence holder to produce records relevant to the previous 12 months.'.

Amendment No. 22, in clause 28, page 13, line 25, leave out 'this Act' and insert

'sections 8, 10, 11 or 30(9)'.

Amendment No. 23, in page 13, line 26, leave out 'three years' and insert 'twelve months'.

Amendment No. 24, in clause 29, page 14, line 3, leave out from 'liable' to end of line 7 and insert—

'(a) on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine not exceeding £20,000, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine not exceeding £20,000, or to both.'.

Amendment No. 26, in clause 30, page 15, line 5, at end insert—

'(4A) A person appointed under subsection (4)(a) must be a veterinary surgeon or other person who the court is satisfied has the appropriate training and qualifications in, and experience of, animal welfare.'.

Amendment No. 119, in page 15, line 22, at end insert

',where it is appropriate so to do in the interests of the animal.'.

Amendment No. 120, in clause 32, page 17, line 4, at end insert

',where it is appropriate so to do in the interests of the animal.'.

Amendment No. 121, in clause 33, page 17, line 26, at end insert—

'(c) whether it is appropriate so to do in the interests of the animal.'.

Amendment No. 133, in clause 42, page 22, line 15, at end insert

'in accordance with its interests'.

Government amendment No. 61

Amendment No. 109, in clause 57, page 30, line 19, at end insert—

'(3A) Subsection (3) does not apply to a yard or garden where an animal is in the open and can clearly be seen from public land.'.

Amendment No. 1, in schedule 3, page 42, line 25, at end add—

'Gambling Act 2005

15(1) In section 25 of the Gambling Act 2005 after subsection (3) insert—

"(3A) The Commission shall publish guidance under subsection (1) to the appropriate local authorities for the provision of the welfare of greyhounds, including—

(a) independent veterinary attendance at race meetings,

(b) the provision of welfare protection for retiring greyhounds,

(c) the identification of greyhounds,

(d) the licensing of kennels, and

(e) track layout and condition.".'.

**Mark Pritchard:** The new clause is intended to end the sale of endangered animals on the internet. It follows on from my ten-minute Bill, which was presented to the House on 31 January. Hon. Members will know that it is illegal to buy and sell endangered animals, but the fact is that that trade goes on every single day and is growing. It is increasingly being used by serious criminals to raise revenue for other activities that they are involved with.

The new clause would introduce third party responsibility, not least in relation to those who are involved on the internet through internet service providers. ISPs increasingly say to us that the volume of traffic and chatter on the internet is too great. I was in my office in the House of Commons some weeks ago and went online. Hon. Members will be astonished to know that I could have purchased a leopard, an American bald eagle, an alligator, a chimpanzee, a dromedary camel and many other endangered animals.

It is not good enough any more for internet service providers to say that they do not know what is going on through their infrastructure systems. As I said, they say that there is too much chatter and that the volume of traffic is too great to monitor such things. However, we know that internet service providers have been very successful in working with the police and law enforcement agencies to deal with child pornography through the work of the Internet Watch Foundation. I congratulate the Internet Watch Foundation on the good work that it does. If we can regulate—rightly so—child pornography on the internet, which is clearly illegal, internet service providers could do more to stop the sale of endangered animals on the internet. Some of those animals may well be extinct in a decade. The Government and the House have a responsibility to play their part to ensure that that does not happen. Hon. Members may have seen the new BBC series, "Planet Earth", featuring David Attenborough, at the weekend. There were some marvellous animals on display in that programme, including the mountain leopard.

**Sir Patrick Cormack:** It was a snow leopard.

**Mark Pritchard:** It was, and I thank my hon. Friend for that intervention. In fact, the mountain leopard is

also an endangered species. Whether we are talking about a snow leopard or a mountain leopard, the fact is that they are endangered and it is incumbent on us all, as Members of Parliament who value the natural environment, to use this opportunity to ensure that internet service providers do far more to protect them.

**Norman Baker:** I welcome the new clause and agree that the proposal is important. Does the hon. Gentleman agree that the Home Office has shown that action can be taken on child pornography and that therefore the mechanism is already in place to achieve what he wants to achieve, which I support? Does he agree that the Home Office ought to do rather more than it is doing at present on the matter?

**Mark Pritchard:** The hon. Gentleman is absolutely right, but I would not wish to be adversarial today. I know that the Government wish to do all that they can through the Bill to safeguard the welfare of all animals. The relationship between the Opposition and the Government has been constructive throughout all the Bill's stages and I am sure that the Minister would wish that to continue today—specifically in relation to my new clause, of course.

8.45 pm

The Government are considering filtering, monitoring and regulating violent pornography on the internet and the Home Office is holding discussions on the matter. I welcome the fact that filtering on the internet will be extended in that regard. Internet service providers need to be careful that they are not viewed as aiding and abetting an illegal trade that is growing and being used more and more by serious criminals. If ISPs can regulate political thought in China, given the amount of chatter and volume of traffic produced by a population of such a size, the very least that they can do is to filter and monitor, and to assist law enforcement agencies and wildlife crime officers in constabularies—super-constabularies—throughout the nation to try to track down people who peddle such an evil crime.

Internet service providers have the opportunity to use animal welfare to give them a legitimate competitive advantage. They could differentiate their product by marketing themselves, as Marks and Spencer has successfully done in the past few weeks and months, as an animal welfare company. Given the choice, many of my constituents would prefer to give their business to an ISP that cares about the problem than to an ISP that does not give two hoots about the sale of endangered animals on the internet—perhaps that is fitting because one can even get owls on the internet. Rather than ISPs saying that the requirement would be an affront to their business models or an assault on their bottom-line profit margins, they should see the situation in the round and realise that they could get a competitive advantage for their business.

Of course, ISPs could take immediate action. I hope that the Government will support my new clause and move swiftly within the 12-month period set out in subsection (1) to get regulations in place. ISPs should make it clearer in their terms and conditions that those who sign up as customers should not partake in any illegal activity, including such sales. I am relaxed about the activity being specified and stipulated in the terms and conditions and set out as a distinct illegal activity.

The reporting of illegal activity should be made much easier. If one sees any illegal activity on some ISPs, one must dig deep in the small print to find out how to report it. I asked ISPs several months ago how many staff responded to any illegal activity that is brought to their attention vis-à-vis the sale of endangered animals on the internet and how quickly they responded. I was horrified to hear that often only a handful of people filter through a lot of reports of all sorts of illegal activity late at night. I am afraid that the sale of endangered animals on the internet was pretty much at the bottom of the pile. With the Government's assistance, I hope that new clause 2 will ensure that the illegal activity is taken more seriously by ISPs and the Government.

I hope that the Government's actions under subsection (1) will include a public awareness campaign. I have long called for a national animal welfare day, but we have not yet had a response from the Minister on that. I am happy for him to take all the credit and glory for the idea—let us just have it. I was also hoping to hear about a legal helpdesk at DEFRA. Many people are not sure about what is and what is not illegal, and it would be helpful to have one desk officer who is an expert on the internet.

As I said in the House some weeks ago when I introduced my ten-minute Bill, the Home Office should set targets for prosecutions of people who have been caught selling endangered animals on the internet. This Government are very keen on targets, and rightly so in many respects. It will horrify Members that last year there were only two successful prosecutions of people involved in this trade, and they were for dead endangered animals, not live ones. The trade in live endangered animals continues. We do not know where they have come from, whether they have been snatched from their mothers' arms, whether they have been transported in an animal welfare-friendly way—I doubt it—or where they are going to reside, whether it be in a small box room at the back of some tower block or in a cage in somebody's cellar. However, we can interdict these evil crimes given the political will.

If the Government are not prepared to support the new clause, that will make a mockery of the whole Bill, which would be a great shame given their commitments on this issue. We have waited a very long time for this Bill, which brings together many other pieces of legislation. We have not seen such a Bill for many decades, and we may not see another such for many decades. The Government say that they are the iPod generation, and that they are committed to information technology and the internet age. If so, this is a window of opportunity for them to show that they are committed in terms of animal welfare as well.

There is dispute in the courts about the downloading of music on the internet, and I understand that the judge has demanded information about the people concerned. I will not mention the case for obvious reasons. The principle of the courts saying, "We want ISPs to give us the information about alleged illegal activity" has now been established. A similar legal wrangle is going on in the United States, where the authorities are asking for information from ISPs about people who have searched for particular words or phrases—"terrorism", "chemical attack", or whatever it might be. That battle is going on.

*[Mark Pritchard]*

I should like to make a prediction, although that is a dangerous thing for politicians to do. I predict that unless the Government catch up with the will of the people and with consumer discernment about differentiating which ISPs are animal-friendly and which are not, and unless they act swiftly, they will be left behind where the courts and consumers have led. That is not something that the Government would want to be seen to be neglecting, and I am therefore positive that the Minister will be supportive of the new clause.

In conclusion, the objectives of the new clause are to ensure that Her Majesty's Government commit to a timetable, that ISPs take responsibility for aiding and abetting the growing crime, and that ending the sale of endangered animals on the internet has statutory force. The new clause provides a genuine opportunity—it is now down to you, Minister.

**Shona McIsaac:** I want to speak to new clause 10, the subject of which is circus animals. We debated the matter on Second Reading and held a lengthy discussion on it in Committee, although most of the debate was probably simply my arguing the case against performing animals in circuses.

I do not want to reiterate all the reasons that I gave in Committee for believing that animal welfare standards cannot be fulfilled in a travelling circus environment. The nature of the travelling gives cause for concern. Rules and regulations govern the transport of farm animals, but there are none for circus animals. Rules and regulations govern the size of battery hens' cages, and we will phase out battery production in this country, but no rules or regulations govern the size of circus animals' cages and beast wagons.

In Committee, we had an interesting debate about definitions. We asked what sort of animals we would prohibit from travelling circuses: wild animals, non-domestic species, exotic species and so on. Although legal definitions exist, I believe that we got unnecessarily caught up in the definitions. I therefore tabled new clause 10, which develops the amendments that I tabled in Committee. Tabloid treatment of them would have been, "the total ban". I am trying to be more sophisticated in new clause 10. Protecting the welfare of circus animals is the end that I seek. I do not mind what method is used—a total ban or an amendment such as the new clause—as long as we achieve our end.

I listened to the Under-Secretary's comments in Committee about not wanting to include bans on the face of the Bill, although we did that with tail docking. He likes to have the power to make regulations and the new clause gives him that power in respect of any animal in a circus environment. If, following expert advice, it was deemed that the welfare needs of an animal could not be met, the Under-Secretary would have the power to prohibit its being kept in a travelling circus.

**Sir Patrick Cormack:** I presume that the Under-Secretary could also say that, if the conditions were right, the animal could continue in the circus.

**Shona McIsaac:** Yes, of course. The new clause provides for it to be demonstrated that the animal's welfare needs are fulfilled. I am trying to follow on from the Under-Secretary's comments in Committee. Speaking personally, I do not believe that the welfare needs can be fulfilled. Animal behavioural scientists do not believe that the welfare needs of those animals can be met. Organisations such as the Born Free Foundation, Animal Defenders International and the RSPCA feel that those welfare needs cannot be met. I appreciate that many of the hon. Members who are in the Chamber tonight will not have read the debate that we had in Committee, but I do not want to go over all those arguments again. However, there is strong evidence that those animals' welfare needs are not met in travelling circuses, which is why I have tabled the new clause.

9 pm

**Peter Luff** *rose—*

**Shona McIsaac:** I have seen the amendment that the hon. Gentleman has tabled to the early-day motion. Perhaps that is what he wants to ask me about.

**Peter Luff:** I want to ask the hon. Lady a genuine question. I am seeking her view, not trying to make a point. The Kiley-Worthington report, commissioned by the RSPCA, substantially challenges the hon. Lady's view that it is impossible to meet animals' welfare needs in touring circuses. Why does the hon. Lady dismiss the conclusions of Dr. Marthe Kiley-Worthington?

**Shona McIsaac:** I have read a far larger body of evidence that challenges those findings. That was one particular examination; there are others.

**Mark Pritchard** *rose—*

**Shona McIsaac:** Given what happened in the debate on tail docking, I do not want to take up the House's time by allowing everyone to intervene on me. There are other important amendments to be debated tonight. I shall take just a few more interventions, then I must make some progress.

**Mark Pritchard:** I have a lot of sympathy with the hon. Lady's new clause. Will she join me in condemning those circus owners reported in the Sunday press who allegedly said that if the new clause were adopted, they would be prepared to shoot their animals? Does that not illustrate the kind of welfare standards under which those animals might be living?

**Shona McIsaac:** The hon. Gentleman tempts me on that. Yes, I did read those comments. They came from a circus that is opening a two-week run in Grimsby—the next constituency to mine—tonight, and that had a two-week run in my constituency about this time last year. I know from people who have visited that circus that the proprietor is telling audiences that if the Government introduce provisions such as those in my new clause, he will destroy his animals. He has been telling that to audiences that include children, in spite of the fact that the Born Free Foundation has sanctuaries for lions and

tigers and has said that it could give them homes. That demonstrates that person's attitude towards the animals in his care.

**Bob Spink** *rose—*

**Miss Widdecombe** *rose—*

**Shona McIsaac:** I shall give way first to the hon. Gentleman, and then to the right hon. Lady.

**Bob Spink:** The hon. Lady is being very generous in giving way. Will she be generous enough to acknowledge that many circus proprietors do stable and transport their animals in a decent manner? Indeed, it would not be in their interests to do otherwise, because the animals would be unable to perform and entertain the many people, including children, that they do. I believe that 18 per cent. of people visited a circus in this country in 2000. Will the hon. Lady give the House a list of the animals that would be allowed or proscribed under subsection (2) of her new clause?

**Shona McIsaac:** I have tried not to be prescriptive in the new clause, because of the nature of our debate in Standing Committee, in which we got rather caught up with which species would be covered and which would not. I hope that we can acknowledge the advice of animal behavioural experts and other interested organisations—

**Bob Spink:** Does the hon. Lady have some idea of what she is talking about? Give us some names.

**Shona McIsaac:** I am trying to be objective. I have my own view, and I do not believe that the welfare needs of animals are met by travelling circuses. That is a personal view, but I am trying—

**Mr. Andrew Turner:** Will the hon. Lady give way?

**Shona McIsaac:** I am trying to answer the hon. Member for Castle Point (Bob Spink). What I am trying to say is, "Let's have it based on evidence." A circus owner would have to show that an animal's welfare needs were being met. I am confident, as are many organisations, that they will not be met. Therefore, the Secretary of State would have the power to prohibit those animals being kept in circuses.

I heard what the hon. Gentleman said about the statistics. The statistics that I have from my constituency show that 78 per cent. of people would ban all animals from travelling circuses and 16 per cent. would— *[Interruption.]* Seventy-eight per cent. of my constituents who responded to me would ban all animals in travelling circuses. Of those, 16 per cent. would apply the ban to all wild animals. There is a lot of strong feeling on the issue.

I apologise. I said that I would give way to the right hon. Member for Maidstone and The Weald (Miss Widdecombe), and I shall do so now.

**Miss Widdecombe:** I am grateful to the hon. Lady for allowing me to intervene, and I wish to take her back to the argument she was making when I asked her to give way. She was dealing with circus owners who claim that they will shoot their animals if the proposal is carried. Will she reflect on the fact that we have perhaps heard all this before? Perhaps the House remembers that thousands of hounds were to be put down were we to put a ban on hunting.

**Shona McIsaac:** As ever, the right hon. Lady makes her point superbly and succinctly. I wish that I were as superb and succinct as she is on these issues.

My new clause proposes to try to get some read-across between the Zoo Licensing Act 1981 and circuses to ensure that the owners and proprietors of circuses cannot simply destroy the animals. If a zoo closes, the owner cannot inflict euthanasia on the animals. That is the law as it stands. If we applied the same standards to circuses, the circus owner who said that he would put down his animals would be breaking the law. Besides, these are valuable assets. Owners are far more likely to want to sell them, to be honest.

**Mr. Turner:** I am grateful to the hon. Lady for allowing me to intervene; I have two reasons for doing so. First, she has repeated what she said before my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) intervened on her, which is that her new clause would give the Secretary of State power to designate those animals that may not be kept in circuses. In fact, it would do the opposite. It assumes that no animal may be kept in a circus, unless the Secretary of State designates it.

That is an important distinction, which I hope the hon. Lady will not glide over, because her new clause would ban the keeping of poodles in a circus.

**Shona McIsaac:** No, it would not.

**Mr. Turner:** Yes, it would. It says:

"A person commits an offence if he uses or keeps in, or for the purposes of, a circus an animal not of a kind designated under subsection (2)."

That would be illegal until the Secretary of State had the evidence that it was not against the welfare interests of that animal. That might or might not be what the hon. Lady intends—

**Madam Deputy Speaker:** Order. The hon. Gentleman knows that interventions must be brief. He might have an opportunity later in the debate to take that point further.

**Shona McIsaac:** Thank you, Madam Deputy Speaker.

Subsection (2) says that there must be scientific evidence to show

"that the welfare needs of animals . . . are likely generally to be met".

Poodles have been mentioned, which trivialises the issue. There are dogs that perform in circuses. Members of the Committee will recall that we touched on the subject at that stage. In some circuses that I know, dogs come in with the clowns and are in effect their pets. I do not seek to prohibit that, because there is sufficient evidence to suggest that the welfare needs of those

*[Shona McIsaac]*

animals will be met. The effect of the new clause will not be to ban all animals from being kept in circuses. [HON. MEMBERS: "It will."] That is not my interpretation.

**Mr. Turner:** The hon. Lady is misinterpreting her own new clause. The effect of subsection (1) is to ban the keeping of any animal in a circus. Subsection (2) will then take effect, permitting the Secretary of State to exempt certain animals. We are talking about a ban, which will affect a poodle as it will affect a leopard. Only at that point will we be in a position to present evidence that it is not against the welfare interests of the poodle to be banned.

**Shona McIsaac:** That is not how I interpret the new clause, or how the people with whom I have been working interpret it. The principles are what I consider important. I have been asked what species I think it would be inappropriate to keep in circuses. I certainly think that it would be inappropriate to keep big cats in circuses, and, as I said in Committee, I think it inappropriate that Ming, the ancient black bear, is kept in a circus. *[Laughter.]*

**Bill Wiggin:** He is not that ancient.

**Shona McIsaac:** Apparently Ming is led into the ring and forced to drink some milk as part of his performance. [HON. MEMBERS: "Her performance."] Her performance, then.

Hon. Members have mentioned a circus elephant called Anne. Apparently the Great British circus, which is appearing in Grimsby, is importing an elephant from Germany for performances tonight. Another circus has been advertising for an alligator. I do not know how the welfare needs of an alligator can be met. If I were following that circus up the A1, I would keep well clear of any beast wagon. Those are the animals with which we are concerned. Talking of poodles detracts from the main concern of the vast majority of people in this country, which is the keeping of large cats, bears and elephants in travelling circuses.

**Mark Pritchard** *rose—*

**Sir Patrick Cormack** *rose—*

**Shona McIsaac:** I said that I would be brief. I wanted to be brief when we discussed tail docking. I will give way a little more, but I want to end my speech shortly.

**Mark Pritchard:** I am intrigued by what the hon. Lady said about—allegedly—an alligator going into the circus. I am led to believe that alligators are an endangered species. I should be grateful if, as a result of my intervention and the hon. Lady's comments, the Minister's officials investigated and spoke to the local constabulary. If it turns out that the alligator is to be in the circus, I trust that the necessary investigations will take place.

**Shona McIsaac:** I do not know whether the circus's advertisement was successful, but other advertisements have been placed asking for bottle-fed black bear cubs and the like. Circuses are trying to bring more animals in. I hope that people appreciate the essence of what I am trying to achieve.

**Sir Patrick Cormack:** From what was said by my hon. Friend the Member for Isle of Wight (Mr. Turner), it would appear that the hon. Lady is inadvertently contributing to the passage of another law of unintended consequences. Would it not therefore be sensible for her to discuss what she really wants to achieve with someone in the other place, where there are plenty of very learned lawyers who could doubtless frame an amendment that would exactly meet her requirements? We would then be able to incorporate in the Bill a measure that would allow poodles and other animals to perform, while providing an opportunity for the hon. Lady's misgivings to be adequately addressed.

9.15 pm

**Shona McIsaac:** I take that point. As I have said, I want a certain result; that certain animals are not kept in travelling circuses. I am happy to be guided as to how we get there; whether it is a simple one-line amendment or whether we give powers to the Secretary of State. Part of the reason for the amendment is to find out the Minister's stance, which will govern what I do. Having read recent press reports, I know that the Minister is sympathetic and is going in the same direction as me, although he may have a different way of achieving the result.

I do not know whether my hon. Friend the Minister wishes to confirm anything at this stage, but my understanding is that he wants to bring in regulations that will prohibit certain animals from being kept in travelling circuses and that he does want to start regulating the winter quarters of travelling and static circuses.

This is not quite a probing amendment but, as a result of the Minister's press statement, I wanted to put on the record tonight how we will achieve what I and many others want in terms of the keeping of large cats in travelling circuses. If the Minister is amenable to my suggestion, I will probably seek further clarification. If not, I would be inclined to push this to a vote. However, it depends on what my hon. Friend the Minister says.

I know that many others want to speak on many other subjects and I feel that I have detained the House for far too long this evening—[HON. MEMBERS: "Hear, hear."] Some people are not terrible savvy; that tempts me to continue. I have taken the names of those who cheered there and I will not be quite so generous in giving way in future.

I hope the Minister will be sympathetic to what we are proposing and that the Government can take forward what I, my hon. Friend the Member for Stroud (Mr. Drew) and many others are trying to achieve. I hope that he will agree to that tonight.

**Mr. Paice:** If the hon. Member for Cleethorpes (Shona McIsaac) were to force a Division on the amendment, there would be a free vote for my colleagues and myself. Speaking for myself, I am not quite sure where she thought she was getting to. Towards the end of her speech, she said that all she was

seeking was some indication from the Minister as to what he was going to do. We all got that last week in the newspapers.

I made it clear in Committee that I do not particularly like the idea of wild animals in circuses, but I think that the matter is better dealt with by regulation, as it is conceivable—barely, in my view—that it is possible to meet their welfare needs by some means. If a circus cannot meet the necessary codes of practice and regulations laid down by the Government to meet the welfare needs of the animals, so be it; it cannot keep them. If it can, whatever the expense and however grand or palatial the accommodation, that is all right.

There is a risk that hon. Members are confusing the issue of the animal's welfare with the issue of whether or not it is right for an animal to perform for human entertainment. Those are two distinct debates—

**Shona McIsaac** *rose—*

**Mr. Paice:** I am sorry, but with respect the hon. Lady has had a good crack of the whip. *[Interruption.]* They are not all asleep, Madam Deputy Speaker. Despite the hon. Lady's best efforts, they are still awake.

There is a free vote on this issue and I certainly would prefer that it be dealt with by regulation, but as I said, my personal view is that it is not right to keep wild animals in a travelling circus.

New clause 2 was moved admirably by my hon. Friend the Member for The Wrekin (Mark Pritchard), who reminded the House that he has already introduced a private Member's Bill on the selling of animals on the internet. He feels very strongly about this issue as, indeed, do I and other hon. Friends, which is why we have added our names to his new clause. I do not know what the Minister intends to say, but I point out that I and most of my colleagues strongly support my hon. Friend in his efforts.

As we know, the internet has brought tremendous benefits to many, but it is also a means of dispersing information, products and goods that we perhaps do not want to be dispersed so easily. The hon. Member for Lewes (Norman Baker) rightly intervened to point out that the Home Office has found a way of dealing with some aspects of paedophilia and child pornography on the internet, so it is only right that, if possible, the same methods be applied to the sale of animals. As my hon. Friend said, some species of animals are sensibly traded on the internet. The Farmers Guide website, for example, carries adverts for farm animals, which is perfectly logical, and one can look at them and then buy them. However, as he said, it is stretching the point when one can buy an animal such as a leopard, given that the seller does not know to whom they are selling the animal.

Subject to the Minister's response, we may want to divide separately at a later stage on new clause 6, tabled by my hon. Friend the Member for Leominster (Bill Wiggin), which returns us to the issue of abandonment. We discussed it in Committee and the Minister was helpful, pointing out that the abandonment of an animal would be an offence under the Bill's cruelty or welfare provisions, which we wholly support. He made it clear that the act of abandoning an animal is still an offence under the Bill, but that no explicit provision has been made for it because the Government do not want to make the Bill any longer or more complex than is necessary. Of course, we have already done just that through earlier votes this evening, and I am not sure that such considerations should be the guiding factor in getting animal welfare provisions right, given that we seem to visit these issues only once every 100 years.

Where somebody has abandoned an animal, it is uncertain whether that will trigger the cruelty offence or the welfare offence, which is why we still believe that abandonment should be treated as a separate offence. What could be more complex than not knowing whether the act of abandoning an animal constitutes a cruelty or a welfare offence? If we follow the Minister's argument to its logical conclusion, why did he need to include in the Bill separate offences of fighting, poisoning and mutilation, all of which could be covered under the cruelty or welfare provisions? In fact, he was right to include them as separate offences, and we believe that he should do the same with abandonment.

If we follow the Minister's reasoning even further by having two abandonment offences—a cruelty offence and a welfare offence—and we apply the logic to the other offences dealt with independently in the Bill, his argument falls apart. For example, if the fighting offence was dealt with in the same way as abandonment, an owner whose animal is involved in a fight but escapes unharmed would be subject to prosecution and punishment under the welfare offence only. I doubt whether many in this House would find that acceptable. The Select Committee expressed the concern that such changes to the legislation would weaken the existing law on animal abandonment, under which a person found guilty of abandonment is deemed to have committed a cruelty offence. The Abandonment of Animals Act 1960 shows that abandonment was deemed to be so serious an offence as to warrant a separate Act, so I find it difficult to understand why the Government now believe that it does not even deserve its own section in the Bill. I might also point out that the animal welfare legislation before the Scottish Parliament will retain abandonment as an offence in its own right.

Amendment No. 2 covers responsibility for a stolen animal. The issue was discussed in Committee, but we did not feel that the Minister really addressed the issue of who would be responsible for the welfare of a stolen animal. He said that

> "if someone were to take possession of an animal unlawfully, they would in most cases be considered to be responsible for it. They would, after all, almost certainly be 'in charge' of it on a temporary basis."—*[Official Report, Standing Committee A,* 17 January 2006; c. 28.]

No one would disagree with that, but it contains two important caveats in the words "in most cases" and "almost certainly". In the cases not covered by "most cases", who would be considered to be in charge of the animal? I hope that the Minister has had a chance to reconsider the issue in some depth and decide who would be in charge of a stolen animal in such circumstances. It is, after all, conceivable that someone who has stolen an animal may treat it improperly and be liable to prosecution, but we need to know who that would be.

*[Mr. Paice]*

Amendment No. 3 relates to mental and physical suffering. The Minister has recognised the point and will no doubt speak to his own amendment in a minute, but I welcome the Government's agreement to introduce that concept into the Bill.

Amendment No. 107 was tabled by the hon. Member for Lewes. I understand and sympathise with his objectives, but the drafting of clause 4(3)(c)(ii) is broad on the protection of property. I am not sure that I would go as far as he wishes and narrow it solely to the police and armed forces, because we have a huge private security industry. However, I hope that the Minister will consider narrowing the scope of that provision in the other place.

Amendment No. 17 covers similar ground to amendment No. 78. We welcome amendment No. 78 because the Government have basically accepted the arguments made in Committee. Clause 16 contains no requirement for an inspector or constable who acts without the approval of a veterinary surgeon to seek any further advice or to obtain confirmation that the right action was taken. Amendment No. 17 seeks to close that loophole and would guarantee that animals in distress would be treated according to expert advice. It would not remove the right or ability of an inspector or constable to act quickly, but it would ensure that they had to seek the advice and certificate of a veterinary surgeon as soon as practicable after the event.

Amendments Nos. 18, 19 and 20 cover substantial issues to do with offences and we may wish to divide the House on them as they fall to be considered. If an offence has not been committed or a person has not been criminally negligent, but they are no longer able to look after their animals, it would be right to take the animals away and give them a proper home where their needs could be met. Under clause 18 as drafted, it appears possible that someone could have their animal taken away from them even when they have not committed an offence or been unintentionally negligent. Amendment No. 18 would provide a resolution to that problem. It supports the principle of taking all steps possible to communicate with the owner of an animal to obtain their views on its future. That principle has been accepted by the Minister and is reflected in Government amendment No. 78, but we ask him to consider amendment No. 18 as well.

9.30 pm

The amendments also deal with an important matter that might place prosecutors in breach of the requirements of the Police and Criminal Evidence Act 1984 to retain exhibits in connection with a prosecution. If a prosecution is mounted some time after a seizure, the animal that is the focus of the case may have been destroyed or disposed of. The Attorney-General's code of practice for investigators, which applies to anyone carrying out an investigation, sets out a duty to seize and retain all relevant exhibits that are the subject of an investigation for use in court, or for examination by the defence; failure to do so can result in the proceedings being dismissed.

As drafted, clause 18 could allow the destruction or disposal of an exhibit before the person who is to become a defendant has the chance to have the exhibit examined by his own experts. At the time that such an application is made, he will not know that there is a need for such an examination and might not object to disposal. Without the change proposed in the amendment, we suspect that clause 18 may be challenged under articles 6 and 8 of the European convention on human rights.

By inserting a new subsection, amendment No. 20 would provide that a financially constrained person who is unable to afford legal representation may have the benefit of a representation order.

Amendment No. 21 is designed simply to reduce the excessive bureaucratic burden that we all seek to lift from small businesses. Under clause 28, persons can be prosecuted for offences dating back three years. We have pressed the Minister on why three years was chosen. Such a provision could well mean that businesses have to keep records for three years. There are some 10,000 pet shops, kennels, catteries and grooming salons in England and Wales, many of them micro-businesses with only one or two employees, and requiring them to keep all that extra information for three years would impose an immense burden of red tape. We have rehearsed the arguments before, but I hope that the Minister has now had a chance to consider the matter further.

Amendments Nos. 22 and 23 are important amendments that would introduce an element of common sense in the prosecution of offenders who are suspected of committing offences under the Bill. The three-year period in which prosecutions under the welfare offence can be pursued is, we believe, too long. It demonstrates a lack of urgency and may throw up some practical problems. To take an extreme example, hamsters live for only two years, yet the Bill suggests that it might be possible to bring a prosecution three years after the offence. There are clear logistical problems. Clause 28 could require an animal—or, even worse, a dead animal—to be kept in custody for up to three years. We have raised the matter with the Minister, and rather than go through all the arguments again I shall merely express the hope that he will look favourably on our amendments.

Amendment No. 24 would have the same effect on the time limit, reducing the time limit for prosecutions under the welfare offence to a more practical 12 months.

Clause 29 provides what we consider to be unacceptably soft prison sentences for the worst crimes. When I raised the matter on Second Reading, the Secretary of State replied:

> "If the House feels that a change should be made, no doubt that can be considered."—[*Official Report*, 10 January 2006; Vol. 441, c. 169.]

I hope that her comments were sincere—I am sure that they were—because I believe that we need to reconsider the issue. The proposed maximum sentence is 51 weeks, which early release schemes could halve. We do not believe that such a maximum sentence will always be sufficient.

We know that the Government are anxious to avoid the overcrowding that is now occurring in our prisons. They are encouraging the judiciary to reduce the period in custody and to use other forms of sentence. Again and again, we see sentencing policy being driven by the needs of the prison system rather than by the offence. We

believe that to be wrong. It seems odd to have a situation where a pensioner refusing to pay his council tax could be imprisoned for longer than somebody guilty of an offence under this legislation. That is incorrect and the amendments address that issue.

Amendment No. 26 ensures that anybody appointed by the court to deal with the disposal of an animal where the court has decided to deprive the owner of it is a veterinary surgeon or otherwise has the appropriate training and qualifications. It may be self-evident that that should be necessary, but it should be in the Bill. There are many amendments and new clauses in the group and they are all worth while. I hope that the Minister will respond to them constructively.

**Mr. Drew:** The hour is getting late, so I shall be brief. I shall speak to new clause 10, which is tabled in my name and that of my hon. Friend the Member for Cleethorpes (Shona McIsaac), and make a couple of observations about other amendments in this group. I commend the hon. Member for The Wrekin (Mark Pritchard) on persevering with his important proposal, of which I am proud to be a sponsor. I wish him well. It may not advance at this stage, but it should do so in another place. I hope that the Government are taking careful note and will do something about it.

The hon. Member for South-East Cambridgeshire (Mr. Paice) raised many issues, but he is on to something with abandonment. We discussed that subject at length in Committee. The Government need to be clearer about what they will do about people who neglect their animals. The only thing that worries me is what is meant by abandonment. If one tries to bear down on people, they can get rid of their responsibilities by dumping the animal somewhere else. That form of extreme abandonment needs to be dealt with and prevented.

I am happy to put my name to new clause 10, but I wish to query a very helpful and responsive statement by my hon. Friend the Minister on 8 March. It might be called half a loaf: we did not get everything we wanted, but we got half of it. It is worth supporting. I hope that if and when the Minister is able to say a few things in response to my questions I will feel satisfied. People who have campaigned for a generation on this issue, whether Animal Defenders International or, more particularly, the Born Free Foundation, which feels passionately that it is wrong to have animals in circuses, certainly those that we used to call wild animals, will feel some vindication.

The interchange between my hon. Friend the Member for Cleethorpes and the hon. Member for Isle of Wight (Mr. Turner), who is no longer in the Chamber, was interesting. It clarified part of the problem, which is that if legislation lists what should be banned, those who wish to have rare species in their circuses can go for something even more exotic. The problem to which the hon. Gentleman alluded needs to be thought about very carefully. We should state what we will allow—if, indeed, we allow anything—rather than what we will not allow. That is simpler, even though it is more restrictive.

I largely welcome the fact that my hon. Friend the Minister intends to clarify in secondary legislation what will be allowed, but I am somewhat concerned by the use in his statement of 8 March of the words "certain non-domesticated species". We would not expect a long list in a statement and we do not need one in this debate, but those words are fairly imprecise. I take it that the statement represents the Government's position, so once the principle has been established, it behoves my hon. Friend to clarify exactly which types of animal are inappropriate.

The list does not need to be exclusive, but how will the process be developed? It is good to hear that secondary legislation will be used, but what is the time scale for that? What are the possible repercussions of secondary legislation? As we know, someone from the circus fraternity has already said that he will take drastic action if the measure comes to pass. Would such animals be put into sanctuaries, or will someone else take them on? They might go to a permanent circus or a zoo. Will my hon. Friend clarify those issues?

My hon. Friend has given us half a loaf. Perhaps he could put some butter and jam on it, by giving us provisions that are long overdue. As Members on both sides of the House said, such a change is the essence of the Bill.

**Peter Luff:** We are actually talking about only one circus that uses wild animals—the Great British Circus. The hon. Gentleman said that if the circus had to get rid of its animals they could go to a permanently sited circus, so I understood that his attack was on the use of such animals in travelling circuses. However, although new clause 10 refers to winter quarters, it would apply to the use of animals in all circuses, not just static ones. I am confused about the purpose of the hon. Gentleman's new clause.

**Mr. Drew:** The hon. Gentleman is right, but I was not talking about new clause 10; I was trying to tease out from the Minister what his statement of 8 March would mean. I cannot speak for my hon. Friend the Member for Cleethorpes, but if my hon. Friend the Minister can confirm that something really can be achieved through secondary legislation, I should be willing to withdraw new clause 10. Perhaps the measure could be made more robust in another place. I am reasonably happy that we have made progress, but I should like some clarification from my hon. Friend.

**Norman Baker:** It is a pleasure to follow the hon. Member for Stroud (Mr. Drew). I assure him that I have not been given the chop, as he suggested earlier, but have resisted the temptation to carry on in my present post. I am merely withdrawing from it for the time being. I am happy to give him that reassurance and correct his statement.

New clause 2 has much to commend it. The hon. Member for The Wrekin (Mark Pritchard) has highlighted an important issue which has not been properly dealt with in the Bill. More and more species—often endangered or exotic species—are being traded on the internet as pets, which is hardly a suitable medium to sell such animals. There is no guarantee that they will be properly looked after during transportation, or, if they are still alive when they arrive, that the people buying them will know anything about how to care for them. Of course, many of those animals are listed in CITES—the convention on international trade in endangered species—and should not be traded at all. So this is an important issue.

*[Norman Baker]*

As I said in an intervention, the Home Office has done some good work on countering child pornography, so the systems are in place in the Home Office to deal with such matters, and I hope that they will be taken more seriously than they have been so far. As the hon. Member for The Wrekin is my brother's MP, I shall pass on the news that he is doing something useful in the House when I next speak to my brother.

9.45 pm

New clause 6, on abandoned animals, is also something for which I have considerable sympathy, and if it were pressed to a vote, my colleagues and I would support it.

We heard a very long presentation about new clause 10, on circus animals, from the hon. Member for Cleethorpes (Shona McIsaac) and a long discussion of it, too, all of which was slightly academic because we heard from the Minister last week that he intended to take some action on the matter. I very much welcome the statement that he made last week. We need to get to the stage, with which many people are comfortable, whereby dogs, horses and certain other animals can carry on in circuses and animals with much more complex needs—lions and tigers, and so on—do not end up in circuses any more. That is where the centre of gravity lies in the House, and the Minister seems to be getting there, so let us allow him to do so.

Incidentally, some of the animals shot by circus owners are doubtless endangered species, such as tigers, so I ask the Minister to investigate whether it is legal for circus owners to shoot endangered species if they no longer require them in their circuses.

The hon. Lady referred to Ming. Ming has clearly had a very bad deal. Ming deserves full respect and support from hon. Members, and I am sure that that will happen if the Minister's actions are forthcoming. Ming needs to achieve full potential, and I am sure that that will be achieved if we end up with the Minister's proposals.

I want to refer briefly to amendments Nos. 107, 108 and 109, which I tabled. I hope that, if the Minister has a chance, he will respond to them, because they deal with matters of concern. I particularly want to refer to amendment No. 107, to which the hon. Member for South-East Cambridgeshire (Mr. Paice) also referred. As the Minister knows, I have supported the Bill throughout, as have my Liberal Democrat colleagues. The thrust of clause 4, on unnecessary suffering, is the right way forward, but he will be aware that it uses the word "property", which is of great concern to me, as it seems to provide the opportunity for a large loophole—a significant exemption from the provision on unnecessary suffering in that clause.

When I raised the issue in Committee, the Minister mentioned that, for example, the police or the armed forces may need to use animals to defend property. I accepted that there might be occasions when it is necessary to use animals in those circumstances. However, in return, I asked the Minister to accept that, by including the word "property" without qualification, we could end up with the opportunity for a defence against the charge of causing unnecessary suffering being made to stick because property has been defended. The Minister has not qualified that word in any way, and I am very concerned that the use of the word "property" significantly weakens the clause on unnecessary suffering and provides a get-out for those who want to use that as an excuse. I tell the Minister quite seriously that he needs to do something about that, so I encourage him to respond to amendment No. 107 in particular, and I look forward to his comments on that matter. If he does not accept amendment No. 107, I hope that he will undertake to consider something similar in another place, as the hon. Member for South-East Cambridgeshire suggested.

Amendment No. 108 also picks up points, to which the Minister responded in Committee, about people receiving animals as prizes. He will remember our discussion about ponies being won at gymkhanas and so on. My amendment recognises that individuals win prizes in such circumstances, but it imposes a duty on entrants, requiring them to be prepared to meet the animal's needs if they are successful in the draw. That would allow ponies to be raffled, but it puts the onus on the person winning the prize.

Finally, amendment No. 109 deals with a concern that I raised in Committee. The Minister will remember our discussions of the words "yard" and "garden". I expressed concern about the fact that there is a big difference between a yard in which an animal can be seen—people may have a genuine desire to intervene if they see that the animal is subject to unacceptable treatment—and a private area such as a garage. The Minister said that a yard could be enclosed, and asked whether we would like someone climbing over our back fence to deal with a problem.

Amendment No. 109 deals with his objection by defining a yard more closely. It says that the provision would not apply

"to a yard or garden where an animal is in the open and can clearly be seen from public land."

That answers the point that the Minister made in Committee, so the example that he gave of an enclosed garden would no longer be a problem. The amendment is constructive and tries to meet his concerns while retaining my point about the area being seen from public land. If there is a vote on new clauses 2 and 6, or new clause 10, I shall recommend to my colleagues that we support those provisions. I shall be grateful if the Minister responds to amendment No. 107 when he has the opportunity.

**Peter Luff:** I half expected the Minister to have caught your eye by now, Mr. Deputy Speaker, as he might have things to say about new clause 10 that will help the House considerably.

I shall speak mainly to new clause 10, and I share the reservations expressed by the hon. Member for Lewes (Norman Baker) about the use of wild animals in circuses, but emphatically not domestic animals. He struck the right balance and correctly identified the centre of gravity. I have taken an interest in circuses for some time, largely because I was at school with Billy Smart's grandson. I remember the great days of the big animal circuses such as Bertram Mills at Olympia. During the interval, a cage was erected and the lions and

tigers were brought in. That has all gone. There is only one circus left in the UK with a significant number of wild animals—the Great British Circus—and two more circuses have one or two animals, whose life expectancy is limited. The measure is therefore a sledgehammer to crack a nut.

Circus people are not properly understood, which is a tragedy. We belong to the nation that invented the circus, which was created across the road, on the site of St. Thomas' hospital, yet every other nation celebrates it much more than we do. It is a glorious unsubsidised art form that brings the performing arts to societies and communities that would not otherwise see them. It introduces hundreds of thousands of children every year to the glories of performance. The circus is already under threat from the Licensing Act 2003, but I have received helpful signals from the Government that they may look at ways of reducing the burdens of bureaucracy, cost and inflexibility that it has imposed. If new clause 10 were accepted, resulting in the loss of both domestic and wild animals from the performing routine of the circus, it would be a devastating blow to the appeal of circuses to the UK market.

**Mark Pritchard:** Would my hon. Friend clarify the point that he is making and say whether there are any circumstances in which circus animals should not be kept?

**Peter Luff:** I do not want to get into a big debate about the evidence for and against the welfare benefits for animals of appearing in circuses. There is a great deal of academic research that shows that many animals benefit from the learning experience in the circus. As long as their transport and housing conditions are good, there is no problem at all.

**Mark Pritchard** *indicated dissent.*

**Peter Luff:** My hon. Friend may shake his head in disbelief, but that is the scientific evidence.

I want to put on record my concern about the nature of the campaign fought by Animal Defenders International. They produced opinion poll research which appeared to show very large majorities against the use of animals in circuses. In fact, MORI has now admitted to the circus industry that the poll should never have been published, because of the prejudicial way in which the questions were ordered and the nature of those questions. A new poll conducted by MORI for the circus industry shows that over 60 per cent. of people have no objection specifically to the use of horses in circuses. Public opinion, honestly sought, does not want a ban.

I know that much has been said about the inimical conditions of circuses for animals when they are being toured. I do not agree. Last summer I made it my business to go and see two circuses which tour horses—Gifford's circus and Zippo's circus—and I saw for myself the excellent conditions in which they are kept. It is worth quoting a description of the transportation conditions for a typical circus in the UK. Martin Burton states in a letter to the Minister:

"Since many of the discussions focused on transporting animals I would like to address this specifically. The practice at my circus is that after their last performance the 7 horses and ponies are loaded into their horse transporter and driven to the next venue. Since my circus travels mainly within the M25 these journeys are between 5 miles and 25 miles long and it is rare for journey times to be longer than one hour. The stables are then immediately erected at the new venue, in an area which has already been marked out for them. Erecting the stables takes less than an hour. The horses are then unloaded and stabled on clean bedding with fresh water and best quality hay. So the average journey time takes one hour, and the time the horses wait in the horse transporter while the stables are built up is less than one hour. The whole process is over in less than 2 hours. These moves happen once a week, or sometimes once a fortnight.

The stalls themselves are large loose boxes"—

I have seen them and I can confirm that—

"which were designed in consultation with Born Free. Each horse has an individual loose box which is EXACTLY the same as found in many riding schools and racing stables. The stable is a purpose built tent which is warm and dry. In cold weather the horses are rugged up for extra warmth but since the circus does not operate in the winter extreme cold is not an issue."

So circuses have pretty humane conditions for the domestic animals that they tour.

The circus industry has no problem with regulation and welcomes the constructive discussions that it has been having with the Minister's Department about a new regulation. Circuses have concerns about the inadequacy of the current regulatory regime that they face, which is little more than a rubber-stamping exercise. The circuses are developing codes of conduct. Circus bodies such as PAWSI—Performing Animals Welfare Standards International—are in discussion with the Department. New regulations on animal husbandry in circuses are being developed by a DEFRA working group, which includes representatives from the Born Free Foundation, the RSPCA, the Animal Consultants and Trainers Association, the Kennel Club, the Arts Council, the Department for Culture, Media and Sport, the Dogs Trust, the Scottish Society for the Prevention of Cruelty to Animals, and so on.

The news is extremely good. The approach that the Minister will set out to the House will, I think, commend itself to the House and to circuses. There have been some ludicrous situations in the past. In my home city, Worcester, a few years ago, when the city was under different political control, a circus applied to erect its tent, with only horses, in the middle of a race course. The local authority would not permit that because it considered that the circus was cruel to the animals. On that racecourse many horses will die every year. The bizarre hypocrisy of not allowing a circus, which relies on well trained and much loved horses, to set up in Pitchcroft in the middle of Worcester, while every year horses die on the race course around it, was extraordinary.

I believe passionately that circus needs to be protected, defended articulately and supported, not demonised as it often is, or neglected. I quote from a marvellous article written in *The Guardian* by a journalist called Dea Birkett about seven years ago. She wrote:

"The circus people I met were not elephant-beating barbarians. They were a small, disenfranchised people, struggling to survive against odds that would have defeated almost anyone else. Animal-rights groups—including the RSPCA—should negotiate with people who travel, live and work with their animals. Instead of shouting outside the circus gates, instead of leaning on councils, they should sit down and talk. They should argue for better

*[Peter Luff]*

conditions in circuses. They should treat circus people as they treat all other people who keep animals—not as freaks, but with respect. Our last travelling players should be cherished."

I hope that what the Minister says to us in a few minutes will show that he is prepared to cherish those travelling players.

**Mr. Bradshaw:** I apologise to those Conservative Members who served in Committee if I do not respond to their specific points, but I shall write to them. If they choose to intervene—

**Mr. Hollobone:** I am not sure whether this is an intervention, a point of order or merely an inquiry, but I have not had the chance to move my amendment.

**Mr. Deputy Speaker (Sir Michael Lord):** Order. All that matters at this stage is that the lead amendment has been moved.

10 pm

**Mr. Bradshaw:** The hon. Member for The Wrekin (Mark Pritchard) moved new clause 2, which was supported by Conservative Front Benchers, and we take the issue seriously. Most of his speech dwelled on the problem of the trade in endangered species, but he will appreciate that the Animal Welfare Bill is not the best place to deal with the matter. CITES restricts the trade in endangered species, and if the trade is illegal, then it is illegal on the internet. I know that the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for South Dorset (Jim Knight), has held constructive talks with Home Office Ministers about what more can be done to tighten up the hon. Gentleman's particular area of concern.

The regulatory impact assessment makes it clear that we intend to address the issue, but we are not prepared to allow ourselves to be tied to the hon. Gentleman's time scale of making regulations within one year. If we were to tie ourselves to his time scale but were unable to achieve the objective, there is a danger that we would be unable to do anything at all. I hope that the hon. Gentleman accepts that point and withdraws his new clause.

**Mark Pritchard:** Notwithstanding the Minister's comments, prosecutions are not being brought under the existing legislation. New clause 2 relates directly to third parties and internet service providers, which are aiding and abetting that illegal and evil practice. The Bill is an opportunity for the Government to stand by their warm words on animal welfare, and if they want to pass by that opportunity, then people outside this Chamber should know about it.

**Mr. Bradshaw:** I appreciate the hon. Gentleman's concern, but I repeat that this is the Animal Welfare Bill, which does not cover the illegal trade in endangered species.

Government amendment No. 61 fulfils a commitment that I made in Committee. The Government always intended that the concept of suffering, wherever it occurs in the Bill, should include both mental and physical suffering. We thought that point self-evident, so we did not include a definition in the Bill, but because of the unease expressed in Standing Committee, I agreed to table an amendment to put the meaning of the concept beyond doubt. Government amendment No. 61 defines suffering clearly, wherever it is mentioned in the Bill.

In Committee, the hon. Member for Leominster (Bill Wiggin) drew our attention to the point that an inspector or constable could feasibly exercise his powers under clause 16 without the person responsible for the animal in question being aware of it, and we agree that that point requires rectification. That is why we tabled Government amendment No. 78, which requires an inspector or constable to notify a person responsible for the animal in question as soon as reasonably practicable.

On new clause 6, I made it clear in Committee that we have not replicated the specific offence of abandonment, because it would be unnecessary. Abandonment is merely one way in which either the welfare offences or the cruelty offences can be committed. The hon. Member for South-East Cambridgeshire (Mr. Paice) has asked why we have made poisoning, mutilation and fighting special offences, but not abandonment. Those three offences do not necessarily involve suffering, which is why they are included separately. In Committee, we discussed administering heroin to a dog, mutilating an animal under anaesthetic and betting on an animal fight, all of which are offences. I also have concerns about the definition of abandonment in new clause 6, which we believe would risk catching the release of game birds or fish into a stream or pond or the release of animals on to common land. I am sure that Conservative Members do not want to prevent those activities.

**Bill Wiggin** *rose—*

**Mr. Bradshaw:** I will not give way, because I have very little time left.

From our proceedings in Committee and today, we are well aware of how strongly my hon. Friend the Member for Cleethorpes (Shona McIsaac) feels about circuses. I hope that she and my hon. Friend the Member for Stroud (Mr. Drew) were reassured by the written statement on the use of animals in travelling circuses that I gave the House last Wednesday. For the benefit of hon. Members who have not read the statement, it contained an undertaking to use a regulation under clause 10 of the Bill to ban the use of certain non-domesticated species in travelling circuses and to impose zoo standards on circuses' permanent premises.

As I have previously indicated, I sympathise with the view that performances by some non-domesticated species in travelling circuses are not compatible with meeting their welfare needs. I have also said that the welfare offence in clause 8 will be a significant step forward for circus animals, as it will for all animals. However, having listened carefully to my hon. Friends and Opposition Members on Second Reading and in Committee, I have concluded that a regulation under clause 10 will provide much needed clarity to both circus proprietors and enforcers on which animals' needs can

be met adequately in a travelling circus environment. I have also undertaken to see that there is read-across between zoo standards and those for circuses' permanent premises. I trust that that undertaking will address my hon. Friends' concerns.

**Shona McIsaac:** I have been listening carefully to what the Minister has said following his statement to the House. Will he give us clarification on the timings—I understand that my hon. Friend the Member for Stroud (Mr. Drew) has asked a similar question? I think that the statement said that the Minister would be undertaking consultation shortly, so will he give me some time scales? Will zoo licensing regulations also read-across to static circuses?

**Mr. Bradshaw:** I have already addressed static circuses. As I said in Committee, when we consider time scales, we will want to make the matter a priority.

Amendment No. 2 relates to responsibility for a stolen animal. As I explained to the hon. Member for Leominster in Committee, we believe that the amendment is unnecessary. More than one person can be responsible for an animal. Just because an owner is responsible for an animal, it does not mean that someone else who is in charge of the animal is not considered to be responsible for it, even if that responsibility is temporary, as is the case for a stolen animal. The person or persons responsible are required to take such steps as are reasonable to ensure the animal's welfare. Clearly, if someone's animal has been stolen, there are few such steps that that person could reasonably be expected to take.

Amendment No. 107 was tabled by the hon. Member for Lewes (Norman Baker). While I have the chance, may I give him my thanks and express my regret at his departure from the Front Bench? He has made an important contribution to the Bill and the cause of animal welfare in general. I have appreciated the co-operative way in which he has worked with me and the hon. Member for Leominster on the Bill.

We explored the question of protecting property at considerable length in Committee. I note that I have succeeded in persuading the hon. Member for Lewes—a bit, at least—that there are legitimate considerations in some situations. As I said in Committee, the protection of property is not an absolute defence against the offence of cruelty, but one factor that a court may take into account. That does not indicate a belief on my part that property rights should somehow trump animal suffering. It simply reflects the reality that the protection of property might justify some animal suffering in certain circumstances. I cited the example of the use of riot horses by the police in Committee and clearly the hon. Gentleman has accepted that. I also gave the Committee the example of guard dogs that are used by private individuals to protect their homes or businesses. Sometimes, unfortunately, a guard dog will be injured by a person who threatens a property. For example, a burglar might hit a dog when it restrains him. In principle, that person could be held responsible for its suffering by virtue of clause 4(2). I hope that hon. Members will agree that that is an example of the protection of property being a legitimate purpose outside the police and armed forces.

**Norman Baker:** Just as the Minister successfully constructed a list of tightly drawn exemptions for tail docking, why could he not construct tightly constrained exemptions to limit the use of the protection of property as a defence?

**Mr. Bradshaw:** Because it is best to leave that up to the discretion of the courts.

On amendment No. 108, I understand the motives of those who want a complete ban on giving an animal as a prize, but the Government have taken the view that it would be overly intrusive to dictate that an adult is not capable of making an informed and responsible decision about their ability to care for an animal on offer. As long as an adult is ultimately responsible for the decision to enter a competition in which an animal might be won, the Government do not feel that it is proper to interfere.

Amendment No. 17 would create a requirement for a vet to see an animal after it had been seized under clause 16. I can understand what the hon. Member for Leominster is trying to achieve. In practice, however, if an inspector removes an animal in a hurry because it is suffering or likely to suffer, and it is not reasonably practicable to wait for a vet, I cannot envisage a situation whereby he would then retain the animal without seeking veterinary advice. Indeed, if a person takes a suffering animal into their care under clause 16(6), they have, in effect, assumed responsibility for it, and they might fail to meet their obligations under clause 8 if they do not take it straight to a vet for attention and advice. We do not therefore think it necessary to include such a requirement in the Bill.

Amendment No. 18 deals with certifying that there would be no prosecution before an animal is disposed of. As I explained in Committee, an order can be made under clause 18 before a conviction is obtained or before a prosecution is started. In fact, an order can be made if a prosecution never takes place. A prosecution can take months to come to a conclusion, and it is sometimes necessary to take a decision about an animal's future without waiting that long. In some cases, a prosecution will not be in the public interest at all—for example, where the animal's owner is elderly or mentally impaired—but it will nevertheless be necessary to take a decision about the fate of the animal. That is what clause 18 allows.

Amendment No. 23 would reduce the time limit for prosecutions from three years to 12 months. As I explained in Committee, three years was chosen to reflect the Animal Health Act 2002, which inserted an extension to three years of the time limit in the Animal Health Act 1981. We believe that it is sensible to impose the same time limit for a welfare offence prosecution as for prosecutions of offences relating to animal health. There are precedents in more than 60 other pieces of legislation covering subjects such as agriculture, food safety and trades descriptions for a long-stop prosecution period of three years in place of the usual six months in summary cases.

The RSPCA told us of a case two years ago in which one of its inspectors found a dead dog in a cupboard under the stairs. The owner of the house admitted that he had starved the dog to death. However, because a vet estimated that the dog had died more than six months previously, the RSPCA was unable to prosecute. We do not believe that it is right that a person should get away with such animal cruelty simply because he has been successful in hiding the evidence or the evidence does not come to light quickly.

*[Mr. Bradshaw]*

Amendments Nos. 22 and 24, tabled by the hon. Member for Leominster, would create a two-tier system of offences whereby offences under clauses 8, 10, 11 and 30(9) would be subject to a time limit of one year, and more serious offences would be triable either way and therefore not subject to any time limit. They would also impose a maximum penalty of a level 5 fine and 51 weeks' imprisonment. My Department has considered very carefully where the balance needs to be struck in terms of which court should handle cruelty cases and what the penalties should be. I have some sympathy with the hon. Gentleman's view that we should treat those who cause animal suffering more harshly than we do currently. However, we are already increasing the fines that a magistrate can impose. Moreover, it is important that in offering animals the protection that they need and deserve under our law, we maintain consistency with other criminal offences.

**Justine Greening** (Putney) (Con): Does the Minister agree that a 13-week maximum custodial sentence for the worst cases of animal cruelty is insubstantial and insufficient, and sends out exactly the wrong message to organised criminals who are engaging in offences such as cruelty and dog-fighting?

**Mr. Bradshaw:** As we discussed in Committee, it is not strictly the case that the penalty would be a maximum of 13 weeks—not, at least, until custody plus is introduced. If sentences were served consecutively, they could be longer. The main point is that we are quadrupling the maximum fine and doubling the maximum custodial sentence. Existing penalties that magistrates imposed on the 800 cases that were brought before them under the Protection of Animals (Amendment) Act 2000 do not suggest a need to increase the maximum limit. Courts are not using existing powers. We explored that point at some length in Committee.

We are also advised that increasing sentences beyond what the Bill proposes would be disproportionate and inconsistent with our handling of offenders who have committed other offences.

Amendment No. 109 tackles some but not all the arguments that I presented in Committee. With respect to the hon. Member for Lewes, I do not agree that we have got the definition wrong. As soon as we try to define "private dwelling", we have to strike a balance. The question of which part of someone's property should be considered their private dwelling will always be a matter of degree. It is not possible to make a definition so watertight that there will be no borderline cases. The hon. Gentleman had such a borderline case in mind: a dog in a garden that an inspector can see from the public path outside the house. The amendment deals with one of the points that I made in Committee, namely that an emergency could only be perceived and that we could not run the risk of allowing unfettered access to private homes when emergencies were only perceived.

However, I do not agree that the visibility of an animal changes the balance of interests. If someone can clearly see my animal through my front-room window, should that change the balance of interests? Whether it is in my garden or in my front room, it is on my private property. Either way, my animal is suffering or likely to suffer. If the hon. Gentleman wanted to force my front door to get to my animal in the front room, he would need a warrant. There is no difference between the two examples, either to my interests or my animal's, so why make the distinction?

I understand that there are enduring concerns about the definition but the balance must be struck somewhere and we are satisfied that we have got it right. There will be difficult cases but that is inevitable and the police have reassured us that acquiring a warrant will not be a significant problem when there is a clear case.

The hon. Member for Kettering (Mr. Hollobone) did not have an opportunity to speak about amendment No. 1, so I shall deal with it and then give him a chance to intervene in the remaining two or three minutes. When the Gambling Act 2005 was debated, consideration was given to attaching minimal welfare provisions to the future licensing regime for greyhound tracks. Hon. Members will know that the Joint Committee on the Gambling Bill did not recommend that animal welfare issues should be included in the measure, despite receiving representations on that. Such provisions were not included because the Bill was on the horizon. It is more appropriate for tackling greyhound welfare and we intend to do that through the delegated powers in it.

**Mr. Hollobone:** I am grateful to the Under-Secretary for his generosity, which is much appreciated. However, the Select Committee on Environment, Food and Rural Affairs stated:

> "We are unconvinced by the argument that the greyhound racing industry should be allowed until 2010 to regulate itself and improve its own welfare standards."

Amendment No. 1, which has cross-party support, would amend the Gambling Act to ensure that proper greyhound welfare standards were introduced through the Bill. If I am lucky enough to test the opinion of the House, I hope that there will be a vote in favour of the amendment.

**Mr. Bradshaw:** As I said to the hon. Gentleman in Committee, we intend the Bill to improve the welfare of greyhounds. Indeed, the welfare offence will improve not only greyhounds' welfare but that of all animals before any regulation is introduced under secondary legislative powers. We have not ruled out regulating greyhound tracks if self-regulation proves not to work. As I said in Committee, we are keen to try to bring that process forward from 2010 if possible. I simply repeat that it is not the Gambling Commission's role to regulate animal welfare. That is why we believe that the amendment is perhaps not the most sensible way of proceeding.

Did the hon. Member for The Wrekin wish to intervene?

**Mark Pritchard:** I thank the Under-Secretary for giving me the opportunity but I was hoping for a longer opportunity at the end of the debate.

**Mr. Bradshaw:** I therefore urge the hon. Gentleman to withdraw the motion.

**Mark Pritchard:** I am very disappointed by the Government's response. There is a genuine opportunity for the House to send a clear signal to those who would trade in endangered animals on the internet that it will no longer be tolerated. They will be hunted down, just as they hunt down animals, prosecuted and sent to prison for peddling this evil trade.

I am also disappointed that, for Labour Members, there is a whipped vote against my new clause. However, Conservative Members have a free vote, which I welcome.

**Mr. David Heath** (Somerton and Frome) (LD): Will the hon. Gentleman confirm what the hon. Member for South-East Cambridgeshire (Mr. Paice) said earlier—namely that it would not be his intention to cause any restriction on the sale of cattle or other farm animals, other than via markets?

**Mark Pritchard:** The fact is that there are people who trade in animals on the internet legally, although I would hope that any new clause that is accepted would ensure that the transport of such animals improves. Zoologists trade in endangered animals on the internet, but they have licences to do so.

New clause 2 addresses the growing problem of the sale of endangered animals on the internet. Serious criminals are using the internet for these purposes. I am disappointed to see the Minister shake his head, because we had discussions on animal welfare issues before I came into the House. I know that he sits uncomfortably next to his colleague, the Minister for Climate Change and the Environment, this evening by ruling out acceptance of my new clause.

The fact is that the next time we open our newspapers and see another case of an endangered animal being abused and perhaps dying in transit—

**Mr. Bradshaw:** I apologise to the hon. Gentleman. I repeat that the trade in endangered species has absolutely nothing to do with the Bill. That is covered by existing laws.

**Mark Pritchard:** The Minister's complacency is astonishing. The fact is that there have been only two prosecutions under the existing legislation to which he refers, yet the trade globally is worth £25 billion a year, and the trade from United Kingdom websites is worth tens of millions. So to suggest that existing legislation is catching these criminals does not give the full picture—[HON. MEMBERS: "It is misleading."] Well, I would not go that far. I know that the Minister is serious about animal welfare, so it is a mystery to me why he is not supporting the new clause. Have the Government been got at by internet service providers? I do not think so. I would not say that. However, the fact is that the next time we open our newspapers and read about cruelty to those endangered animals that we enjoy watching on documentaries while sitting comfortably at home, we will realise that we have missed an opportunity this evening. Members of animal welfare charities across the nation know that this has been a missed opportunity. This is an important Bill, and we might not have another opportunity to put such a clause into legislation. I feel let down, and I am sure that many other hon. Members feel let down. The endangered animals that are coming into our country across borders from around the world will certainly feel let down as well. I hope that the Minister will reconsider.

**Mr. Hollobone:** My hon. Friend mentioned missed opportunities. Animal welfare Bills come along only once every 100 years, and unless the House takes the decision tonight properly to regulate the greyhound industry, the chance will have been lost to transform the fate of 30,000 greyhounds—7,500 of which disappear every year—perhaps for another 100 years.

**Mark Pritchard:** My hon. Friend makes some valid points indeed, and I know that Labour Members will want to seize this opportunity. My new clause has cross-party support and my ten-minute Bill had cross-party support, so why are the Labour Whips preventing the new clause from being supported by those Members who previously supported my ten-minute Bill?

We all read our newspapers, and I refer to animal welfare stories that come across our desks every single day. I hope that Labour Members who feel that they have perhaps been bullied by the Whips might reconsider. I applaud the courage of the hon. Member for Stroud (Mr. Drew) in the face of the onslaught from his own side.

The fact is that this is a serious and growing issue, and I hope that the Government will reconsider their position. How can they have introduced such serious legislation to address such serious animal welfare issues and yet not have included a clause on such an obvious difficulty? This is a multi-million pound industry that is being driven by serious criminals, and we know that the problem is increasing because of wildlife crime statistics.

I am disappointed in the Government. The new clause is not heresy; it is a reasonable suggestion. I hope they will reconsider.

*Question put,* That the clause be read a Second time:—

*The House divided:* Ayes 128, Noes 280.

**Division No. 190]** **[10.26 pm**

**AYES**

| | |
|---|---|
| Ainsworth, Mr. Peter | Conway, Derek |
| Amess, Mr. David | Davey, Mr. Edward |
| Atkinson, Mr. Peter | Davies, Philip |
| Bacon, Mr. Richard | Dodds, Mr. Nigel |
| Baker, Norman | Donaldson, Mr. Jeffrey M. |
| Baldry, Tony | Dorries, Mrs. Nadine |
| Barker, Gregory | Drew, Mr. David |
| Barrett, John | Ellwood, Mr. Tobias |
| Beith, rh Mr. Alan | Fabricant, Michael |
| Benyon, Mr. Richard | Farron, Tim |
| Binley, Mr. Brian | Featherstone, Lynne |
| Bone, Mr. Peter | Foster, Mr. Don |
| Bottomley, Peter | Francois, Mr. Mark |
| Brake, Tom | Fraser, Mr. Christopher |
| Brokenshire, James | George, Andrew |
| Brooke, Annette | Gidley, Sandra |
| Browne, Mr. Jeremy | Goodwill, Mr. Robert |
| Bruce, Malcolm | Gove, Michael |
| Burstow, Mr. Paul | Gray, Mr. James |
| Burt, Alistair | Greening, Justine |
| Burt, Lorely | Harper, Mr. Mark |
| Cable, Dr. Vincent | Harris, Dr. Evan |
| Campbell, Mr. Gregory | Harvey, Nick |
| Carmichael, Mr. Alistair | Heath, Mr. David |

Hemming, John
Hermon, Lady
Hollobone, Mr. Philip
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Moore, Mr. Michael
Murrison, Dr. Andrew
Öpik, Lembit
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Smith, Sir Robert
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Webb, Steve
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Wilson, Sammy
Wright, Jeremy
Younger-Ross, Richard

**Tellers for the Ayes:**
**Mike Penning and Bob Spink**

## NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Mr. Robert
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn

Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Parmjit Dhanda and**
**Mr. Vernon Coaker**

*Question accordingly negatived.*

*It being more than five hours after the commencement of proceedings,* MR. DEPUTY SPEAKER *put forthwith the Questions necessary to dispose of the business to be concluded at that hour, pursuant to Order [this day].*

**Clause 5**

MUTILATION

*Amendment made:* No. 38, in page 3, line 25, at end insert—

'( ) Nothing in this section applies to the removal of the whole or any part of a dog's tail.'.—*[Mr. Bradshaw.]*

**Clause 7**

FIGHTING ETC

*Amendments made:* No. 62, in page 4, line 3, leave out 'arranges' and insert 'causes'.

No. 63, in page 4, line 3, at end insert

'to take place, or attempts to do so'.

No. 64, in page 4, line 4, leave out paragraph (b).

No. 65, in page 4, line 5, at end insert—

'( ) knowingly receives money for admission to an animal fight;'.

No. 66, in page 4, line 5, at end insert—

'( ) knowingly publicises a proposed animal fight;'.

No. 67, in page 4, line 5, at end insert—

'( ) provides information about an animal fight to another with the intention of enabling or encouraging attendance at the fight;'.

No. 68, in page 4, line 9, at end insert—

'( ) has in his possession anything designed or adapted for use in connection with an animal fight with the intention of its being so used;'.

No. 69, in page 4, line 9, at end insert—

'( ) keeps or trains an animal for use for in connection with an animal fight;'.

No. 70, in page 4, line 9, at end insert—

'( ) keeps any premises for use for an animal fight.'.

No. 82, in page 4, line 10, after 'or' insert 'reasonable'.

No. 83, in page 4, line 11, at end insert—

'(2A) A person commits an offence if, without lawful authority or reasonable excuse, he—

(a) knowingly supplies a video recording of an animal fight,

(b) knowingly publishes a video recording of an animal fight,

(c) knowingly shows a video recording of an animal fight to another, or

(d) possesses a video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.

(2B) Subsection (2A) does not apply if the video recording is of an animal fight that took place—

(a) outside Great Britain, or

(b) before the commencement date.

(2C) Subsection (2A) does not apply—

(a) in the case of paragraph (a), to the supply of a video recording for inclusion in a programme service;

(b) in the case of paragraph (b) or (c), to the publication or showing of a video recording by means of its inclusion in a programme service;

(c) in the case of paragraph (d), by virtue of intention to supply for inclusion in a programme service.

(2D) Provision extending the application of an offence under subsection (2A), so far as relating to the provision of information society services, may be made under section 2(2) of the European Communities Act 1972 (c.68) (powers to implement Community obligations by regulations) notwithstanding the limits imposed by paragraph 1(1)(d) of Schedule 2 to that Act on the penalties with which an offence may be punishable on summary conviction.'.

No. 84, in page 4, line 14, at end insert—

'"commencement date" means the date on which subsection (2A) comes into force;

"information society services" has the meaning given in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market (Directive on electronic commerce);

"programme service" has the same meaning as in the Communications Act 2003 (c. 21);

"video recording" means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

( ) In this section—

(a) references to supplying or publishing a video recording are to supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data;

(b) references to showing a video recording are to showing a moving image reproduced from a video recording by any means.'—*[Mr. Bradshaw.]*

## Clause 14

### Making Codes of Practice: Wales

*Amendments made:* No. 79, in page 8, line 9, leave out from 'force' to end of line 10 and insert

'in accordance with its provisions.'.

No. 80, in page 8, line 11, leave out

'An order under subsection (3)'

and insert

'A code (or revised code)'.—*[Mr. Bradshaw.]*

## Clause 16

### Powers in Relation to Animals in Distress

*Amendment made:* No. 78, in page 9, line 17, at end insert—

'( ) If a person exercises a power under this section otherwise than with the knowledge of a person who is responsible for the animal concerned, he must, as soon as reasonably practicable after exercising the power, take such steps as are reasonable in the circumstances to bring the exercise of the power to the notice of such a person.'—*[Mr. Bradshaw.]*

## Clause 19

### Seizure of Animals Involved in Fighting Offences

*Amendments made:* No. 71, in page 10, line 41, leave out from 'that' to 'an' in line 42 and insert

'it is one in relation to which'.

No. 85, in page 10, line 42, after '7' insert '(1) or (2)'.

No. 72, in page 10, line 42, at end insert 'has been committed'.

No. 73, in page 11, line 15, leave out from 'animal' to 'an' in line 16 and insert 'in relation to which'.

No. 86, in page 11, line 16, after '7' insert '(1) or (2)'.

No. 74, in page 11, line 16, after '7' insert 'has been committed'.

No. 75, in page 11, line 17, at end insert—

'( ) In this section, references to an animal in relation to which an offence under section 7(1) or (2) has been committed include an animal which took part in an animal fight in relation to which such an offence was committed.'—*[Mr. Bradshaw.]*

## Clause 20

### Entry and Search Under Warrant in Connection with Offences

*Amendment made:* No. 39, in page 11, line 30, after 'sections' insert

'[Docking of dogs' tails],'—*[Mr. Bradshaw.]*

## Clause 21

### Entry for Purposes of Arrest

*Amendments made:* No. 40, in page 11, line 36, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 87, in page 11, line 36, after 'to' insert '6 and'.

No. 88, in page 11, line 36, after '7' insert '(1) and (2)'.—*[Mr. Bradshaw.]*

## Clause 29

### Imprisonment or Fine

*Amendment proposed:* No. 24, in page 14, line 3, leave out from 'liable' to end of line 7 and insert—

'(a) on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine not exceeding £20,000, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine not exceeding £20,000, or to both.'—*[Bill Wiggin.]*

*Question put,* That the amendment be made:—

*The House divided:* Ayes 79, Noes 325.

**Division No. 191]** **[10.42 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Benyon, Mr. Richard
Bone, Mr. Peter
Bottomley, Peter
Brokenshire, James
Burt, Alistair
Campbell, Mr. Gregory
Clark, Greg
Conway, Derek
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorries, Mrs. Nadine
Ellwood, Mr. Tobias
Fabricant, Michael
Francois, Mr. Mark
Fraser, Mr. Christopher
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Greening, Justine
Harper, Mr. Mark
Hayes, Mr. John
Hermon, Lady
Hollobone, Mr. Philip
Horwood, Martin
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lancaster, Mr. Mark
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Murrison, Dr. Andrew
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Price, Adam
Pritchard, Mark
Randall, Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Spink, Bob
Stuart, Mr. Graham
Swayne, Mr. Desmond
Taylor, Mr. Ian
Taylor, Dr. Richard
Turner, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilson, Sammy

**Tellers for the Ayes:**
**Mike Penning and**
**Mr. Brian Binley**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan

Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bruce, Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Burt, Lorely
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Carmichael, Mr. Alistair
Caton, Mr. Martin
Caveey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Elman, Mrs. Louise
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Iranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Laws, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Sanders, Mr. Adrian
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thornberry, Emily
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wills, Mr. Michael
Winnick, Mr. David

Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

**Tellers for the Noes:**
**Mr. Vernon Coaker and**
**Mr. Parmjit Dhanda**

*Question accordingly negatived.*

**Clause 29**

IMPRISONMENT OR FINE

*Amendment made:* No. 41, in page 14, line 3, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.—*[Mr. Bradshaw.]*

**Clause 30**

DEPRIVATION

*Amendment made:* No. 42, in page 14, line 25, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.—*[Mr. Bradshaw.]*

**Clause 31**

DISQUALIFICATION

*Amendments made:* No. 43, in page 16, line 15, after 'sections' insert

'[Docking of dogs' tails] (1) and (2),'.—*[Mr. Bradshaw.]*

**Clause 34**

DESTRUCTION IN THE INTERESTS OF THE ANIMAL

*Amendments made:* No. 44, in page 17, line 36, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 89, in page 17, line 36, after first 'to' insert

'6, 7(1) and (2) and'.

No. 90, in page 18, line 24, after '7' insert '(1) or (2)'. .—*[Mr. Bradshaw.]*

**Clause 35**

DESTRUCTION OF ANIMALS INVOLVED IN FIGHTING OFFENCES

*Amendments made:* No. 91, in page 18, line 28, after '7' insert '(1) or (2)'

No. 76, in page 19, line 9, leave out second 'an' and insert 'the'.—*[Mr. Bradshaw.]*

**Clause 36**

REIMBURSEMENT OF COSTS RELATING TO ANIMALS INVOLVED IN FIGHTING OFFENCES

*Amendment made:* No. 92, in page 19, line 14, after '7' insert '(1) or (2)'.—*[Mr. Bradshaw.]*

**Clause 37**

FORFEITURE OF EQUIPMENT USED IN OFFENCES

*Amendments made:* No. 45, in page 19, line 23, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 46, in page 19, line 34, at end insert—

'(ba) in the case of a conviction for an offence under section [Docking of dogs' tails](1) or (2), to anything designed or adapted for removing the whole or any part of a dog's tail;'.

No. 93, in page 19, line 38, after '7' insert '(1) or (2)'.

No. 77, in page 19, line 39, after 'in' insert 'connection with'.

No. 94, in page 19, line 39, at end insert—

'(e) in the case of a conviction for an offence under section 7(2A), to a video recording of an animal fight, including anything on or in which the recording is kept.'.

No. 47, in page 19, line 44, after 'paragraphs' insert '(ba) and'.

No. 95, in page 19, line 44, leave out '(d)' and insert '(e)'. .—*[Mr. Bradshaw.]*

**Clause 39**

ORDERS WITH RESPECT TO LICENCES

*Amendment made:* No. 48, in page 20, line 36, after 'sections' insert

'[Docking of dogs' tails] (1) and (2),'.—*[Mr. Bradshaw.]*

**Clause 42**

DEPRIVATION ORDERS IN CONNECTION WITH OFFENCE UNDER SECTION 41(2)

*Amendment made:* No. 96, in page 22, line 41, after 'provided' insert '(orally or in writing)'. .—*[Mr. Bradshaw.]*

**Clause 43**

SEIZURE ORDERS WHERE DISQUALIFICATION BREACHED: SCOTLAND

*Amendments made:* No. 97, in page 23, line 38, after 'provided' insert '(orally or in writing)'.

No. 98, in page 24, line 2, at end insert—

'(8A) When an application is made under subsection (2)(a), the court may make an order under this subsection (an "interim order") containing such provision as the court considers appropriate in relation to the keeping of an animal until the application is finally determined.

(8B) Subsections (4), (5)(a) and (8) apply in relation to an interim order as they apply in relation to a seizure order.'. .—*[Mr. Bradshaw.]*

**Clause 44**

APPEALS AGAINST DEPRIVATION ORDERS AND SEIZURE ORDERS

*Amendments made:* No. 99, in page 24, line 15, leave out from 'may' to end of line 16 and insert

'appeal to the High Court of Justiciary against the order by the same procedure as applies under subsection (1) in relation to a deprivation order.'.

No. 100, in page 24, line 17, leave out from the beginning to 'may' in line 18 and insert

'The disqualified person by reference to whom a seizure order is made, or any person (apart from that disqualified person) who entered the process prior to the making of the order,'.

No. 101, in page 24, line 19, leave out subsection (4).

No. 102, in page 24, line 28, leave out 'an' and insert

'a deprivation order or seizure'.

No. 103, in page 24, line 28, after '(5),' insert

'or such an order is not executable because decree has not been extracted,'.

No. 104, in page 24, line 32, at end insert 'or inexecutable'.—*[Mr. Bradshaw.]*

**Clause 45**

DEPRIVATION ORDERS, SEIZURE ORDERS AND INTERIM ORDERS: OFFENCES

*Amendment made:* No. 105, in page 25, line 16, after 'section' insert '43(8A) or'. —*[Mr. Bradshaw.]*

**Clause 56**

ORDERS AND REGULATIONS

*Amendments made:* No. 81, in page 29, line 24, after 'Act' insert

', except the power under section 15(1) of the National Assembly for Wales,'.

No. 49, in page 29, line 26, after '5(4),' insert

'[Docking of dogs' tails](11),'. —*[Mr. Bradshaw.]*

**Clause 57**

GENERAL INTERPRETATION

*Amendment made:* No. 61, in page 30, line 9, at end insert—

'"suffering" means physical or mental suffering and related expressions shall be construed accordingly;'.—*[Mr. Bradshaw.]*

**Schedule 3**

MINOR AND CONSEQUENTIAL AMENDMENTS

*Amendments made:* No. 50, in page 39, line 16, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 51, in page 39, line 31, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 52, in page 40, line 17, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 53, in page 40, line 25, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 54, in page 40, line 35, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 55, in page 41, line 4, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 56, in page 41, line 21, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 57, in page 41, line 26, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 58, in page 41, line 30, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 59, in page 41, line 34, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.

No. 60, in page 41, line 37, after 'sections' insert

'[Docking of dogs' tails] (1) and (2) and'.—*[Mr. Bradshaw.]*

*Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, signified.]*

10.56 pm

**Mr. Bradshaw:** I beg to move, That the Bill be now read the Third time.

The hour is late, we have discussed many weighty matters in the course of this afternoon and evening and I think that the House would prefer it if I kept my remarks brief. I start by acknowledging a satisfying, but not altogether common, feature of our deliberations this afternoon, this evening and over the past few weeks, which is that the Bill has benefited from substantial cross-party support. The Opposition parties did not divide the House on Second Reading, and they have played a constructive hand during the detailed consideration of the Bill. We have had a good and rational debate, and Members on both sides have made important contributions. That good atmosphere enabled the Government to listen and, I hope Members will agree, improve the Bill in several important respects.

I pay tribute to all Members who participated in debates on the Floor of the House and in Committee. The debates have been conducted with good humour and in a positive spirit. I thank Members on both sides of the House, Back Benchers and others, particularly the hon. Members for Leominster (Bill Wiggin) and for South-East Cambridgeshire (Mr. Paice), as well as the hon. Member for Lewes (Norman Baker) who has recently announced his, I hope, temporary retirement from his party's Front Bench. He will be missed, particularly on issues of animal welfare. I also thank the hon. Members for North Thanet (Mr. Gale) and my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) for chairing the Committee proceedings with such skill and verve. We should also thank the Select Committee on Environment, Food and Rural Affairs, chaired by the right hon. Member for Fylde (Mr. Jack), for its work on the pre-legislative scrutiny of the Bill. I also thank the Minister for Climate Change and the Environment, my hon. Friend the Member for Scunthorpe (Mr. Morley), under whose stewardship the Bill saw its conception. I am sure that all Members of the House will acknowledge his long-standing and valuable contribution to furthering animal welfare in this country. I also acknowledge the support of the members of my team in DEFRA. They were superb. They worked long and hard hours to bring the Bill to this stage and I fear that they have more such hours ahead of them.

This is an historic day for the welfare of animals in this country. I commend the Bill to the House.

**Bill Wiggin:** The Bill has been four years in the making and I have followed it closely since the beginning. I was a member of the Select Committee that scrutinised an earlier draft of the Bill and I saw the current Bill through Standing Committee on behalf of the Opposition.

The Conservative party has always supported what we see as the Bill's primary intentions: updating and consolidating a century of fragmented and outdated legislation, and introducing the positive duty of care. We recognise the importance of the legislation and have

*[Bill Wiggin]*

taken every opportunity to work consensually and constructively with Members on both sides of the House. Moreover, the scientific evidence to which I attach so much importance is such that legislation founded on it will always transcend political divides.

With that in mind, I pay tribute to the role played by the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), in making the legislation possible. It was his first Bill and I congratulate him on the result. He was always prepared to welcome comment and counsel and subsequently to change his position. In any other Minister that could easily have been misconstrued as uncertainty or indecision, but not in the hon. Gentleman. He listened to advice about statutory improvement notices, allowed me to convince him of its merits and changed Government policy accordingly. I have no hesitation in thanking him publicly.

The hon. Gentleman listened carefully to the case for expanding the fighting offence in clause 7 to include all those with involvement in animal fights. At the behest of the Opposition, he added provisions to improve procedures under clause 16 for notifying owners that their animal is in distress. He allowed colleagues to persuade him to resolve the future of tail docking on the face of the Bill rather than, as he planned, through secondary legislation. He proved to be flexible about expanding the definition of "suffering" to include mental as well as physical harm.

If the hon. Gentleman continues to legislate in that constructive manner, and allows Parliament to scrutinise his proposals, I shall look forward to working with him again. Furthermore, other Ministers could do a lot worse than to learn from him.

I thank all members of the Standing Committee, as well as my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) and all Members who spoke. I also thank the Chairmen of the Committee, the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble) and my hon. Friend the Member for North Thanet (Mr. Gale), the Select Committee, chaired by my right hon. Friend the Member for Fylde (Mr. Jack), and all the people outside this place who so assiduously—indeed, copiously—wrote in with their views.

Tonight, we shall send the Bill to the other place and their lordships will be grateful for the hard work and effort made by the Chamber and for the improvements that we are proud to have made.

11.1 pm

**Mr. Drew:** I, too, express praise for my hon. Friend the Minister. He certainly listened and went further than some of us anticipated on tail docking, allowing us a full debate even if, in my opinion, we came to slightly the wrong conclusion—we live to fight another day.

My hon. Friend has made it clear throughout that he did not want the Bill to become a Christmas tree Bill—as he described it—to which we could all stick our baubles. I look forward to the resolution of issues such as electric shock collars, snares and the keeping of primates as pets.

**David Taylor:** My hon. Friend lists some of the unresolved matters, but as a fellow member of the Select Committee, does he agree by and large that the Bill is a shining example of what can be done with pre-legislative scrutiny in achieving a relatively uncontroversial Bill with the wide consensual support of the House? Does he agree that the Government should use pre-legislative scrutiny much more as the Bill is a classic example of that working at its best?

**Mr. Drew:** I agree. I took part in the pre-legislative scrutiny of the Bill as well as serving on the Standing Committee. I thank all Members who took part. One of the most interesting things was that Government Members probably talked for as long as Opposition Members, which must be unique. In doing so, I hope that we were able to make our points. No party can claim the monopoly of righteousness on this matter so it is right that Back Benchers should make proposals, even if we did not get them to exactly the point we wanted. However, the Government and my hon. Friend the Minister will want to continue that work in due course, and I hope that the measure makes progress and that a good Bill comes back from the Lords.

11.4 pm

**Norman Baker:** I thank all members of the Committee and the Minister for his constructive approach to the Bill. At the beginning of its passage, I drew his attention to the way that his colleague, the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for South Dorset (Jim Knight), had dealt with the Natural Environment and Rural Communities Bill in a constructive and consensual manner, which had improved it. The Minister has followed that path, emulated his colleague and we have a better Bill. I congratulate him on the way he has brought the Bill through Committee and to the House. As I told the Minister's colleague, when Ministers listen and amend Bills, it is a sign of strength, not of weakness. I congratulate the Minister on proposing a Bill that was good to start with, and is better as a consequence of the amendments that have been made in Committee and on Report.

I congratulate the Conservative Front Benchers—the hon. Members for Leominster (Bill Wiggin) and for South-East Cambridgeshire (Mr. Paice)—on their approach to the Bill, as well as Labour Back Benchers on theirs, to pick up the point made by the hon. Member for Stroud (Mr. Drew). Those hon. Members who have served on many Standing Committees are used to seeing massed ranks of statues behind Ministers—the Labour Back Benchers who say nothing and sit there doing their casework for days on end. On this occasion, without exception, the Labour Back Benchers who served on the Committee took part and made some constructive comments. Generally, the Bill was considered more fully and sensibly as a consequence of their efforts as well, and I hope that Labour Back Benchers will take a lesson from that and apply it elsewhere.

**Anne Snelgrove:** Labour Back Benchers always make constructive comments; we do not necessarily make them in public.

**Norman Baker:** On grounds of accountability and democracy, I encourage the hon. Lady to make her comments in public in future—obviously, we could then

all hear what was being said and we might even agree with it. The example set by the Bill is one that should be followed in future.

It is a good Bill. It is not perfect, of course. There are issues with which we disagree—it would be extraordinary if we did not—and I hope that some of the issues to which the hon. Member for Stroud referred will be dealt with under secondary legislation. I understand the comments about Christmas trees, but we have taken on trust the Minister's assurance that measures will be introduced on a range of issues that people feel very strongly about—whether electric shock collars, greyhounds or the other issues that hon. Members have raised in the Chamber today and in Committee—and we want the Minister to deliver those assurances under secondary legislation and look forward to that happening.

I draw the Minister's attention to the fact that, under clause 63, there is a commitment to do nothing very much at all in implementing the Bill. We only have his word about that—I am happy to take his word, of course—but we want further action to ensure that this enabling Bill, which we will shortly pass on to the other place, is acted on using statutory instruments in due course.

Of course, I am particularly pleased about clause 8, which introduces the RSPCA's five freedoms and is the cornerstone of the Bill in many ways. It is very important indeed and will go a long way to ensure that some of the awful examples of cruelty, which the RSPCA and others have drawn to hon. Members' attention over many years, will be curtailed and can be properly prosecuted by the appropriate authorities when they are detected, often earlier than has been hitherto possible.

This is the first Animal Welfare Bill for 95 years. Of course, the Protection of Animals Act 1911 was introduced by a Liberal Government. Obviously, animals have had to wait for another Liberal Government, which has not happened since those days, unfortunately—so we have had to rely instead on a Labour Government to introduce another Bill to update that very important 1911 Act. I am pleased that the Government have done so. Animals will be better protected as a consequence of the Bill. I am also pleased that it has been possible to do so in a spirit of consensus and co-operation across all parties—something of which we can be proud.

Lastly, I thank the Minister for his kind comments and assure him that it is my intention that my departure from the Front Bench will be temporary.

11.8 pm

**Derek Conway** (Old Bexley and Sidcup) (Con): The hour is late and I shall be brief. The House has been genuinely congratulatory of the Minister, and those hon. Members who took part on Second Reading and watched the Committee in progress feel that he has made a particular contribution to the Bill. For those in the animal welfare lobby who have been arguing about bits of the Bill for nine years now, there was some doubt whether it would ever come to fruition. On Second Reading, we spoke about it being a Christmas tree Bill, which is why Conservative Members were always a bit scared of introducing such legislation when we were in power. I am very glad that the Conservative Front-Bench team has welcomed the Bill tonight and has been constructive as well.

What the Minister has achieved is undoubtedly notable, and what the animal welfare charities will look for in the future is what happens with the regulations and how the Government respond. The one word of advice that I urge on him is that, both in the House and particularly among those who advise Ministers, there is the view that the only organisation that has a serious view on animal welfare interests in this country is the RSPCA. It is a really good organisation and, although it has its critics, it does a splendid job. The companion welfare charities, however, such as the Dogs Trust and Cats Protection, with which I have been involved, take an interest in a single species, so their experience and knowledge tends to be much better than that which Ministers will find in the RSPCA. As regulations are introduced, I hope that the Minister will seek a wider input and look beyond that notable charity to charities with a specific interest in different types of animals. The Minister is rightly to be congratulated, and people working in animal welfare on a daily basis will not forget his contribution.

11.10 pm

**Mr. Hollobone:** I, too, congratulate the Minister on the Bill's passage through the House. I very much enjoyed serving on the Committee, and I am grateful for his comments. He will not be surprised to learn that I am disappointed that he has not taken on board the seriousness with which greyhound welfare charities view the state of the greyhound industry. There are many well-organised greyhound tracks, as he knows, and the British Greyhound Racing Board has a good reputation. However, there are 20 or so unregistered greyhound tracks, and proper regard is not paid to the welfare of thousands of greyhounds. In this country, there are—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I hate to intrude on the benign atmosphere on Third Reading, but I am bound to remind hon. Members, particularly the hon. Gentleman, that on Third Reading one must confine one's remarks, apart from the usual thanks, to the contents of the Bill, rather than the things that are not in the Bill.

**Mr. Hollobone:** As always, I am grateful for your advice, Mr. Deputy Speaker. It is extraordinarily difficult in the House, especially for a new Member, to advance the cause of greyhound welfare. I have done my level best to try to make the Government listen to my concerns.

**Mr. Deputy Speaker:** Order. I always want to be helpful, particularly to new Members, so may I suggest the device of an Adjournment debate?

*[Mr. Hollobone]*

**Mr. Hollobone:** Thank you, Mr. Deputy Speaker.

I am genuinely pleased that the Government have introduced a Bill on animal welfare, but I hope that the limited provisions on greyhounds are applied.

**Norman Baker:** I wish to be helpful to the hon. Gentleman, so can he explain how clause 8, which deals with the duty of people responsible for animals to ensure their welfare, applies to greyhounds?

**Mr. Hollobone:** I am grateful for the hon. Gentleman's suggestion, and I believe that clause 8 would be helpful. In the Bill, the Government are looking at draft codes of conduct, so at this late stage may I urge the Minister to consider introducing an early draft code of conduct on greyhounds? That would be very much appreciated in the greyhound industry, and I hope that the issue is debated further when the Bill proceeds to the other place.

11.13 pm

**Mr. Peter Bone** (Wellingborough) (Con): It is a pleasure to follow my hon. Friend the Member for Kettering (Mr. Hollobone), with whom I very much agree.

I wish to stick to a specific matter in the Bill. I congratulate the Government on introducing a very good welfare Bill, but I should also like to comment on the fact that, as my hon. Friend the Member for Old Bexley and Sidcup (Derek Conway) said, the RSPCA is not the only organisation that is worried about the welfare of animals. I have received a representation in my constituency from Mr. Andrew Meads, who runs Safe Wings. That unusual organisation protects wild birds, and injured birds are brought to the sanctuary from miles around. They are housed and rehabilitated before being released into the wild. Unfortunately, the Bill was not designed to take that unusual project into account, which may well have to close because of the licensing arrangements. Mr. Meads is concerned that unless there is a light regulatory touch that wonderful bird sanctuary will have to close. I hope that that will be considered in the other place.

*Question put and agreed to.*

*Bill accordingly read the Third time, and passed.*

## DELEGATED LEGISLATION

**Mr. Deputy Speaker (Sir Alan Haselhurst):** With the leave of the House, I shall put together the two motions.

*Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),*

### Disabled Persons

That the draft Rail Vehicle Accessibility (Gatwick Express Class 458 Vehicles) Exemption Order 2006, which was laid before this House on 7th February, be approved.

### Pensions

That the draft Occupational Pension Schemes (Levies) (Amendment) Regulations 2006, which were laid before this House on 15th February, be approved.—*[Mr. Dhanda.]*

*Question agreed to.*

## EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),*

### Air Traffic Management

That this House take note of European Union Document No. 15143/05 and Addendum 1, Commission Communication and draft Council Regulation on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR); and endorses the Government's prudent approach to the Commission's proposals, as set out in the Explanatory Memorandum.—*[Mr. Dhanda.]*

*Question agreed to.*

## ADJOURNMENT (EASTER)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 25 (Periodic adjournments),*

That this House, at its rising on Thursday 30th March 2006, do adjourn till Tuesday 18th April 2006.—*[Mr. Dhanda.]*

*Question agreed to.*

## NORTHERN IRELAND GRAND COMMITTEE

*Motion made, and Question put forthwith, pursuant to Standing Order No. 116 (Northern Ireland Grand Committee sittings)),*

That—

(1) the matter of the Review of Public Administration in Northern Ireland be referred to the Northern Ireland Grand Committee;

(2) the Committee shall meet at Westminster on Tuesday 28th March at half-past four o'clock; and

(3) at that sitting—

(a) the Committee shall take questions under Standing Order No. 110 (Northern Ireland Grand Committee (questions for oral answer)), and shall then consider the matter referred to it under paragraph (1) above;

(b) the Chairman shall interrupt proceedings not later than two and a half hours after the commencement of proceedings on the matter referred to the Committee; and

(c) at the conclusion of those proceedings, a motion for the adjournment of the Committee may be made by a Minister of the Crown, pursuant to paragraph (5) of Standing Order No. 116 (Northern Ireland Grand Committee (sittings)).—*[Mr. Dhanda.]*

*Question agreed to.*

## PETITION

### Sentencing Guidelines

11.15 pm

**Nia Griffith** (Llanelli) (Lab): I am grateful for the opportunity to present a petition. It concerns the very serious issue of the deliberate manslaughter of Stuart McKibbin. I record my thanks and that of the McKibbin family for the support shown to them by the petitioners, the local press and Peter Lewis from Support After Murder and Manslaughter.

The petitioners declare that the sentence passed for the manslaughter of Stuart McKibbin is inadequate and further declare that, despite taking a life, the perpetrator could be freed after serving only three and a half years of a seven-year sentence.

The petitioners therefore request that the House of Commons urge the Home Secretary to refer the sentencing guidelines for manslaughter to the Sentencing Guidelines Council.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Wind Farms (Northumberland)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Dhanda.]*

11.16 pm

**Mr. Alan Beith** (Berwick-upon-Tweed) (LD): The House seems to be returning to its old ways. This is the second night running that I have taken part in an Adjournment debate after 11.15 pm, but I am nevertheless glad of the opportunity to raise the role of the Department of Trade and Industry in wind farm applications in Northumberland.

Northumberland is facing a massive wave of applications for wind farms, with a heavy concentration of applications in the stretch of beautiful open countryside that lies between Berwick and Alnwick, and further clusters of applications or potential applications around the boundaries of my constituency at Ellington, Lynemouth and Longhirst, around Longhorsley, and around Kirkwhelpington, which lies over the boundary in the neighbouring Hexham constituency. The hon. Member for Hexham (Mr. Atkinson) is present tonight.

Those sites lie in the areas of four planning authorities. I have so far counted four actual and one potential application in Berwick borough, one actual and three potential applications in Alnwick district, one actual and seven potential applications in Castle Morpeth, and two over the border in Tynedale. A total of almost 200 turbines is in prospect in or alongside my constituency, with further applications over in the Kielder area. Even many constituents who are sympathetic to the development of wind power have found this a bewildering and daunting prospect.

The Department of Trade and Industry has several roles in relation to these applications. First, it takes to itself the decision on wind farms with an installed capacity of 50 MW or more. So far this includes the Middlemoor application, north of Alnwick, and the Ray estate proposal near Kirkwhelpington. Secondly, it has a role alongside the Office of the Deputy Prime Minister if an application below that size is the subject of an appeal against local authority refusal. Obviously, any of the sites may be the subject of such an appeal following a local planning authority refusal, and then the issue would be taken out of the hands of the local community.

Thirdly, the DTI is responsible for Government energy policy, for delivering on the Government's renewables targets, and indeed for the incentives that have encouraged so many companies to put in applications for wind farms, which many people would see as a conflict of interest with its role in the planning process. I shall consider each of those aspects of the Department's role.

A question ought to be raised about why the DTI is taking decisions at all in cases such as Middlemoor. The power under which this is happening was, I suspect, included in the Electricity Act 1989 to make it easier for major strategic power plants to get approval. Even if that could be justified—I served in Committee on the 1989 Act, where we sought to amend those provisions—it hardly seems appropriate to use the 1989 Act to separate a few wind farm applications from the rest for central consideration without a proper local planning

*[Mr. Alan Beith]*

decision. Because wind power is intermittent, the average output of a 50 MW wind farm is probably less than 20 MW. Why does the Minister not hand the planning responsibility for Middlemoor back to Alnwick district council, which is the local planning authority? Why not let local people decide?

If the DTI insists on making the decision, the local planning authority can insist on a public inquiry, but central Government will still make the decision, which seems completely inappropriate. Incidentally, I understand that this week the DTI asked Alnwick district council to defer consideration of its views on Middlemoor while further information is sought from the developer. Perhaps the Minister will tell me what that is all about.

When the DTI deals with an application, how does it assess local opinion? There are differing views on the various applications in Northumberland, but a number of them, including Middlemoor, have attracted vigorous opposition. The DTI's process of inviting comments by an early date has not left people with the feeling that they have had a fair hearing or that their views are being taken seriously. Furthermore, the Middlemoor and Ray applications need to be seen in the context that I have described, because so many applications are coming forward. How can the DTI rule on the Middlemoor application without knowing what Berwick borough council will decide on the nearby Wandylaw application or the three sites further north?

What frightens many people is the prospect of a chain of five or more sites with more than 60 turbines stretching through the countryside west of the A1 from Alnwick to Berwick, all visible from popular viewpoints such as Ros castle and the Cheviot hills. Tourism is now of crucial importance to jobs and businesses in Northumberland, and, although I do not accept the argument that every wind farm necessarily poses a threat to tourism, a development on anything like this scale would totally change the landscape and views that tourists come to enjoy. The Minister must tell us how he will prevent a situation in which he takes a decision on the Middlemoor site without regard to the risk of a ribbon development of wind farms.

**Mr. Peter Atkinson** (Hexham) (Con): I am grateful to the right hon. Gentleman for giving way. The chain will be even longer than that, because it will run from the A68 to the A1. We could end up with a chain of turbines running right across some of the most beautiful landscapes in Northumberland.

**Mr. Beith:** That is a genuine concern. People who would judge one application on its merits are seriously worried about the cumulative effect.

If the local planning authorities decide to refuse most of the major applications in the area, will they face having their decisions overturned by the combined forces of the DTI and the Office of the Deputy Prime Minister on appeal? In that respect, they have taken some encouragement from the Minister's acceptance of the inspector's decision to refuse a major wind farm application at Whinash in Cumbria, but will the Cumbrian refusal make refusals in Northumberland less likely, so as to keep up with the targets?

Critics of the wind farm plans see such developments against the background that the DTI leads on energy policy. The DTI has targets to meet—10 per cent. of energy use from renewables by 2010 and 20 per cent. by 2020. It has chosen to place very heavy emphasis within renewables on onshore wind power to meet those targets, despite the potential of wave and tidal power, solar power, geothermal power and biomass.

This week, I have received representations about the withdrawal of DTI and Department for Environment, Food and Rural Affairs funding from the community renewables initiative. That will directly hit the REALL organisation in Northumberland, which supports and enables community renewable energy projects in the very villages that are most likely to be affected by the wind farm proposals, such as ground force heat pumps in Lowick and Etal.

While those incentives are being removed without anything being promised in their place to promote community renewables, the incentive for the generating companies to go for the wind power option seems to have been set too high. There is a lot of scope for the use of wind power in micro-power projects. The smaller windmills powering local businesses or groups of houses gain much readier public acceptance, and some such schemes are under discussion, but we need a more broadly based renewables strategy. For the Department that has locked itself into wind power targets to decide local planning decisions strikes many of my constituents as wrong in principle and worrying in practice.

I should also mention something that might influence the Minister more than it should: the regional spatial strategy. The strategy has been produced by the unelected regional assembly, so it has no democratic authority. Its proposals are fiercely contested on many grounds, some of which relate to housing. It is especially relevant for tonight's purposes that the strategy is contested, because of its designation of a significant part of Northumberland as having the potential for wind farm development.

The draft strategy is at the consultation stage, and the Minister needs to be aware that major objections have been put in about the question of areas that are claimed to be suitable for wind farms. Some of the objections challenge the principles on which areas have been designated, while others challenge the technical accuracy of the work done on the strategy. The target that the assembly has set for wind power in Northumberland is three times what the national 10 per cent. target would suggest, so that, too, is being vigorously contested by many people who have put in objections to the strategy. At this stage, the Minister cannot rely on the draft, and much questioned, regional spatial strategy to justify a presumption in favour of applications at Middlemoor or elsewhere in Northumberland, so I hope that he will not attempt to do so.

Many people accept that wind generation has a part to play, alongside other renewables, in reducing $CO_2$ emissions and developing a sustainable energy policy. Some people genuinely like the sight of wind turbines and do not find them too intrusive. For example, the wind turbines on the harbour wall at Blyth often get quite favourable comments. However, most people think that there are landscapes and views that are too attractive and distinctive for us to allow them to be

fundamentally changed by the erection of turbines, pylons or a variety of other developments, and that a cumulative growth of wind turbines marching across many miles of countryside is something to be avoided.

The process by which some decisions are taken by a central Department with a policy interest in approving wind farms, with others taken separately by neighbouring planning authorities, is not a satisfactory way of reconciling concerns and making good decisions. I would like local authorities to be able jointly to mount a public hearing at which all applications could be considered at the same time, without the involvement of the DTI. All local views could then be heard, as could the developers, and coherent decisions could be made by local planning authorities. It would be much better if the Minister would take a step back and persuade his colleagues in the Office of the Deputy Prime Minister to help him to ensure that there are no obstacles to such a genuinely local process along the lines that I have suggested. Would it be possible to have an open hearing at which all views could be heard, but with the decision still taken locally, or is that too much to hope for?

11.27 pm

**The Minister for Energy (Malcolm Wicks):** I am grateful to the right hon. Member for Berwick-upon-Tweed (Mr. Beith) for giving me the opportunity to explain the role of the DTI in wind farm applications. He referred to the relative lateness of the hour, but I am bound to say that when I rose at 5 am to go to Brussels, this was always going to be the highlight of my day—I mean that most sincerely. I should make it clear that I am unable to comment, as he will understand, on individual applications, given the Secretary of State's quasi-judicial role on consent decisions. However, I realise that the right hon. Gentleman is questioning that role.

Let me say something about the statutory position. Section 36 of the Electricity Act 1989 gives the Secretary of State responsibility for decisions on development consents in England and Wales for onshore electricity generating stations, including wind farms, with a capacity above 50 MW. When granting such consents, he can also deem planning permission to be granted under section 90 of the Town and Country Planning Act 1990. Applications for generating stations up to 50 MW are dealt with by local planning authorities under the normal planning regime.

The logic behind applications above 50 MW being determined by the DTI is that energy supply is of vital national importance. While that is generally recognised, there can also be a tendency for any local community to resist the location of energy infrastructure in their area. Clearly we need the infrastructure and it has to go somewhere. The right hon. Gentleman would soon be initiating an even grander debate if his constituents found that they were not getting an electricity supply, so there is a tension between the two requirements.

As we need the infrastructure, the long-standing arrangement has been that central Government take decisions on projects above 50 MW. However, that is not to say that decisions on larger projects circumvent the planning system or that local people do not have a say. Local planning authorities are always consulted. Their views, and those of local communities, are taken into account by the Secretary of State, who also seeks advice from the relevant environment, nature, conservation and heritage bodies before taking a decision. Should a planning authority object, the Secretary of State is obliged under the 1989 Act to hold a public inquiry. Even if a planning authority does not object, he has the discretion to hold an inquiry in the light of other representations received. Were a public inquiry to be held, it would be presided over by an independent inspector, and those who wished to attend and give evidence would be invited to do so. The right hon. Gentleman mentioned the inspector's latest judgment on Whinash, which the Secretary of State supported.

As well as seeking inputs from local authorities on applications, my Department also has written advice and guidance to take into account. Planning policy statement 22 on renewable energy is particularly relevant to wind farms, as is PPS7 on sustainable development in rural areas. The same guidance is followed by the DTI and local planning authorities. There are also regional spatial strategies. Local authorities often have local development plans. Those only offer guidelines on what level of development might be appropriate, but where they exist they are clearly important factors in any decision. I am also aware that the north-east assembly and local authorities in the area have commissioned landscape capacity studies to help to inform decisions on wind farm applications in terms of their cumulative landscape impacts. Those, too, will provide an important input to decisions.

Of course, undertaking any environmental impact assessment can be complex. That is particularly so for wind farms where there are several applications in the same region.

**Mr. Beith:** I want to reinforce the point that I made in my earlier remarks. The regional spatial strategy that affects this region is still in draft and is fiercely contested, so the Minister ought not to rely heavily on its very controversial content.

**Malcolm Wicks:** Yes, I hear that. I was hoping that the right hon. Gentleman might address the need of his constituents, and all our constituents, to have energy from somewhere, and that he might add what would be acceptable to him. Perhaps that is asking too much of an Adjournment debate.

It is open to developers to acquire access to land and to submit their applications. That is in the nature of our planning system. As wind turbine technology advances, it becomes possible to site wind farms in areas where it was previously thought that the wind speeds were too low. Developers may then see potential in separate but nearby sites. Such situations raise questions as to whether allowing more than one of them to be built would create potential cumulative impacts, whether in terms of visual effects or other matters. There is an onus on the wind power industry to act sensibly in considering whether to submit applications in areas where others have already made them. It also makes sense for developers to co-operate in providing environmental impact assessments.

However, it is a competitive industry, and while multiple applications can make life more complicated for regulators, they do not make it impossible. Any

*[Malcolm Wicks]*

application submitted to my Department would have to include an environmental impact assessment that set out the applicant's view of the likely impacts of the project in its own right and its cumulative impacts with other projects. Those other projects could be operational, already consented or simply ahead in the planning queue.

**Mr. Atkinson:** The problem that we face in my constituency is that we have an application for one large wind farm that will be determined by the DTI and other applications for another wind farm, some of the turbines of which will be on the site of the first wind farm. How on earth does the local authority reconcile that problem?

**Malcolm Wicks:** To debate that fully, we would have to introduce into the picture national energy security, the importance of securing our energy from somewhere and the balances that we need to strike.

We do not require applicants to take account of proposals that are in the pipeline but not yet submitted. That would place an unfair burden on the applicant, as proposals not yet submitted might lead to an application. Details may be scanty and that could make it impossible to consider them in an environmental impact assessment.

Further complications arise when multiple applications in an area come under both the Electricity Act 1989 and the Town and Country Planning Act 1990. It is not for the Secretary of State to try to influence decisions that properly fall to local authorities. Authorities will consider applications on the basis of the same guidance and advice as is available to the Department of Trade and Industry, but the decisions are up to them.

When applications that could interact are made under both regimes and go to inquiry, they could be tackled by a single inquiry. The inspector would need to consider the individual merits of each application and the possible cumulative effects before making recommendations to the relevant decision makers.

I shall not comment on whether all or any of the applications lodged in Northumberland might have cumulative impacts on each other. Some may be too far apart to have combined effects. However, officials in the Department have been working with applicants, local authorities and the Government office to ensure that the handling of those applications is fair and transparent.

**Mr. Beith:** The Minister made a helpful point. He said that it is possible to hold a public inquiry that brings together an application—or several—with which the Department and the local authority are dealing and ensure that the inspector reports back to the respective decision makers. Is he willing to encourage the relevant authorities to take that approach to contiguous applications? Is the Department willing to co-operate with that?

**Malcolm Wicks:** As I said, that can sometimes make sense. Of course, it is also a matter for the Office of the Deputy Prime Minister and we are trying to pursue that strategy when appropriate.

We remain firmly committed to renewable energy. As the most advanced of the renewable technologies, wind power will continue to play an important role. As we consider our energy requirements and become a net importer of gas—we import 10 per cent. at the moment but 80 per cent. is projected to come from other countries by 2010—we need to have some answers about the source of energy. Some people need to talk about "yes", not "no". I hope that the right hon. Gentleman does not mind my pointing that out gently. The lateness of the hour probably means that I should not mention that Liberal Democrat spokespersons often urge me to accept that the answer is not nuclear or many other things but simply efficiency and renewables. The words, "wind farms" often pass their lips. If that is a principle, which many of us accept, we need to put it into practice from time to time. We cannot always take a "not in my back yard" position. I do not refer to the right hon. Gentleman's county, but I am trying gently to point to a dilemma as he urges us to reject wind turbines in his area.

**Mr. Beith:** I did not say that we should reject all wind turbine applications. I tried to suggest that we need a process whereby decisions for large numbers of neighbouring applications can be considered carefully on their merits and not in a way that deprives local people of a key role in such decisions.

**Malcolm Wicks:** I must not trespass on particular decisions, but I assume that that means that the right hon. Gentleman is supporting certain applications. However, it would not be fair if I were to point to that dilemma more markedly than I have done.

I do not expect the energy review, on which I am leading, to change the principles at the heart of the planning regime. In short, these are designed to ensure robust consideration of applications, which allows good projects in the right location to get approved. Sometimes, despite the controversy, the answer will be yes. Sometimes, however, as we have recently illustrated very graphically with the Whinash decision, when the answer should be no, we will be absolutely determined that the answer will be no.

I thank the right hon. Gentleman for raising the issues that particularly affect Northumberland, and for allowing us at least to consider in draft form some of the dilemmas that we are presented with when many people want to say no to all sorts of developments, although we are on the cusp in regard to energy security. We need some projects in our nation to go forward if we are to have energy security in the first half of the 21st century.

*Question put and agreed to.*

*Adjourned accordingly at twenty minutes to Twelve o'clock.*

# House of Commons

*Wednesday 15 March 2006*

*The House met at half-past Eleven o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## NORTHERN IRELAND

*The Secretary of State was asked—*

### Northern Ireland Assembly

1. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What recent assessment he has made of the prospects for the restoration of the Northern Ireland Assembly; and if he will make a statement. [57301]

5. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): If he will make a statement on the future of the Northern Ireland Assembly. [57305]

**The Secretary of State for Northern Ireland (Mr. Peter Hain):** All the Northern Ireland political parties support the principle of devolution. All of them support the principle of an Assembly and devolved government. They differ on how to achieve it. Our challenge is to bridge those differences, but one thing is certain: the current impasse cannot and will not continue. We cannot keep the Assembly standing idle; we cannot continue to pay Members of the Legislative Assembly indefinitely during suspension; and we cannot have meaningless elections in May 2007, to an Assembly that does not exist. This year is decisive, and all the party leaders will be facing some hard choices.

**Daniel Kawczynski:** I thank the Secretary of State for that answer. What is the single biggest impediment to the Assembly being reinstated? Who is to blame for the fact that the process is dragging out?

**Mr. Hain:** In the end, the Assembly can only be re-established and power-sharing governance instituted if the parties agree. Neither the Prime Minister, myself, the Irish Government nor anyone else can force Northern Ireland's parties to agree—it is a decision for them—but they will face a hard choice later this year if they do not reach that agreement.

**Mr. Ellwood:** Although the Assembly is suspended and has not met for three years, it continues to cost the taxpayer more than £100 million and 108 Members of the Legislative Assembly continue to draw their salaries. Two months ago, the Secretary of State said:

> "I'm not giving a particular month, but I am saying that if we haven't seen progress by the summer, the first decision that I'm going to have to make is over continued payment of salaries and also allowances."

Can he update the House on what progress has been made on the re-establishment of the Assembly and the cutting of salaries?

**Mr. Hain:** What I said previously—the hon. Gentleman quotes me accurately—remains the case.

**Mr. Eddie McGrady** (South Down) (SDLP): After an ill-advised deadline of 8 March has come and gone, will the Secretary of State now address the proposals of the Social Democratic and Labour party, which called for the re-establishment of a fully devolved Administration—if necessary, with a temporary Executive appointed from non-elected members or, indeed, consisting of the Northern Ireland Office Ministers themselves—until such time as an agreed Executive can be formed? Does he not agree that that would encourage the parties to participate and that their failure to do so would be a rejection of their mandate and, in a sense, an illustration of the fact that they are putting party before people?

**Mr. Hain:** I understand the point that hon. Gentleman makes, but he has not persuaded, nor has his party, any other party to support that proposition. That is his problem, and there is no point in inviting me, as Secretary of State, to back that policy, when no party, apart from the SDLP, will subscribe to it.

**Lembit Öpik** (Montgomeryshire) (LD): The Secretary of State talks about the restoration of the Assembly, but he allows his Ministers to make extraordinarily important decisions—for example, about the Northern Ireland education system—that should be left to a reconstituted Assembly. If he is so sure that we can get the Assembly running again, why does he allow the Under-Secretary of State for Northern Ireland, the hon. Member for Basildon (Angela E. Smith), to talk about doing away with the selection process, which, as everyone knows, needs to be the subject of considerably more consultation and discussion in Northern Ireland? Surely, regardless of where individual Ministers stand on selection, the Government need to agree that such a decision should be left to the Assembly. If they do not, it raises questions about how optimistic they are about the reconstitution of the Assembly.

**Mr. Hain:** Is the hon. Gentleman telling me that he supports a child's future being decided on the basis of a test at the age of 11? Is that what he supports? Is it new Liberal Democrat policy that a child can either be relegated to a secondary school in Northern Ireland, with no decent future, or go to one of the excellent grammar schools? Is that the Liberal Democrat policy? Of course, such a decision should ideally be made by a devolved Assembly. However, until there is a devolved Assembly, we must govern in the interests of Northern Ireland on the economy, on health, with waiting lists coming down, and on reforming the school

14 to 19 curriculum in the interests of all those children in Northern Ireland who have been failing so consistently under the system for so long.

**Rev. Ian Paisley** (North Antrim) (DUP): Why does the Secretary of State not face up to issue that there is one party that will not agree to the so-called basis of the agreement, namely that we all should be democrats? When will the Government be prepared to say, "There's only one way in, and that way is for everyone. You have not kept that way. Therefore, you have to be excluded."? The time has come when he has to decide whether he will tell those who agree with terrorism that they can be in the Government.

**Mr. Hain:** If the right hon. Gentleman is saying that Sinn Fein has not committed itself following the IRA statement—and, to be fair to it, for many years before—to a democratic, peaceful and political path, I do not think that he is judging the evidence as it has been presented to us. If he is also asking me to bar a very important part of the Northern Ireland political constituency from representation in the Assembly or a power-sharing Government, I cannot agree with him on that. We have got to make progress. His party needs to talk to the other parties and, at some point sooner rather than later, his party needs to talk to Sinn Fein, because it is the second largest party in Northern Ireland.

**Mr. David Lidington** (Aylesbury) (Con): As the Secretary of State knows, we hope that these talks succeed. However, can he confirm that the Government accept the principle that no one should serve as a Minister in a Northern Ireland Executive unless he or she is willing to accept the legitimacy of the police and the courts and give firm support to both those institutions?

**Mr. Hain:** Obviously, it is essential that all parties subscribe to the rule of law, and I agree with the hon. Gentleman on support for policing as well. We have repeatedly called for Sinn Fein to come into line and support policing in Northern Ireland. There is absolutely no reason for it not to do so. Indeed, there is increasing pressure from within republican communities for their elected representatives to co-operate with the police in combating ordinary crime. So we are absolutely agreed on that.

**Mr. Lidington:** I am grateful for that assurance from the Secretary of State. If, as we hope does not happen, these talks do not succeed in allowing for the reconstitution of the devolved institutions, can he give the House an assurance now that, although we welcome and value close co-operation with the Irish Republic, joint authority as a means of governing Northern Ireland in the absence of devolution would be at complete variance with the principle of consent in the Belfast agreement and, therefore, should be rejected?

**Mr. Hain:** I do not think that anybody is talking about joint authority. I very much welcome the hon. Gentleman's support for the general strategy that we have adopted, and I acknowledge that and the constructive role that he is playing in seeking to persuade all the parties to find a common way forward. But I am not anticipating failure. I think that there is a real prospect of getting the Assembly up and running and getting power-sharing governance at the end of that. Let us work on that together, as I am sure that he wants to do.

### Health and Personal Social Service Regulation and Improvement Authority

2. **Mrs. Iris Robinson** (Strangford) (DUP): What the remit is of the Health and Personal Social Service Regulation and Improvement Authority; and if he will make a statement. [57302]

**The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Shaun Woodward):** The remit of the independent authority is to monitor, inspect and encourage improvement in the availability and quality of health and social services, and to regulate a wide range of services delivered by HPSS bodies and by the independent sector.

**Mrs. Robinson:** I thank the Minister for his response, but he will be aware that the authority has recently investigated the tragic death of Janine Murtagh at the Royal Victoria hospital. The coroner in the case wrote to the previous Health Minister to express concern about a claim by seven consultant surgeons at the RVH about obstruction in getting gravely ill patients to theatre for surgery. The authority said that this was not a factor in the Murtagh case, but will the Minister agree to a meeting with me and Mr. Murtagh to discuss Mr. Murtagh's grave concerns about the letter and the authority's response?

**Mr. Woodward:** First, I know that the trust has already apologised to the Murtagh family, and may I, on behalf of the Department, extend my deepest condolences to Mr. Murtagh following the tragic death of his wife? The hon. Lady knows that the coroner made those recommendations and that the Under-Secretary, my hon. Friend the Member for Basildon (Angela E. Smith), when she was Health Minister, asked the regulation authority to conduct an independent review. The independent review published its findings last October and it found that, in this instance, there was no evidence to support the allegations made by the hon. Lady. That being said, it has been necessary to make a number of very significant changes to clinical practice at the hospital—those have happened—and the authority will monitor and report on those changes. There are also implications for the health service more widely in Northern Ireland, and I am insisting that we learn the lessons of the tragic death of Mrs. Murtagh and that we apply those lessons for the benefit of all patients in Northern Ireland. I will be more than happy to meet Mr. Murtagh, with the hon. Lady, to discuss those changes.

### Unemployment

3. **Ben Chapman** (Wirral, South) (Lab): If he will make a statement on levels of unemployment in Northern Ireland. [57303]

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** Over the past year unemployment fell by 4,000 and now stands at 4 per

cent., with 32,000 people unemployed, compared with the UK rate of 5 per cent. That is the lowest recorded level in Northern Ireland and we also have the highest levels of employment ever.

**Ben Chapman:** That is good news, but there is a particular issue about those who are classified as economically inactive. Will my hon. Friend tell me what is being done to give help and encouragement to them?

**Angela E. Smith:** One of the key areas that we have to address in supporting the economically inactive back into work is skills. That is why my right hon. Friend the Secretary of State's announcement about the skills and science fund is so important. Despite the support from the Liberal Democrats for an education system that currently supports 24 per cent. of the working population having no qualifications—the figure is only 13 per cent. for the rest of the UK—we have to ensure that our work force are skilled. Through the skills and science fund, we will support pathways to work to get the economically inactive back into work, but also ensure that we provide additional support for young people coming out of school and those who have been out of work for some considerable time.

**Lady Hermon** (North Down) (UUP): Given the Government's strong support for restorative justice schemes in Northern Ireland, I am sure that the Minister will be very concerned to know that those who run and work for the very successful IMPACT restorative justice scheme in North Down are about to become unemployed through lack of funding. Will she try to prevent the increase in unemployment in my constituency by pledging support for the IMPACT scheme today?

**Angela E. Smith:** My hon. Friend has found a creative way to address the issue of unemployment. My right hon. Friend the Secretary of State has indicated that guidelines are currently being prepared on restorative justice and they will inform decisions that are being made on the issue.

**Dr. Alasdair McDonnell** (Belfast, South) (SDLP): I thank the Minister for her comments and welcome the relatively low levels of unemployment. However, does she agree that there are significant levels of under-employment, with well qualified people employed in jobs for relatively unqualified people or low level jobs? Secondly, there is a fairly high level—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. One question will be enough on this occasion. We are limited for time.

**Angela E. Smith:** I entirely agree with my hon. Friend on that issue. As our recent manufacturing report highlighted, we must consider three requirements if we are to increase employment and grow the economy. We need to be innovative and creative, invest in research and development and ensure that we have a highly skilled work force. Only by skilling up our work force, using the skills and science fund, can we address the points that he makes. We need to attract inward investment in Northern Ireland to create jobs. We will create high quality jobs only if we have the skills that match.

**Mr. Laurence Robertson** (Tewkesbury) (Con): Of those who are unemployed, 33.8 per cent. are long-term unemployed, compared with the UK average of 20.7 per cent. Those are the figures that the Secretary of State quoted in a speech to the Fabian Society in January. Equally worrying are the new deal figures, which show that as many young people in Northern Ireland are economically inactive now as when the Government came to power. Why are those figures so unfortunate and what can the Minister do about it?

**Angela E. Smith:** There are a number of issues. One of them is about ensuring that we have an education system and training system that addresses the challenges of the future. At present, we find that 24 per cent. of the working population have no qualifications. If young people are coming out of school with no qualifications because, at the age of 11, they were put into a system that did not allow them to reach their full potential, we do not meet the employment needs that we need to meet. The skills and science fund, the reviews of education and the changes in the curriculum will ensure that we skill our young people and get the economically inactive back to work. We are extending the pathways to work scheme, which has been very successful in England.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): Although I welcome the reduction in unemployment figures and the work that the Government are doing, the Minister will be aware that the public sector contribution to gross domestic product from Northern Ireland is the highest in the UK. What initiatives has she undertaken with the private sector to ensure that there is a more even distribution and, in an increasingly globalised world, what initiatives and talks has she undertaken with the Republic of Ireland on that issue?

**Angela E. Smith:** My right hon. Friend is quite right to highlight that point. Public spending, at more than 60 per cent. of the GDP a head, is nearly one third higher than the UK average. The imbalance in jobs between the public and private sectors is a problem when looking to the long-term future of the economy. We need to encourage businesses to be innovative, creative and invest in research and development. Those factors encourage investment into Northern Ireland. If we do not improve the performance of the private sector, we do not meet those challenges. There are a number of international investors—Coca Cola, Oracle and Seagate—investing in Northern Ireland and they will grow jobs to ensure that we improve the balance between the public and private sectors.

### Decommissioning

4. **Sir Nicholas Winterton** (Macclesfield) (Con): What recent acts of weapons decommissioning have taken place; and if he will make a statement. [57304]

**The Secretary of State for Northern Ireland (Mr. Peter Hain):** The Independent International Commission on Decommissioning has reported that it has witnessed full

and final decommissioning by the IRA. The IICD continues to engage with the representatives of loyalist paramilitary groups on how they can make the transition from conflict to peace.

**Sir Nicholas Winterton:** The Secretary of State for Northern Ireland will be aware that the eighth Independent Monitoring Commission report did not endorse the de Chastelain commission's findings relating to the decommissioning of the totality of IRA weaponry. When will the Government bring about the total decommissioning of IRA weapons and ammunition in a way that is transparent to all the people not only of Northern Ireland but of the United Kingdom?

**Mr. Hain:** The hon. Gentleman is a very respected Member of this House—[HON. MEMBERS: "Hear, Hear."] Indeed, and I am sure that he is not questioning the integrity of the international independent decommissioning agency under General John de Chastelain, that of the other independent commissioners or that of the two clerical witnesses from the Methodist Church of Ireland and the Catholic Church. The IICD reported on 26 September that it had

"determined that the IRA had met its commitment to put all its arms beyond use in a manner called for by the legislation".

In January, it said that

"in the absence of evidence to the contrary our 26 September assessment regarding IRA arms remains correct".

I would have thought that the hon. Gentleman would take account of that. *[Interruption.]*

**Mr. Deputy Speaker:** Order. I appeal to the House to reduce the noise level. We must hear all the questions and answers.

### Electricity Supplies

6. **Jeff Ennis** (Barnsley, East and Mexborough) (Lab): What plans he has to improve the long-term sustainability of the electricity distribution system in Northern Ireland. [57306]

**The Minister of State, Northern Ireland Office (Mr. David Hanson):** The new £59 million environment and renewable energy fund which the Government have established will help to increase the proportion of electricity from sustainable sources currently distributed to customers in Northern Ireland from 5.6 per cent. to 12 per cent. by 2012. We have also commenced an all-island electricity grid study to facilitate renewable generation up to 30 per cent. by 2020.

**Jeff Ennis:** Obviously, the Minister is absolutely right to say that we need to invest more in renewable energy in Northern Ireland. What specific steps is he taking to encourage individuals to invest in renewable energy?

**Mr. Hanson:** As part of the £59 million fund, over the next two years some £8 million will be available to enable more than 4,000 private households to install solar, wind or geothermal energy systems. Also, there is almost £2 million for the Northern Ireland Housing Executive to install 600 solar panels in its properties. That will, I hope, encourage the use of renewable energy. To set that in context, I can say that if that investment had been made in England, more than 100,000 properties would, over the next two years, have benefited from investment in solar power and other forms of renewable energy. I think that is very positive.

**Mr. Jeffrey M. Donaldson** (Lagan Valley) (DUP): Given the Minister's support for power-sharing, does he agree that the future of Northern Ireland's electricity industry is bound up with the national industry throughout the rest of the United Kingdom? Will he support the greater integration of the Northern Ireland network into the UK national network and the sharing of power between the two islands?

**Mr. Hanson:** We will look at whatever is in the interests of Northern Ireland as a whole. In the Northern Ireland (Miscellaneous Provisions) Bill before the House we are looking at the potential for an all-Ireland electricity generation market. We shall certainly consider the potential for links with the United Kingdom. The key point is what is in the interests of the people and the consumers in Northern Ireland, and we will do whatever is right and necessary in terms of co-operation with the Republic and with the rest of the United Kingdom to achieve those aims.

### Unemployment

7. **Mary Creagh** (Wakefield) (Lab): What steps he is taking to assist those in Northern Ireland who are economically inactive back into work. [57307]

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** A comprehensive range of provisions is available which includes the new deal, disablement advisory service programmes and the bridge to employment programme.

**Mary Creagh:** I thank my hon. Friend for her reply. What specific measures has my hon. Friend introduced to help lone parents return to economic employment?

**Angela E. Smith:** My hon. Friend highlights a specific area that we have addressed. Lone parents are included in the pathways to work project, which is funded by the skills and science fund. To ensure joined-up government we have linked pathways to work for lone parents with the extended schools programme so that when parents who want to work are at work their children are cared for in a secure and safe environment.

### Paramilitary Ceasefires

8. **Mr. David Gauke** (South-West Hertfordshire) (Con): What his assessment is of the observance of the paramilitary ceasefires in Northern Ireland. [57308]

**The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Shaun Woodward):** The Independent Monitoring Commission made it clear on 8 March that it believes that the Provisional IRA has taken a strategic decision to follow a political path. It does not, in its view, present a terrorist threat. The Government continue to engage with loyalist

paramilitary representatives, and we remain firmly committed to helping them make the transition from conflict to peace.

**Mr. Gauke:** Notwithstanding the IMC reports, there are persistent claims that some IRA members have kept their arms, despite the announcement of the IRA ceasefire in July. What is the Minister's assessment of those claims, and is there any validity in the suggestion that the IRA continues to hold arms?

**Mr. Woodward:** First, I agree with the Independent International Commission on Decommissioning, and I suggest that the hon. Gentleman read that report and not be too selective in his judgments. I remind him, too, that on 8 March the Independent Monitoring Commission made it clear that it believes that PIRA has taken the strategic decision to follow a political path, does not present a terrorist threat, and is not a threat to members of the security forces. The IMC, the IICD and the Government have no reason to doubt the commitment of the IRA leadership to the undertakings that it has given.

### Northern Ireland Education Order

9. **Sammy Wilson** (East Antrim) (DUP): If he will reverse his decision to introduce the Northern Ireland education Order. [57309]

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** No. Consultation on the draft Education (Northern Ireland) Order ended on 7 March. I will carefully consider the responses and whether any changes should be made to the draft order before it is laid before Parliament in the spring.

**Sammy Wilson:** Despite the Secretary of State's blustering defence of the proposals, the Minister will be aware that in the last consultation 90 per cent. of respondents opposed the proposed changes. Her refusal to accept that view has caused increasing anger. Those changes should be rightly decided by local people in the Assembly, which the Secretary of State is determined to set up, so does she not agree that it is for local people to make that local decision?

**Angela E. Smith:** If the hon. Gentleman wants those decisions to be made in a devolved Assembly he knows the route that he must take. While the Assembly is suspended, the Government will make decisions. I fail to understand how academic selection at the age of 11 can be the appropriate way to decide the right pathways to education for young people.

### Post-primary Education

10. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What plans he has to change arrangements for post-primary education in the Province. [57310]

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** The Government have introduced a number of reforms, including a revised curriculum, an entitlement framework to widen access to academic and vocational courses for all pupils, and new admissions arrangements which will replace academic selection at the age of 11 with a system based on informed parental choice.

**Mr. Hands:** I thank the Minister for her answer, but the Prime Minister has made it clear that he has no intention of scrapping academic selection in parts of the UK where parents want it. Why should Northern Ireland be any different?

**Angela E. Smith:** The system to be introduced in Northern Ireland is one of informed parental choice, and the Prime Minister has made it clear that he is in favour of such choice. In Northern Ireland, we have a system in which 40 per cent. of children go to grammar school, yet the majority of the population do not achieve their potential. We will introduce a system that best meets the needs of children, young people and the economy in Northern Ireland. *[Interruption.]*

**Mr. Deputy Speaker:** Order. The House must keep quiet so that we can hear the questions and answers.

### Animal Welfare Legislation

11. **Mark Pritchard** (The Wrekin) (Con): What changes are proposed to animal welfare legislation in Northern Ireland; and if he will make a statement. [57311]

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** Department of Agriculture and Rural Development officials are currently finalising a wide-ranging review of animal welfare legislation aimed at identifying measures needed to strengthen powers to deal with animal welfare abuses, and they will consult stakeholders on the review after Easter. The detailed provisions of any new arrangements will depend on the outcome of the review and subsequent consultation, and they will take account of the provisions in the Animal Welfare Bill.

**Mark Pritchard:** Does the Minister not agree that the law is an animal ass if people in Northern Ireland need a licence to keep a dog but not an alligator? If so, will she tell the House what changes she intends to put in place?

**Angela E. Smith:** The hon. Gentleman may be aware that there are measures in place to address the matter. We will examine the increased powers and write to him on that point.

**Mr. Gregory Campbell** (East Londonderry) (DUP): Given the recent revelations about many wild animals being caught in Northern Ireland under obscure circumstances, when will the Minister introduce the Dangerous Wild Animals Act 1976 in Northern Ireland?

**Angela E. Smith:** The Minister of State, my noble Friend Lord Rooker, is looking into the matter. We are examining it carefully to see what improvements can be made to existing legislation.

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

Q1. [58392] **Ms Sally Keeble** (Northampton, North) (Lab): If he will list his official engagements for Wednesday 15 March.

**The Prime Minister (Mr. Tony Blair):** This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

**Ms Keeble:** Will my right hon. Friend come to Northampton to open the new £5 million police call centre funded by the Labour Government, and to listen to the complaints from my constituents, who will not get their new community police support officers because the funds for them have been cut by Conservative-controlled Northamptonshire county council? Is that compassionate Conservatism or same old Tories, same old cuts?

**The Prime Minister:** Yes, we have supported the new Northamptonshire police call centre. As my hon. Friend says, it is a £5 million state of the art facility that will bring better services to the people in her area and others. That is in addition to extra numbers of police and extra community support officers. That is why it is important that we keep up the investment under Labour, not cut it under the Conservatives.

**Mr. David Cameron** (Witney) (Con): Everyone in the House will be deeply concerned by what happened yesterday in the Palestinian territories. We understand the extremely difficult situation under which the British monitors were operating at the prison in Jericho, but is the Prime Minister satisfied that the consequences of withdrawing the monitors were properly thought through?

**The Prime Minister:** Yes, I am satisfied about that. The question gives me the opportunity to explain to the House and, indeed, to the country that for the past three months we have been warning the Palestinian Authority that the security of the monitors was at risk and that the procedures at the particular detention centre were not adequate and proper. That culminated last week, on 8 March, in both the US and UK consuls-general jointly writing to President Abbas, making it clear that unless the Palestinian Authority met its obligations, we would have to terminate involvement with the mission with immediate effect. So for months we have been warning about that.

Let me emphasise to the House that the monitors are unarmed civilians whose roles is not to do the policing and to make sure that people are properly imprisoned, but simply to monitor that the procedures agreed were being implemented. For a very long time they had been saying that the procedures were not being properly implemented, so the idea that the withdrawal was precipitate, uncalled for or not thought through is wrong.

**Mr. Cameron:** I am grateful for that answer. People will also have been concerned by the attacks on the British Council in the Gaza strip. Can the Prime Minister tell us what steps he is taking today to protect British citizens, buildings and organisations that have been working so hard to help the Palestinian people? Can the Prime Minister tell us whether they were given any advance warning to take extra security precautions yesterday?

**The Prime Minister:** On the last point, I am not sure of the precise precautions that they were told to take, but I know that the matter had been discussed extensively with people, precisely because we were concerned about the situation that might arise. Perhaps I could make one other point. The United Kingdom has been immensely generous in the help that it has given to people in the Palestinian Authority area. We will continue to do everything we can to support the Palestinian people, but there is one issue that must be addressed by the Palestinian Authority—that is, security on the Palestinian side. If people want progress towards a two-state solution, which we have championed—an independent, viable Palestinian state living side by side with Israel—the security within the Palestinian area is of prime concern. We have done everything we can to support them, but we need some help back from the other side. Incidentally, one other thing I should mention is that another reason for our concern was the recent statement from Hamas following the elections in the Palestinian Authority that it intended to release the particular people in that detention centre. I hope that people understand, therefore, that we could not continue with a situation where wholly unarmed people were put at risk.

**Mr. Cameron:** I am grateful for that answer. Specifically on the issue of Hamas, its election victory and the effect on the funding of the Palestinian Authority, do not the events of the past 24 hours reinforce the need to ensure that Hamas abides by the conditions set down by the international community, which are to recognise Israel, abandon violence and abide by all the previous agreements between the Palestinian Authority and Israel, one of which concerned the running of the Jericho prison?

**The Prime Minister:** It is the case that in addition to the bilateral assistance, which in this financial year amounts to some £36 million, we have also supported the €120 million package from the European Union, so we are giving every support of a humanitarian kind to the Palestinian Authority. The only way that we are ever going to get a peace process beginning again in the middle east is if it is accepted that the solution to which the international community is committed—a two-state solution—can be proceeded with only if both sides accept the existence of the other state. Otherwise, it is extremely difficult to see how we can make progress. One thing should be made very clear again: we totally respect the mandate that Hamas secured in the elections. We supported those democratic elections, we support them still. But if it wants our help—both financially and politically—to make progress, it has to be on an

understood basis, which means giving up violence, negotiating peacefully and accepting the existence of Israel.

**Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): Yesterday in the House of Commons, the Foreign Secretary admitted that he knew that when the UK and US monitors were withdrawn from Jericho, the Israelis would immediately seek to take the prisoners by force, giving the impression across the Palestinian territories of collusion. Given that yesterday the Israeli Government also reiterated their intention unilaterally to seize more Palestinian land by extending the wall, incorporating more illegal settlements into Israel and effectively annexing the Jericho valley, what are the British Government doing now to re-establish their shattered reputation as an honest broker between Israel and the Palestinian Authority?

**The Prime Minister:** I am afraid that I have to disagree with my hon. Friend. Let me just explain the circumstances in which we came to do this monitoring function. We did it under what was called the Ramallah agreement, entered into in 2002, whereby people who were charged with serious offences, including the assassination of Israeli politicians, would be kept in the detention centre and we would monitor their detention. The agreement on both sides, with Israel and with the Palestinian Authority, is that the Palestinians would take charge of the detention, but it would be independently monitored by us. That was the agreement brokered. We have kept to that agreement every inch of the way. We have done the independent monitoring. The breach has been because the proper detention procedures were not being observed on the Palestinian side. I stress to my hon. Friend that three months of saying to the Palestinian Authority, including, last week, directly to the president of the Palestinian Authority, "Look, this is a serious situation, you have to act", is evidence of our good faith, not our bad faith. I repeat to my hon. Friend, I think it is important that the message sent out from this country, is that we stand ready to take this process forward and to help in any way we can, but it has to be on the basis that agreements entered into are adhered to by everybody.

**Sir Menzies Campbell** (North-East Fife) (LD): The Prime Minister will remember that six years ago the right hon. Member for Edinburgh, South-West (Mr. Darling) then the Secretary of State for Work and Pensions, now the Secretary of State for Transport, told the House that his Department should give accurate and complete information about pensions.

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): Declare your interest.

**Sir Menzies Campbell:** If the Chancellor of the Exchequer ever gets round to accepting Adair Turner's proposals, it will be some time before I get a pension.

The former Secretary of State for Work and Pensions also said that if someone lost out because of inaccurate information, the Government should offer redress as a matter of principle. What happened to that principle?

**The Prime Minister:** It is partly in recognition of it that we established both the Pension Protection Fund and the financial assistance scheme, so that for the first time there will be help for people whose pension schemes have been wound up. I accept and understand entirely the sense of loss, anger and anxiety of those who have lost pensions for which they have paid for many, many years, but we have been asked to give, on behalf of the taxpayer, a £15 billion commitment and we simply cannot do that in circumstances where the reason for the loss is the collapse of the pension schemes themselves.

**Sir Menzies Campbell:** What is the point of an independent ombudsman and a report which makes recommendations when the Government will not accept the conclusions? Does not the Prime Minister understand that if the Government fail to offer compensation it will operate only as a further diminution of public confidence in pensions?

**The Prime Minister:** Except that, as I said to the right hon. and learned Gentleman, although of course we must and do treat seriously the ombudsman's findings, we are being asked as a consequence of them to give, on behalf of general taxpayers £15 billion-worth of commitment. We simply cannot do that. There is a review of the financial assistance scheme, which may be able to help some people, and we will expedite that review and do it as quickly as we possibly can, but it has to be understood that, in the end, if we were to stand liable for the whole of that loss, it would set a precedent of extraordinary financial proportions for this Government and any other.

Q2. [58393] **Mr. Chris Mullin** (Sunderland, South) (Lab): As regards the Education and Inspections Bill, how does my right hon. Friend respond to those who argue that a proliferation of foundation schools directly contradicts the advice in last year's White Paper, "Every Child Matters", which calls for schools and other agencies to work more closely together to secure a better education for all our children?

**The Prime Minister:** It is precisely because we understand concerns about selection and the possibility of new selection that we have strengthened admissions procedures so that schools have to act in accordance with the code, rather than have regard to it, so that local authorities have the ability to appeal when an admissions policy is breached and so that the admissions forum is strengthened. All those things will mean that, yes, schools will have the freedom and independence we want for them, but within a system of fair funding and fair admissions. I say to my hon. Friend that if people want that strengthened admissions code and procedure, the only way to get it is to vote for the Bill.

**Mr. James Paice** (South-East Cambridgeshire) (Con): The Rural Payments Agency had a target to pay 96 per cent. of farmers by the end of March, which was already 18 months since their last payment. Last week, Lord Bach said that the figure should be more than 50 per cent. Has the Prime Minister any understanding of the anger and financial distress of tens of thousands of farmers who are fending off their creditors because of the Government's incompetence?

**The Prime Minister:** Yes, I understand the concern. That is why the Rural Payments Agency is working

extremely hard to make up the time and to make sure that farmers receive their payments. But I entirely understand their concern; we are working on the matter as hard as we can.

Q3. [58394] **Charlotte Atkins** (Staffordshire, Moorlands) (Lab): Everyone in Staffordshire has spoken with one voice to keep Staffordshire ambulance service independent so that it can deliver the fastest response times, save the most lives at the cheapest cost and keep the best-trained community first responders. Further to the Prime Minister's answer to me on 12 October, can he assure me that Staffordshire ambulance service will be able to maintain its uniquely successful management system, rather than adopting the less successful practices of the other west midlands ambulance services?

**The Prime Minister:** I understand entirely the case that my hon. Friend and other colleagues from Staffordshire are making. As I understand it, there is a 14-week consultation, led by the strategic health authorities, which will end on 22 March. I can assure my hon. Friend that the outcome of the consultation exercise is not a foregone conclusion. No decision has been made, or will be, until the conclusion of the consultation. I can also assure her that all responses, including hers, will be very carefully considered indeed.

**Mr. David Cameron** (Witney) (Con): Is not the real answer to the hon. Member for Sunderland, South (Mr. Mullin) that the evidence shows that schools with greater freedom over budgets, pay, staff, buildings, curriculum and admissions achieve better results? Does the Prime Minister agree that everyone who wants to see greater parental choice and less interference by LEAs and independent schools within the state sector should vote for the Bill tonight?

**The Prime Minister:** Of course I agree that it is important that schools have the freedom to manage their own budgets, staff, buildings and so on, but on this side, we do not agree that selection between schools is the answer. If the right hon. Gentleman is so keen on supporting the education legislation tonight, why has he only got a two-line Whip for his Members, and why is he trying to delay the Bill by voting against the programme motion? On 14 December, he asked me to "speed up" the Education and Inspections Bill; on 25 January, he said to me, "Why don't you get on with it?"; in February, he asked for an undertaking that there would be no delay; and this evening, he is going to vote to delay the Bill by voting against the programme motion.

**Mr. Cameron:** I'll tell you what: you worry about whipping your side, and I'll worry about whipping mine. I will support the Government's education reforms, but I do not support the undermining of Parliament. Trust schools give businesses, voluntary groups, faith organisations and others the chance to start new schools and to operate existing ones. In the past, the Prime Minister has said that he would like all schools to become trust schools. Is that still his ambition?

**The Prime Minister:** Of course I want schools to become trust schools, which is why we are introducing the Bill. *[Interruption.]* It will be for schools to decide, which is what the Bill says. Let me come back to the right hon. Gentleman's explanation of why he is voting against the programme motion tonight, and what is more Punch and Judy than that? If he wants this Bill to go through—he has said that I should not delay it—why has he not got his Members voting unanimously tonight, and why is he voting against the programme motion? *[Interruption.]* Well, let me tell him why that is and why he has got a two-line Whip. In the Bill, there is stronger protection against selection, there is a prohibition on interviews for admissions, there is a stronger admissions forum, there are tougher powers for LEAs to intervene in poor and failing schools and there is power for local authorities to give free school meals to all their pupils. Those are all good reasons—no wonder he is hesitating, but we should not.

**Mr. Cameron:** The Prime Minister is going to need to spend a bit more time talking to his colleagues rather than shouting at me. He is being ridiculous, because he knows that we do not support routine programme motions. We believe in parliamentary scrutiny—I know that the Prime Minister probably cannot even spell those words, but we happen to think that it is important. Why is a Prime Minister with a majority of 70 struggling to explain to his own MPs why we need to reform our schools?

**The Prime Minister:** First, let me deal with the right hon. Gentleman's extraordinary contention that he is voting against the programme motion because it is routine to do so. I have here a list of 22 Bills this parliamentary Session in which he has not opposed the programme motion. Why is he opposing the programme motion tonight? He is opposing the programme motion for the same reason he has got the two-line Whip—the reasons why people should support the Bill are to do with equity and fair admissions, which are reasons that he cannot get his side to accept.

**Sandra Osborne** (Ayr, Carrick and Cumnock) (Lab): The Prime Minister is aware that I have been campaigning for some time on behalf of my constituents and others who have lost their pensions. Does he agree that those affected are not looking for a handout but their own money back, which they saved on Government advice? Will the Prime Minister give full consideration to the ombudsman's report, which seems to be being dismissed out of hand at the moment? Will he have discussions with the trade union community and Amicus on their European action with a view to finding a solution to this?

**The Prime Minister:** Of course, I entirely understand that if people have lost the pension entitlement that they built up over many years, they will be extremely worried and angry about that. The question, however, is the degree to which the Government have to stand guarantor. It is precisely because of the concerns that were raised that we introduced the Pension Protection Fund and the financial assistance scheme. The difficulty is that if we end up saying, as the ombudsman would like

us to, that we stand surety for all that money, it is a £15 billion bill, and I honestly cannot commit the Government, or any Government, to that.

Q4. [58395] **Mr. Lee Scott** (Ilford, North) (Con): What encouragement will the Prime Minister give to the Ilford, North and Redbridge-based Drugsline Chabad on its 15 years of excellent work in tackling the problems of drug and alcohol abuse? Will he congratulate it on its new pilot scheme involving the Jewish and Muslim communities, showing how that can benefit the entire community of London? Will the Prime Minister please encourage it?

**The Prime Minister:** I am happy to offer that encouragement and to congratulate it on its excellent work over 15 years; long may it continue.

Q5. [58396] **Helen Jones** (Warrington, North) (Lab): As today may be a somewhat challenging day for the Prime Minister, can I cheer him up by suggesting a policy that would be very popular? If he rejects the moves by the big supermarkets to deregulate Sunday trading, he would be supporting families, protecting small businesses, and pleasing the Churches, and he would get the enthusiastic support of Labour Members. Can he think of any reasons for not doing that?

**The Prime Minister:** As my hon. Friend probably knows, the Department of Trade and Industry is conducting a review of the Sunday trading rules. It is right to consider these issues because a great deal has changed in the 12 years since the restrictions were put in place. I understand that my right hon. Friend the Secretary of State for Trade and Industry is meeting the Union of Shop, Distributive and Allied Workers to listen to its concerns. If my hon. Friend wishes to make today less challenging for me, the remedy is in her own hands.

### Little Havens Hospice (Castle Point)

Q6. [58397] **Bob Spink** (Castle Point) (Con): If he will visit Little Havens children's hospice in Castle Point to see the work of professionals and volunteers and to discuss funding.

**The Prime Minister:** I have no current plans to do so, but I should like to pay tribute to the work done by Little Havens children's hospice in Castle Point.

**Bob Spink:** I am grateful for that. The whole House will want to join the Prime Minister in paying tribute to everyone who works in and supports the hospice movement. We acknowledge the extra cash that has been put into the national health service, but what has happened to that cash? Children's hospices, on average, get only 5 per cent. of their funding from the NHS. Little Havens gets less than 2 per cent. Will the Prime Minister meet a delegation from the children's hospice movement to discuss the funding of our terminally ill children? Is he aware of the high level of public concern about this issue, as demonstrated by the—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I think that the hon. Gentleman has put his point across.

**The Prime Minister:** I am aware of the hospice movement and all the work that it does, and I want to underline my congratulations to it. The hon. Gentleman is right to say that there has been substantial additional investment in the national health service, as well as from the lottery fund—I know that Little Havens benefited from that. We are looking to see what more we can do for palliative care in all sorts of different ways. I am of course always happy to meet representatives of the movement.

### Engagements

Q7. [58398] **Lembit Öpik** (Montgomeryshire) (LD): Is the Prime Minister aware that it is now more than 10 years since Private Cheryl James died at Deepcut Army barracks, but her parents, Des and Doreen, still do not know how or why? Last Friday, the Surrey coroner, Michael Burgess, concluded his inquest into James Collinson, who also died at Deepcut. He said that the Ministry of Defence

"should take whatever steps are necessary to restore public confidence in the recruitment and training of young soldiers whether at Deepcut or elsewhere"

and that

"they have nothing to fear from an inquiry held in public . . . where the various issues . . . can be explored in greater depth".

I simply ask the Prime Minister to agree to meet the parents of the four deceased Deepcut recruits, once Nicholas Blake has completed his inquiry, to hear their views on the matter.

**The Prime Minister:** I hope that the hon. Gentleman understands that the report by Nicholas Blake QC has not yet been finalised. I understand that it will be finalised at the end of the month and I cannot comment further until we have received his findings.

Q8. [58399] **Shona McIsaac** (Cleethorpes) (Lab): I want to ask the Prime Minister about the only direct bus link from Grimsby and Cleethorpes to Hull, which is about to be withdrawn because the Humber bridge board refuses to offer toll concessions for public transport. That is causing great concern to the residents of Grimsby and Cleethorpes. Is not it totally out of kilter with Government policy on promoting public transport, especially when that is the only way that many residents—

**Mr. Deputy Speaker:** Order. The Prime Minister has got the point.

**The Prime Minister:** I am not entirely sure that I have. The Humber bridge board has applied to the Secretary of State for Transport to increase tolls in line with inflation. The application was considered at a public inquiry on 7 February and my right hon. Friend will consider the inquiry inspector's report and announce his decision in due course. I entirely understand the concerns that my hon. Friend raises, but the matter must be considered in the context of overall funding and the tolls for the bridge.

**Mr. Quentin Davies** (Grantham and Stamford) (Con): Does the Prime Minister share my revulsion at the fact that this is the only country in the world that calls itself a democracy where it appears that one can buy one's way into the legislature simply by giving a lot of money to one of the three major parties? Is not it time to bring that squalid system and all suspicion of it definitively to an end?

**The Prime Minister:** I simply point out that we are the party and the Government who introduced transparency into party funding. It is, of course, important, and no doubt it will be debated in the context of House of Lords reform.

## Iraq

Q9. [58400] **Jeremy Corbyn** (Islington, North) (Lab): What discussions he has had with President Bush on the deployment of US and British troops in Iraq.

**The Prime Minister:** I regularly have discussions on a wide range of issues, including the deployment of US and British troops in Iraq, with President Bush.

**Jeremy Corbyn:** Does the Prime Minister recognise that this weekend is the third anniversary of the invasion of Iraq by British and American troops, that 2,000 American soldiers and more than 100 British soldiers have sadly lost their lives, and tens of thousands of Iraqis have died? Does not he think that it is time to set a date for the withdrawal of British and American troops from Iraq to end the occupation and the growing scandal of the huge profits that British and American companies are making from reconstruction? Does he accept that the continued presence represents more of a problem than a solution?

**The Prime Minister:** It is correct that American and British soldiers and civilians have died in Iraq. They died in the course of an attempt by those engaged in terrorism and acts of violence to stop the country getting democracy. My hon. Friend referred to an "occupation". We have been there for two and a half years under a UN mandate and with the full consent of the first ever democratically elected Iraqi Government. Twelve million Iraqi people voted in their election—with a higher turnout than here, the US or most European countries. They voted for democracy—they want democracy. Discussions are going on between all the parties—Sunni, Shi'a, Kurds—to try to form a Government of national unity. People are trying to stop them through acts of terrorism. What do we do? Do we walk away and let those who want the bomb and terrorist acts to determine the future of Iraq win or do we stand up for and alongside the 12 million people who voted for democracy and say, "These are values we share and support, and we're prepared to fight for them"?

## Engagements

Q10. [58401] **Mr. David Heath** (Somerton and Frome) (LD): To revert to the question about the Government not implementing recommendations from the ombudsman, does the Prime Minister recall telling the Labour party conference in 1997:

"I don't want to live in a country where the only way pensioners can get long term care is by selling their home"?

Scandalously, nine years later in England, that is still the case. Does the Prime Minister intend to retire soon to Scotland where it is not?

**The Prime Minister:** First, let me point out to the hon. Gentleman that, through our support for pensioners through the pension credit, the Government are spending about £10 billion extra a year for today's pensioners. Secondly, we have introduced the Pension Protection Fund and the financial assistance scheme. We are doing all that we can to help current and future pensioners. I come back, however, to the choice that we face. I know that, because it is a difficult decision, the Liberal Democrats will not want to face up to it. Either we say that we will pay out on behalf of the general taxpayer £15 billion, or we have to look for another way of dealing with the issue, and I do not think that we can afford to do that.

**Mr. Siôn Simon** (Birmingham, Erdington) (Lab): Last year, College high school in Erdington federated and doubled its GCSE rate to 24 per cent. I am told that that can cause chaos in all the other local schools, throwing their admissions and staff recruitment all over the place. Should we just leave it at that? Is it good enough under a Labour Government that only a quarter of working class kids get a half-decent basic education? Should we just leave it where it is?

**The Prime Minister:** No, we should not. My hon. Friend is right to say that there has been tremendous progress in the last eight or nine years. Let us not forget that, when we came to office in 1997, funding per pupil was being cut under the previous Tory Government. Since then, we have increased tenfold the investment in our schools and seen increases in results at ages 11, 16 and 18. However, my hon. Friend is right: that is not good enough while any child does not get the education that they need. It is for that reason that, alongside the investment, come the change and reform. Specialist schools and city academies are already making a difference, and the Education and Inspections Bill will give us the chance to ensure that every child, whatever their circumstances or background, gets the chance to succeed. That is why it is a Labour Bill, and it should be supported by Labour Members.

## Point of Order

12.30 pm

**Miss Anne McIntosh** (Vale of York) (Con): On a point of order, Mr. Deputy Speaker. At column 1391 of today's *Hansard*, I am reported as having participated in the debate on the Animal Welfare Bill, talking about elephants, poodles and alligators. I can assure you that I made no such comments, and that they should rightfully have been attributed to the hon. Member for Cleethorpes (Shona McIsaac). I wonder whether that could be corrected.

**Mr. Deputy Speaker (Sir Alan Haselhurst):** I should say to the hon. Lady that it is always advisable to check one's speeches afterwards—

**Miss McIntosh:** But I did not make one.

**Mr. Deputy Speaker:** I am answering the hon. Lady's point of order for the benefit of the whole House. Obviously, if the hon. Member for Cleethorpes (Shona McIsaac) had checked her speech, she would have known that there was a problem. I thank the hon. Member for Vale of York (Miss McIntosh) for raising the matter. I am sure that due note has been taken by the *Official Report* and that that correction will be made.

## Water and Sewerage Charges (Limit on Household Expenditure)

12.32 pm

**Mr. Adrian Sanders** (Torbay) (LD): I beg to move,

That leave be given to bring in a Bill to establish a limit on the percentage of household income spent on water and sewerage charges; to provide for the capping of domestic water and sewerage charges so that the percentage limit is not exceeded; and for connected purposes.

Water and sewerage charges have increased by an average of 48 per cent. in real terms across the country since privatisation in 1989. The increase is an alarming 85 per cent. in the far south-west, mostly due to South West Water having some of the largest infrastructure and environment protection liabilities falling on one of the smallest customer bases. Indeed, the sewerage element of the water bill in the south-west has increased by over 100 per cent.

Failure at the time of privatisation to protect customers in areas where disproportionate charges would have to fall under market conditions, and inaction since, have compounded a problem first identified 30 years ago, and the situation is not set to get any better. Presently, households in Devon and Cornwall on fixed and low incomes are finding the £449 average South West Water bill too much to accommodate. Many people in the south-west are spending more than 3 per cent. of their disposable income on water and sewerage bills alone. That situation is unsustainable. It is projected that bills in the south-west will, on average, be £675 within the next four years. That is not only unjust but a wholly disproportionate burden, especially in the context of the low average incomes in the far south-west. In my constituency people earn 23 per cent. less per week than the United Kingdom average, yet their water bills are 33 per cent. higher than the average. The greatest burden is falling on those who are least able to carry it.

Water poverty is defined as spending more than 3 per cent. of disposable income on water bills. Nationally this year, nearly 10 per cent. of households were in water poverty, and that is set to rise. It is estimated that by 2010, 40 per cent. of the lowest quintile of earners will be spending more than 3 per cent. of their disposable income on water. Families and pensioners should not have to fear the next water bill to arrive, and worry about how it is to be paid.

Those figures are unacceptable. More than 21 per cent. of average-income households in the south-west spend more than 3 per cent. of their income on water and sewerage. That is only the burden on the average household; the position of pensioners, families and vulnerable groups is much worse. In Devon and Cornwall, pensioners spend more than 6.5 per cent. of their incomes on water and sewerage before they find the money to pay their council tax, electricity bills and escalating gas bills.

As we know, the council tax protests started in Devon as a result of what were considered to be high council tax charges. A campaign began, with people withholding some of the increase in their council tax. As the Government are well aware, 75 per cent. of a local authority's income comes from central Government and

*[Mr. Adrian Sanders]*

not the council tax payer. An enormous number of people would have to withhold council tax for it to have any impact on local Government services.

There has recently been talk of a similar campaign over water charges. As 100 per cent. of the charge funds the company, not many consumers would need to withhold a proportion of their payment for its share price to plummet. Who would be there to pick up the pieces if a water company went into liquidation following the cutting off of its income stream by its own customers? The Government would have to intervene to deal with the chaos caused by lack of water and sewerage supplies. That is why the issue demands the Government's attention.

Pension and benefit rates are supposed to reflect essential outgoings such as payment for water and heat, but national rates do not reflect regional variations. Many reasons and excuses are given for that regional disparity, but there seems to be no willingness to change. The far south-west must bear most of the burden of cleaning up the nation's coastline: 3 per cent. of the population pay for the cleaning of 30 per cent. of it. Just under 10 million tourists visit the area each year, and local people must accept the knock-on cost throughout the year in the form of higher water charges. Projects in other regions also have an impact on their water bills—for instance, the renovation of Victorian infrastructure—yet their bills are not increasing by as much as 10 per cent. a year.

There are a number of ways of helping customers who are stuck in this situation. First, there is water bill equalisation. The precedent in Northern Ireland demonstrates that the Government are willing to consider fairer charging, and a similar method could be introduced in the rest of the United Kingdom. The Consumer Council for Water has said that the circumstances of Northern Ireland and the far south-west are identical in terms of low population, lower incomes and huge coastlines.

Under the scheme in Northern Ireland, the water bills of some 200,000 households will be capped at no more than 3 per cent. of their incomes. That will not just help pensioners and those claiming benefits; all households will pay an average of £30 less, and some bills could be as low as £60.

The principle has also been tested north of the border, in relation to electricity bills. Customers in the north of Scotland were burdened with high bills, due to geographical circumstances that increased the cost of distributing electricity. To reduce this unfair burden, subsidies were put in place, saving the average bill-payer £27 a year and keeping 15 per cent. more people out of fuel poverty. That situation sounds remarkably similar to that of the people of the far south-west: geographical circumstances resulting in a higher utility charge.

Another option is a payment similar to the winter fuel payment to help pensioners stay out of water poverty. Pensioners are the group worst hit by high water and sewerage charges, and they would benefit most from support. However, such a payment to all pensioners would not target those who need support—those whose water and sewerage bills exceed 3 per cent. of their income.

So there are many mechanisms that the Government could consider, and which they have shown a willingness to implement in other contexts. They should have a duty of care to ensure that nobody in the United Kingdom lives in water poverty. More than 30 years have elapsed since the problem of disproportionate water charges was first identified, and it is more than a quarter of a century since legislation was introduced in this House to deal with it; sadly, it was repealed prior to privatisation. It is time that action be taken. This issue should not have to come before the House again in 30 years' time.

12.41 pm

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): This is a piece of typical Liberal nonsense, but it is dangerous nonsense and the kind of thing that we have come to expect from the muddled thinking of the Liberal Democrats. I thought that we had many legitimate concerns these days about water supply. In fact, a current concern here in the south-east—and, I suspect, in other parts of our country—is that the water supply is in some danger, so we should be very careful when discussing the delicate balance that inevitably must exist between consumption of water, the price charged for it, security of supply and future security of supply. The Bill would interfere with all that in a very negative and unhelpful way.

This is a very obvious populist pitch by a rather desperate political party, but we must not be seduced by that, must we? We must remain focused on the vital necessity of ensuring that the relationship between water consumers and suppliers remains properly balanced. I, being a great believer in the market—as the Liberal Democrats used to be but seem not to be any more—believe that the price mechanism is still the best means of maintaining that balance. We have to ensure that water suppliers can achieve enough revenue and be sufficiently profitable to invest in security and cleanliness of supply, and to address the environmental concerns that rank so highly these days, not least in respect of sewerage, which the hon. Member for Torbay (Mr. Sanders) mentioned.

I fail to understand how on earth the artificial limit on the amount that can be charged for water that the hon. Gentleman is arguing for would allow us to achieve security and cleanliness of supply. If revenue is arbitrarily limited, investment will inevitably be limited—unless the Liberal Democrats believe that the difference should be made up by the taxpayer. Perhaps they are prepared to contemplate passing on that additional burden to the taxpayer, turning the clock back to the bad old days when we had insufficient investment in the water and sewerage infrastructure. But I doubt whether anyone, except, perhaps, the Liberal Democrats, would deny that under the new regime we have seen a dramatic and consistent increase in investment in our water supply, for which we should all—householders and other domestic consumers, business and industrial consumers—be very grateful. That would be put at risk if we were to succumb to the argument that the hon. Gentleman made. I am sure that if right hon. and hon. Members were to study the terms of the Bill, they would find it completely unacceptable because it would destroy the relationship that has been built up very carefully between consumers and producers, which provides the investment necessary to ensure that our water supply is continued as we would wish.

A ready resort to capping or limitation cannot be the answer. There may be other answers, and the hon. Gentleman hinted at some of the other approaches that he might favour. However, they are not included in the Bill and, therefore, he undermined the argument for his Bill not only by failing to make the case for it, but by distracting our attention to other possibilities. I hope that the House will not support the Bill and that we hear no more about it.

*Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.*

Bill ordered to be brought in by Mr. Adrian Sanders, Andrew George, Matthew Taylor, Mr. Dan Rogerson, Julia Goldsworthy, Mr. Colin Breed, Mr. Gary Streeter, Mr. Geoffrey Cox, Mr. Anthony Steen, Angela Browning, Richard Younger-Ross and Nick Harvey.

### Water and Sewerage Charges (Limit on Household Expenditure)

Mr. Adrian Sanders accordingly presented a Bill to establish a limit on the percentage of household income spent on water and sewerage charges; to provide for the capping of domestic water and sewerage charges so that the percentage limit is not exceeded; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 17 March, and to be printed [Bill 147].

# Orders of the Day

## Education and Inspections Bill

*[Relevant documents: The First Report from the Education and Skills Committee, Session 2005–06, HC 633, The Schools White Paper: Higher Standards, Better Schools for All, and the Government's reply thereto, Cm 6747.]*

*Order for Second Reading read.*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Before I call the Secretary of State, I must announce to the House that I have not selected the reasoned amendment in the name of the leader of the Liberal Democrat party. I have also placed an eight-minute limit on Back Benchers' speeches.

12.48 pm

**The Secretary of State for Education and Skills (Ruth Kelly):** I beg to move, That the Bill be now read a Second time.

Today, I set out before the House a Bill whose very heart and purpose is to give every child—no matter who they are or where they come from—the opportunity to fulfil their potential. I know that hon. Members on both sides of the House will want to make interventions as we go along. I have spent many—mainly happy—hours debating these issues with my hon. Friends and other hon. Members over the past few months, and I will be generous. But with the permission of the House, I will make some introductory remarks before I outline the main provisions in the Bill, after which point I will be happy to take many interventions.

Last month, the parliamentary Labour party celebrated its 100-year anniversary. Every party has played a part in progress towards where we are now, but it is Labour Governments who have delivered the key reforms, backed by the investment that was so badly needed. We brought in comprehensive education, it was a Labour Prime Minister, Jim Callaghan, who 25 years ago led the debate on the national curriculum, and this Labour Government introduced free nursery places for all three and four-year-olds.

Almost nine years into this Labour Government, spending on school buildings has increased sevenfold, there are 30,000 more teachers and more than 100,000 more support staff in our schools. Thanks to our sustained investment and reform, our children have been doing better, but we must do more. Yes, we have record results at ages 11 and 14 and at GCSE, but still 45 per cent. of children do not get five good GCSEs. Yes, schools in deprived areas have improved even more quickly than the rest, but still seven out of 10 pupils on free school meals do not get five good GCSEs. Yes, we have record numbers of our young people staying on to study at A-level, but we still have one of the worst staying-on rates at age 16 of any country in the industrialised world. If Britain is going to go forward in the new global economy, I say to this House that that is simply not good enough. We must do better.

That is what this Bill is about. For the first time, it puts a duty on local authorities to fulfil the educational potential not just of the bright or easy-to-teach child, but of every child. In addition, for the first time in the

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history of this country, this Bill introduces a right to a high-quality vocational education for every young person from the age of 14, reversing the historic weakness in vocational provision.

If we want every school to be a good school, and that is our aim, we must act to make it happen, not just hope that it will. This Bill, through its proposals on trust schools, increased local authority intervention powers and stronger pressure to improve, does just that.

I turn now to the proposals in the Bill on trusts, one of the matters raised with me most frequently over the past few months. Every hon. Member knows that schools work best when they have an effective head teacher who gives strong and inspiring leadership. This Bill will build on what we know works. It will give heads the powers that they need to forge new partnerships and drive up standards in their schools. Therefore, trust school status will allow head teachers to work closely with other schools, with colleges and with external partners such as universities, charities and business foundations, bringing new energy and commitment to the education of pupils at the school.

Some people, including some Opposition Members, have argued that all schools should be compelled to become trust schools. However, I can tell the House that I will never force any school to become a trust school.

**Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): I am pleased to hear the Secretary of State make it clear that she will not force existing schools to become trust schools, and I should like her to confirm that. However, she has moved away from her initial statement that there would be no new local authority schools to suggesting that there could be new local authority schools, subject to the approval of the Secretary of State. What criteria would underlie that approval? How can she convince me and others that the change is more than a change in wording and is, indeed, a change in substance?

**Ruth Kelly:** I thank my hon. Friend for that intervention. I know that she takes this issue especially seriously, and she is right to point out that the Government have, quite properly, made a move in that respect. Some Labour Members, and other colleagues in local government, have made the case very strongly that, where parents want a new community school because they think that that is in their children's best interests, we should not prevent them from having one. It is right that there should be a route for new community schools, but we must make sure that local authorities really think through what is in children's best interests. However, I can tell my hon. Friend that the Secretary of State will, of course, allow local authorities that have done that thinking and that have a good track record to put forward such a proposals.

**Mr. Kevan Jones** (North Durham) (Lab): Will my right hon. Friend assure the House that her Department will not prevent community schools by the back door, as it were, by starving them of resources? That has happened before, with plans for new schools being rejected unless they have an academy.

**Ruth Kelly:** I can certainly give that assurance. Trust schools will be funded on exactly the same basis as any other local authority maintained school, because they are local authority maintained schools. I will not use my office to force local authorities to go down a route that they do not wish to go down. I will never force any school that does not want to become a trust school to adopt trust status.

**Mr. David Blunkett** (Sheffield, Brightside) (Lab): In relation to the establishment of wholly new schools, will my right hon. Friend confirm that it will be possible to use the corporate performance assessment, the Audit Commission's quality assessment, to vary the approach of the Secretary of State to propositions developed at local level? Those with a high-quality assessment rating would therefore be exempt from intervention by the Secretary of State, on the principle of intervention in proportion to success.

**Ruth Kelly:** I understand the very interesting proposition put forward by my right hon. Friend. The CPA criterion that he suggests as an objective measure of whether a new community school should be allowed is a potential answer to the problem, and I can assure hon. Members that the use of the Secretary of State's power will be based on objective criteria that can be judged and scrutinised by the House. However, I am not convinced that the CPA is precisely fit for purpose. For example, a local authority might not perform very well according to that assessment, but might also be improving its educational performance very rapidly. In such cases, it might make sense for a new community school to be proposed. That is precisely the sort of matter that I shall want to discuss further in Committee.

**Angela Eagle** (Wallasey) (Lab) *rose—*

**Sarah Teather** (Brent, East) (LD) *rose—*

**Mr. Phil Willis** (Harrogate and Knaresborough) (LD) *rose—*

**Ruth Kelly:** I shall give way to my hon. Friend the Member for Wallasey (Angela Eagle), and then to the hon. Members for Brent, East (Sarah Teather) and for Harrogate and Knaresborough (Mr. Willis).

**Angela Eagle:** I thank my right hon. Friend. Many colleagues on this side of the House have been worried about the concept of trust schools, and especially because of the ethical and financial probity of the sort of organisations that may get involved in such schools. We all seek reassurance about that. As the Bill goes through its Committee and Report stages, will she think about introducing an approved list of those who could bid to become involved in trusts?

**Ruth Kelly:** My hon. Friend makes a very important point. I can tell the House that there will be very strong safeguards to prevent the acquisition of inappropriate trusts. That is essential. As a result, they will be regulated by the Charity Commission as well as by the local authority. They will be funded by the local authority, which will be able to object on educational grounds to any trust that it thinks will damage children's

educational standards. However, perhaps the most important safeguard will be the common sense of parents and governing bodies. They will decide whether it is in a school's interest to adopt a particular trust. Moreover, I can reassure my hon. Friend about how that accountability will be reinforced. It should be possible to remove a trust if the non-trust governors on a governing body—parents, local community representatives and staff—decide that that should happen because the relationship has broken down.

**Sarah Teather:** The Secretary of State said that she would not force community schools to become trust schools. However, if it is such a great deal, can she explain why only 23 secondary schools and one primary school have expressed an interest in becoming trust schools? Those figures were contained in the Government's response to my request under the freedom of information legislation.

**Ruth Kelly:** I can tell the hon. Lady that I have spoken to dozens of schools that are interested in becoming trust schools. Only this morning, one head teacher wrote to *The Guardian* and said:

"This is about putting the interests of pupils first, to raise standards and improve outcomes for all. That is why we have such a strong commitment to collaborating with others".

The author of that letter said that he thought that it was his school's duty to consider adopting a trust. Where schools want to raise standards and see opportunities for doing so within the local authority framework, they ought to be able to do just that.

**Mr. Clive Betts** (Sheffield, Attercliffe) (Lab): On potential inducements to schools to become trusts, there is an element of suspicion about the Waltheof school in the constituency of the Minister for Sport, my right hon. Friend the Member for Sheffield, Central (Mr. Caborn), to which children from my constituency go. It has been made clear to the local authority and the local community that unless they accept an academy, there will be no money for a new school. That was the inducement. Will she say explicitly that there will be no inducements or pressures on schools to become trusts schools? Will she extend that commitment to the future provision of academies, so that that sort of pressure is not put on local authorities to accept, with the obvious proviso being that they will not get the money unless they do?

**Ruth Kelly:** I can give my hon. Friend the commitment that there will be no financial inducement for schools to become trusts schools. They will not benefit from any additional capital or from any additional revenue funding. They will be funded by the local authority under the local authority distribution formula, which is then agreed locally by heads. That is the way in which the system will operate because trust schools are local authority schools and operate within the local authority framework. My hon. Friend has an issue about academies, but it is important that authorities think through from first principles on how to raise standards for children. However, I can give him the assurance he is seeking on trusts schools.

**Mr. David Gauke** (South-West Hertfordshire) (Con): A few weeks ago in the White Paper, the Government's position was that there should be no new community schools. Under intense pressure from their Back Benchers, they now say that there can be new community schools subject to a veto. When the pressure dissipates after the Bill is passed, what is to stop the Secretary of State, or indeed any of her successors, changing her mind, going back to the White Paper position and vetoing any new proposals for community schools? Some of us think that that would be a very good idea. Will the Government go back to where they were with the White Paper?

**Ruth Kelly:** Clearly, the hon. Gentleman has not been seeking the views of his local government colleagues. He only has to ask Alison King, the Tory chair of the Local Government Association's children and young people's board, what she thinks about the proposals for new community schools. She has been arguing that there should be a route for new community schools to be established because that is what is right. I have told the House that the Secretary of State's judgment will be based on objective criteria. We will have that debate in Committee, where we will examine exactly what the best criteria should be.

**Mr. Andrew Dismore** (Hendon) (Lab): I hope that my right hon. Friend will continue to encourage trust schools. As a former sceptic about city academies, I think that we need to look at the evidence. The evidence of the London academy in my constituency is that since September 2004, GCSE passes are up by 9 per cent. and A-levels by 40 per cent. The academy is now in the top 5 per cent. of schools nationally in terms of progress for 11 to 14-year-olds and in the top 3 per cent for 14 to 16-year-olds on the same intake as it had before. It is now over-subscribed twice over. Some 45 per cent. of the pupils are entitled to free school meals and more than half are from minority ethnic groups—

**Mr. Deputy Speaker:** Order. One page was enough.

**Ruth Kelly:** My hon. Friend was making a very important contribution, because academies can be vital in raising standards for children in under-achieving schools—the worst schools in the country, sometimes—who face the most challenging circumstances. Last year, on average, academies improved the results at GCSE at three times the national average, which is why our commitment to introduce 200 academies by 2010 is so important.

**Margaret Moran** (Luton, South) (Lab): Is my right hon. Friend aware that the majority of secondary and college heads in my constituency to whom I have spoken about the trusts and the freedoms proposed by the Bill warmly welcomes them, particularly the additional freedoms? Is she also aware that my LEA is putting forward proposals for two academies in conjunction with our beacon status college, Barnfield college? Does she agree that that will assure parents and heads that we have good quality academies coming forward and that we will be able to raise standards in the two failing schools involved in those proposals?

**Ruth Kelly:** I agree. Trust schools will be another route that schools might want to consider if they think

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there is an external partner that could help them to raise standards. That external partner might well be another school. Recently, we had a presentation in Downing street from a group of head teachers who are already working in successful schools, but are helping to drive up standards in schools that are performing less well. That is why federations will be such an important way of raising standards for children and one example of where trusts might well come to be of great benefit.

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): On the question of schools collaborating to have a trust, I welcome the statement that my right hon. Friend has just made. May I ask her to go further and confirm that that will entail looking at the league tables and performance measurement of whole collaboratives, not just individual schools?

**Ruth Kelly:** I agree that collaboration is important. In effect, I see adopting a trust as a way of forging deeper collaboration between schools within the local authority system. For example, if a group of schools decided that they wanted to introduce the 14 new specialised diplomas, mixing vocational and academic studies, they might want to establish a permanent relationship, share staff, set up new facilities and bring in outside experts to help. Our proposal is one way to achieve that.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) points to how we will have accountability measures that will affect the proposal. First, the Bill introduces a new duty to secure the educational potential not just of the average child, but of every child, taking a real step forward in making sure that all local authorities concentrate on the difficult to reach children and not the easy to reach children. Secondly, my hon. Friend is right about progression. That, too, is important and we are looking at whether we should introduce progression measures to see how children fare after they leave school, as well as when they are at school. These are all issues that complement the five GCSE external accountability measure that is so important for our young people.

**Ms Angela C. Smith** (Sheffield, Hillsborough) (Lab): I welcome what my right hon. Friend has just said about collaborative trust working. Does she think that such working may—indeed, should—encourage employers to work effectively and properly with local authorities and schools in developing career pathways for our young people?

**Ruth Kelly:** I do, and that is an important point. Getting right the careers information, advice and guidance to our young people is so important and was the key element looked at by the Women and Work Commission. I am very concerned that our young people may be pigeon-holed into studying one type of option rather than another, and may not be aware of the significance of the choices that they make early in the school system. Schools must collaborate to deliver real choices within the school system.

**Mr. Phil Willis** (Harrogate and Knaresborough) (LD): One of the things that concerns me and my colleagues is the issue of double standards when it comes to assessing the suitability of an organisation to develop a new school. The right hon. Lady is absolutely right to say that local authorities should prove their fitness for purpose in terms of developing a new community school. Yet it appears that by putting down £2 million, a crackpot creationist will be able to open a new school and develop an appropriate curriculum. Where in the Bill are the criteria to determine the suitability of organisations other than LEAs to open and develop new schools?

**Ruth Kelly:** The hon. Gentleman is quite right to say that we do not want inappropriate trusts to work with our schools—that is not what the Bill is about at all—and I have said that trusts will operate within a strong framework of accountability, where local authorities can object to a trust, where parents and governing bodies do not have to work with a trust at all and can remove a trust if they think that the relationship is not working, and where they are within the Ofsted inspection regime.

Of course, I will issue guidance for decision makers—school governing bodies—to take into account when they consider whether a trust is the right one for them. The schools commissioner, based in Whitehall, will advise schools on the track record of trusts, so that they take those decisions in the full knowledge of what will work for children, but the Bill is about enabling schools that see an opportunity to do the best that they can for their children.

What I cannot accept for a moment is that there should be top universities in our country cheek by jowl with some of our most struggling schools and that they should not be asked to commit to the future of those schools. If we can get universities, further education colleges and public and voluntary sector institutions to commit to the future of our schools—not just on an ad hoc basis, which may or may not last for a few years, but on a permanent basis—we have a real chance of making a difference to school standards.

**Mr. David Willetts** (Havant) (Con): I very much agree with the point that the Secretary of State makes about trusts encouraging co-operation between universities and schools, but will she clarify a point about trusts' access to possible extra funds? If a foundation has a trust behind it and that trust has finance from other sources, will the trust school be able to access extra funds via the trust?

**Ruth Kelly:** The hon. Gentleman makes a point that is relevant to any community school that is working with a specialist school partner, but the Bill is not about financial gain and it is nothing to do with money; it is about expertise, skills and commitment, to help to raise standards in our schools. As the hon. Gentleman said that he wants to encourage collaboration, can he tell me why the Conservative party has consistently tried to characterise our policy of introducing trust schools as a return to the failed old Tory policy of grant-maintained schools?

Grant-maintained schools were bribed to opt out of local authority control. They were unaccountable to parents or the local community and able to select their

pupils. They were schools for the elite, of the elite. Our new trust schools are completely different from Tory grant-maintained schools. Our schools are at the heart of their communities and are accountable to parents, with fair funding, fair admissions, collaboration with external partners and with one another to raise standards, while working within a stronger local authority framework.

**Mr. Andrew Turner** (Isle of Wight) (Con): Will the right hon. Lady give way?

**Ruth Kelly:** I will give way to the hon. Gentleman, whom I know will vote in favour of reducing academic selection.

**Mr. Turner:** The right hon. Lady mentions fair funding. Can she explain why, since 2000, the gap between the best-funded primary school pupils and the worst funded has increased in Somerset by 90 per cent., in Southwark by 135 per cent. and in Isle of Wight by 46 per cent.—all authorities under Liberal Democrat control? Why has that happened?

**Ruth Kelly:** I am glad that the hon. Gentleman makes the point about Liberal Democrat authorities. The Government are giving more resources than ever before to deprived schools and deprived children, and we intend to continue to do so. Under the Bill and as proposed in the White Paper, we will spend an extra £500 million over the next two years to support the individual learning of children and the best teaching and learning for this century, because we want to give every pupil—no matter what their prior attainment when they reach secondary school—the chance to catch up with their peers if they have fallen behind, with one-to-one tuition or small group support and, indeed, if they are gifted and talented, the chance to have their talents stretched and their potential reached. The personalisation of teaching and learning—individual support—with the funding geared to those schools that need it most, is an incredibly important part of our package of reforms.

**Mrs. Ann Cryer** (Keighley) (Lab): With regard to catching up, I am really concerned about one of the schools in my constituency—I have mentioned it to Ministers before—where only 11 per cent. of the students achieve five GCSEs. We do not have a top university in Keighley, so I wonder what will be the solutions for that school.

**Ruth Kelly:** My hon. Friend presents me with a challenge, but a welcome challenge. That is why the schools commissioner, based in my Department, will be asked first and foremost to identify those schools with the worst results in the most challenging areas, where children are not fulfilling their potential, to find out how we can put in place the support to help them to succeed. Quite frankly, if that means getting a top university or a business foundation into my hon. Friend's constituency, that is the challenge that I accept and that we have to match.

**Simon Hughes** (North Southwark and Bermondsey) (LD): My local council and all the MPs for the area will work with any Government to improve standards, which are, indeed, improving in Southwark at the moment. However, can the Secretary of State promise that when the Bill is law, no one who contributes, say, £2 million out of a total cost of £20 million to a new school, as a partner, will be able as a result to buy a majority say on the board of the new school?

**Ruth Kelly:** The hon. Gentleman has completely misunderstood the proposals before the House. There is no financial requirement for anyone to form a trust school. That will be done completely at the request of the governing body, and if the governing body does not want a trust to have majority representation, it need not have a majority at all. If it wants more elected parents, it can do so. Those are decisions for the governing body of the school, within a strong system of accountability.

Unlike the Opposition parties, Labour Members are clear about what we stand for and what we need to do: provide more devolved power for schools, but greater strategic control for local government. That is why Labour local government supports the Bill. Sir Jeremy Beecham, leader of the Labour group of local authorities, said:

> "We believe that these measures will be helpful to those councillors up and down the land trying to deliver better education on a daily basis."

He urges all Labour MPs to support the Bill. Why? Because, as he sets out, the Bill will enact a new strategic role for local authorities, making the local authority the key decision maker on school organisation matters, and—most importantly—will give local authorities greater powers of intervention not just in failing schools, but in coasting schools as well—a long-standing local government aspiration, now at long last, delivered by the Bill.

My hon. Friends have been concerned that any new system should ensure fairness in school admissions. In that respect, I have listened carefully and I have responded to the concerns that I have heard. In the Bill, there is no new selection by academic ability and a ban on interviews. The Bill will force schools to act in accordance with a tough new admissions code and the system will be co-ordinated. Admissions forums will play a new role in ensuring that local schools deliver for every child. I stress that hon. Members on both sides of the House who back the Bill will be voting for less academic selection in our schools.

**Dr. Alan Whitehead** (Southampton, Test) (Lab): We see in the Bill a requirement that local authorities must abide by the code of admission, but we do not have a code of admission because the previous one was withdrawn. Is it my right hon. Friend's intention that a new code will be published before the end of the debates in Committee, so that a code can be compared with what is in the Bill?

**Ruth Kelly:** My hon. Friend makes a very important point. It is right that hon. Members should have the opportunity to scrutinise the contents of a new code. In actual fact, there is a full consultation process that a new code has to go through before becoming legislation. Of course, that process will have to take place, but I can

*[Ruth Kelly]*

give him the guarantee that the main contents of the admissions code will be there to be scrutinised by hon. Members during the Committee stage.

**Dr. Desmond Turner** (Brighton, Kemptown) (Lab): I have a particularly serious allocation problem in my constituency. I am certainly given no confidence by the code that has just died, because that was in complete conformity to the allocation code and did not address the problems in any way whatever. Given that there will be different criteria in different schools as they so choose, does my right hon. Friend think that there is the potential for considerable chaos in allocations?

**Ruth Kelly:** No, I have to say that I completely disagree with my hon. Friend on this point. I think that the system will be more robust after the Bill than it was before it. There will be less academic selection in our schools and we will have a tougher code that will make existing practices—which he may or may not disagree with—more difficult after the Bill than before it. I can give the House that assurance.

**Tony Baldry** (Banbury) (Con): The admissions policy for most of the secondary schools in my patch is based on catchment area followed by siblings. How is it going to differ in any way if they become trust schools? There is a particular problem in that very popular schools sometimes find it very difficult just fulfilling the demand from the catchment area. Many people in the catchment area want their children to go to those schools, so will they be able to expand? How will the admissions policy change after the Bill? Will popular schools be allowed to expand?

**Ruth Kelly:** On the first point, if the policy changes, it will be tougher rather than the status quo. Issues such as catchment areas and siblings will, of course, be the issues that schools take into account, but where a school is deliberately manipulating its catchment area to avoid taking certain challenging pupils into the school, that will not be tolerated in future. Admissions forums will scrutinise what is happening at a local level and will, on a yearly basis, produce a report examining what is happening and whether schools are, indeed, following the code of practice on admissions. The forums will examine how special needs children, children on free school meals and ethnic minority groups are faring. They will submit their report to the schools commissioner, who will review the impact on social segregation in a full report that will be available to Members of the House, so that we can show that we are reducing social segregation through the Bill and not increasing it.

The hon. Gentleman also made a point about whether successful schools should be able to expand. I have to disappoint him because there is nothing in the Bill on school expansions. There already is a presumption in legislation to expand. However, the decision maker will change from being the school organisation committee to the local authority—something, again, that local authorities have been calling for for years. There will be a stronger, more robust framework for admissions under this Bill than before it.

**Several hon. Members** *rose—*

**Ruth Kelly:** I will give way to my hon. Friend the Member for Eltham (Clive Efford) who, I know, has strong feelings on this point, before I come on to parents.

**Clive Efford** (Eltham) (Lab): Have I interpreted what my right hon. Friend has just said correctly? Does that mean that selective schools will not be able to expand?

**Ruth Kelly:** My hon. Friend is absolutely right. I can tell him something else that he may not have noticed. Under the Bill and for the first time, partially selective schools will not be able to expand either.

Children achieve more when their parents are engaged in their learning. This Bill will build on the excellent work of schools across the country by giving parents more information about how their child is doing at school—termly reports and regular dialogue with teachers. There will be more information about choosing the right school for their child and we will introduce better, cheaper school transport.

Parents are also concerned about behaviour at school. Most schools have good behaviour most of the time, but this Bill makes tackling bad behaviour a major priority. This Bill will create, for the first time, a clear statutory right for school staff to discipline pupils, putting an end to the "You can't tell me what to do" culture. This is exactly what teachers and teaching unions have asked for for years—reforms first proposed by the Elton committee in 1988, but rejected by the Conservative party when it was in government.

This Bill will transform the quality of the food that is served in our schools. Healthy food will not only help to halt the rise of child obesity, but many teachers believe that it will also improve pupil behaviour, motivation, readiness to learn and attainment.

Lastly, I have always said that, as a country, we need to place the same emphasis on vocational education as we currently do on academic education. This Bill will ensure that every young person, wherever they live, can take any of the 14 lines of the specialised diploma that we are developing as part of our radical reforms of the 14 to19 curriculum—first-class vocational education for the first time, as a right for every child.

**Paul Farrelly** (Newcastle-under-Lyme) (Lab): I am afraid that I am a little behind my right hon. Friend's words, because I am still trying to fathom out why she is insisting on retaining the veto against new community schools. If the veto is going to be at the discretion of the Secretary of State, what thought has she given to its possible use in the future by a Secretary of State not as reasonable as her?

**Ruth Kelly:** I have given commitments to Members that any local authority with a good track record that proposes a new community school should be able to have that proposal considered. I have also said that the criteria should be objective, to establish whether a local

authority has a good track record. We will have a discussion in Committee about how we establish objective criteria and what those criteria will be, but that is the right place for that discussion. The issues involved are, indeed, technical and complex, and we have got to get them right.

**Jon Trickett** (Hemsworth) (Lab): On the very point about community schools and the Secretary of State's veto, is it not a fact that clause 2 builds in a presumption against community schools, because it clearly says that LEAs will be obliged to secure diversity of provision and "increasing opportunities for parental choice"? That being the case, is it not obvious that councils will be obliged to create non-community schools in order to provide the very diversity that will be a statutory duty if the Bill becomes an Act?

**Ruth Kelly:** I do not agree with my hon. Friend. The introduction of the duty on diversity was made to meet a very specific point. It has been introduced because local authorities need to be proactive in talking to parents, rather than reactive to poor education and poor education provision. Just as children's trusts in the area of children's services actively go out to map demand and talk to parents about what is required and provide a service that meets the needs of parents, so too should they do that for schools. That is the purpose of the duty; not the one that my hon. Friend infers.

**Mary Creagh** (Wakefield) (Lab): I welcome what my right hon. Friend has said about the improvement to school meals, minimum nutritional standards and removing junk food from school vending machines. However, could she go further and perhaps consider introducing, at a later stage, a duty on schools to teach children about healthy eating, and also allow Ofsted to inspect school meals and report on the school food?

**Ruth Kelly:** My hon. Friend makes a very important point about school food. It is about time that we brought back tough new nutritional standards to our schools and improved the diet of our young people. It is right that they should learn about healthy eating and how to cook healthy food. In fact, the personal, social and health education part of the curriculum does that up to a point at the moment, but I also know that the new schools food trust sees this as an important part of its agenda going forward.

**Gregory Barker** (Bexhill and Battle) (Con): The Secretary of State said that there would be no selection for foundation schools, but can she confirm that they will be able to select pupils on their ability in foreign languages? Given that they can do that, how will that aptitude be assessed? Will it be by interview, examination or continuous assessment?

**Ruth Kelly:** No, that will not be the case. Only schools that are specialist schools in those subjects will be able to have an aptitude procedure. I am talking about the existing part of the specialist school system, which will work in the way that it does at the moment.

The guarantee that I can give the House on trust schools, the delivery of vocational education, children's services, and the "Every Child Matters" agenda, is that, after the Bill, every school will have to collaborate to deliver the best for their pupils, but they will have the powers that they need to collaborate as they see fit and to work with other schools and external partners to drive up standards for their children within a strong local authority system.

The Bill will help us to raise standards in our schools, especially the under-performing schools in our most challenging communities. It has been crafted on the basis of constructive discussion and dialogue. I am grateful to many colleagues in local government and schools and, of course, to my hon. Friends and colleagues here today who have contributed to the debate and helped to make this a better Bill. I look forward to an ongoing dialogue.

It is because education is so important to us, on this side of the House, that we debate it so passionately. We always have and we always will. We are united in our aim of using education as an engine of social mobility and social justice. That is why we are taking forward our vision of a modern, outstanding education system. The Bill will ensure that young people have a right to high quality vocational education.

**Joan Walley** (Stoke-on-Trent, North) (Lab): On that point, will it be the case that parents who want to name a trust school for their statemented child will have the right to be able to force that trust school to accept them?

**Ruth Kelly:** Yes, and not only that. I can tell my hon. Friend that in future all looked-after children will also have priority in admissions to all schools, whether they are at the beginning of the admissions round or even later, when the school is full. I will make it a requirement that looked-after children are put top of the admissions list.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): Will the Secretary of State give way?

**Ruth Kelly:** No, I must make progress.

The Bill will ensure that young people have a right to a high quality vocational education. It will introduce a tough new system to ensure high standards of discipline in the classroom. It will mean good quality school food for every child but, most importantly, it will ensure more good schools in our communities. This is a progressive Bill, a reforming Bill, a Labour Bill. I commend it to the House.

1.33 pm

**Mr. David Willetts** (Havant) (Con): Raising standards in education is one of the most important tasks facing any Government, and any responsible person looking at the evidence of the state of our schools today would recognise that much more needs to be done: too many of our schools are simply not good enough.

**Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): Will the hon. Gentleman give way?

**Mr. Willetts:** I will in a moment.

*[Mr. Willetts]*

Our weaker schools are concentrated, as I hope the hon. Gentleman would agree, in some of our poorest areas where children most need a hand up from a strong, rigorous and effective education.

**Mr. Bailey:** I was interested to hear the hon. Gentleman's appreciation of the importance of education and good schools. Will he explain why the Tory Government consistently failed to provide adequate funds for schools and why he has consistently voted against the extra resources needed for them?

**Mr. Willetts:** The hon. Gentleman should contemplate the important question of why, despite the large increases in funding since 1997, the improvement in school standards has been so modest. The answer is that there has not been serious educational reform alongside the increases in funding. That is what today's debate is all about. At last, belatedly, we are seeing some school reform to match the extra funding.

**Michael Connarty** (Linlithgow and East Falkirk) (Lab): Is it not significant that the areas with the deepest pits of failure are the areas that the Tories control, where grammar schools are prevalent?

**Mr. Willetts:** That is complete nonsense. We know, sadly, where the problems of failure are concentrated: in some of the poorest parts of our country. No one, on either side of the House, can take any pleasure from the statistics. Some 77 per cent. of children from a more prosperous household get five or more good GCSEs; 32 per cent. of children from a poor household get five or more GCSEs. That is the notorious 45 percentage point gap in pupil achievement. Sadly, that is virtually no better today that it was in 1997, when the Government took office. That is why Government Members should tell us why, after nine years in office, they have made such little progress.

**Several hon. Members** *rose—*

**Mr. Willetts:** I will give way to the hon. Member for Tooting (Mr. Khan).

**Mr. Sadiq Khan** (Tooting) (Lab): Will the hon. Gentleman confirm that he unambiguously welcomes clause 40?

**Mr. Willetts:** I had better just check. There are many clauses to which I am not able to give an unambiguous welcome. Our judgment on the Bill is based on its overall impact on schools. There are many features of the Bill, which I hope to come to in the course of my remarks, that I very much hope it will be possible for us to improve in Committee. That is why it is so important that, if at all possible, we have a long time to study the Bill carefully in Committee. I am sure that the hon. Gentleman agrees with me about the importance of paying due attention to clause 40 and many other clauses that we may well wish to amend.

**Several hon. Members** *rose—*

**Mr. Willetts:** I see a neighbour from Portsmouth.

**Sarah McCarthy-Fry** (Portsmouth, North) (Lab): Will the hon. Gentleman explain to the young people in my constituency who have seen a massive improvement in the percentage of people getting five GCSEs, from a very low 25 per cent. in 1997 up to 46 per cent., how he can interpret that as no improvement in education?

**Mr. Willetts:** There has been some modest improvement. *[Interruption.]* Yes, I am not going to deny that. As I recall, the figures are that 37 per cent. of people were getting good GCSEs, and that is now up to 44 per cent. We recognise and welcome that, but the question for the hon. Lady is why, after nine years, when there have been 207 instructions to schools from the centre and funding has gone up, the achievement of improved standards is relatively modest. The answer is that, despite all the extra funding, schools have not been reformed as they should have been. That is the agenda behind the Bill, to which I now hope to turn.

**Greg Clark** (Tunbridge Wells) (Con) *rose—*

**Mr. Willetts:** I will do so after I have accepted an intervention from my hon. Friend.

**Greg Clark:** The number of people getting good GCSEs may have improved, but is my hon. Friend aware that the number of schools causing concern has increased in the past six months? The proportion has increased.

**Mr. Willetts:** It is indeed one of the significant problems, to which my hon. Friend rightly draws attention, that there are too many schools in special measures, failing and giving cause for concern. They drift along in those circumstances for far too long. One of the measures that I welcome is the measure to try to speed up that process so that failing schools do not drift along in that limbo state as long as they do at the moment. I am grateful for the opportunity to endorse one of the Secretary of State's proposals.

**Several hon. Members** *rose—*

**Mr. Willetts:** I will give way to the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) and then I will try to make some progress.

**Mr. Nick Raynsford** (Greenwich and Woolwich) (Lab): The hon. Gentleman thinks about these subjects, so I would like him to answer the following question. Which does he believe is more likely to produce an improvement in standards in a school: changing the structure of the school or ensuring that there is the necessary quality of teaching and leadership from the staff, irrespective of the structure?

**Mr. Willetts:** This is the sort of false distinction that we hear. If I remember rightly, what we used to hear in 1997 from the Prime Minister was "Standards, not structures." The Bill reveals that he has come to recognise that one needs to change structures to help to get standards right. Of course, there are many other things that can be done to raise standards, including, as

the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) rightly says, ensuring that there is good teaching.

I was hoping to try to find some scope for agreement. I think that we agree on the need for reform to improve education standards further, and I suggest that we may even have some agreement on how to reform. Instead of the ideological debate that took place for so long about what form education reforms should take, we now have evidence coming in from other advanced western countries about how to deliver effective education reform to raise standards. The evidence from the school choice experiments in America and from Sweden clearly shows that one can raise standards by having more diversity of provision, more freedom for schools and more choice for parents. Those are the principles that we believe lie behind sensible education reform the world over that successfully raises standards.

**Mr. Michael Clapham** (Barnsley, West and Penistone) (Lab): On the point about evidence, has the hon. Gentleman looked at charter schools in America? Has he looked at schools in Minnesota and California? He made a point about Sweden, but if he looks at Europe he will see that the best results are in Finland, where there is a comprehensive system throughout the country.

**Mr. Willetts:** I believe that phonics is an important part of the literacy teaching arrangements there.

There is a lot of international evidence, and I have tried to address it, but I am happy to rest my case on an excellent lecture that I heard delivered at the London School of Economics only a few days ago by the Prime Minister's former adviser on public service reform, Julian Le Grand. His lecture was entitled "Competition and Choice in Public Services" and it set out excellently the thinking behind the Bill and reviewed the international evidence. It does not all point one way, but the vast majority of it points clearly towards what Professor Le Grand, a Labour supporter and former No. 10 adviser, summarises as the three key elements for public service reform: user choice, money following the choice and new forms of provider. That is a good summary of exactly what we need to do to raise standards. I am very happy to rest my case on the professor's lecture, and I rather suspect that the Secretary of State agrees with it, but perhaps at the moment she feels a little inhibited in saying so.

**Ms Angela C. Smith:** I listened carefully to what the hon. Gentleman had to say about reform. Does he agree that one of those reforms should be that local authorities are able to require all types of school to set up special needs units to serve the needs of the most vulnerable children in our schools?

**Mr. Willetts:** There is a serious problem with access to special needs. In Liverpool last week I spoke to parents of children with special needs. Their concern was that their children were going to mainstream schools and they were not confident that even the special units in those schools were the right environment for them. Many of them wanted their children to go to schools specialising in special educational needs, and they were suspicious that some of the units attached to mainstream schools would leave their children vulnerable to bullying. I do not believe that such units are the full solution.

**Alan Simpson** (Nottingham, South) (Lab): Will the hon. Gentleman give way?

**Mr. Willetts:** For some strange reason, the hon. Gentleman was unable to catch the Secretary of State's eye, so I am very happy to give him an opportunity to intervene. He might even want to make the point that he was going to make to the Secretary of State.

**Alan Simpson:** I am very grateful to the hon. Gentleman. I was beginning to get the feeling that had I been stark naked and the only person left in the Chamber I still would not have been able to intervene.

The hon. Gentleman made a point about evidence forming his position in this debate. Rather than listen to the evidence of the Prime Minister's mates, will he look at the evidence presented by the OECD in its international comparisons, which shows that Finland, with its comprehensive system of education, driven through community schools, has the highest standards of attainment and achievement? The OECD also concluded that the fragmented systems around the world widen the gap between the achievers and the under-achievers. Why will not the hon. Gentleman base his position on that evidence, instead of on mates-based evidence?

**Mr. Willetts:** I would like to turn to the question of fragmentation and diversity in a moment. I hear a lot about Finland. Perhaps the hon. Gentleman and I should go there on a fact-finding visit. I would be very interested to see what goes on in Finland because several people have put the hon. Gentleman's point to me. However, I would be interested to look not only at the structure of education in Finland but at what goes on in the classroom—at what the teaching methods are. I would be interested to see how literacy is taught, whether synthetic phonics is used, how mathematics is taught and what kind of history lessons are taught. I rather suspect that Finland's standards are so high in the international league tables because of the pattern of education in the classroom which Conservative Members believe in and which has disappeared from far too many of our schools.

**Several hon. Members** *rose—*

**Mr. Willetts:** I hope to make some progress, but I must of course give way to the Chairman of the Education and Skills Committee.

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): As Chairman of the Select Committee, I took the Committee to Finland to look at certain aspects of education. We found that Finland is unique: it is small and it does not have the urban problems of most advanced societies with which we tend to compare ourselves. If we make a like-with-like comparison, we see that we are doing very well educationally, and I think that the hon. Gentleman would admit that.

**Mr. Willetts:** I am grateful to the hon. Gentleman. This is in danger of becoming a seminar on Finnish education, and the time has come to move on.

*[Mr. Willetts]*

I would like to resume my speech by quoting an excellent remark of the Prime Minister's when he launched the proposals that we are debating. He said last October, and I thought that he put it very well:

"We want every school to be able quickly and easily to become a self governing independent state school."

That was what he promised us last October. It was such a bold statement that it reminded me of another Prime Minister's view of education reform. Perhaps I can quote to Labour Members what she said:

"I want to see far more schools becoming independent state schools."

That was our agenda for education reform when we were in government, so of course we were delighted when this Prime Minister finally repeated a commitment made by the former Conservative Prime Minister when she set out her views about how to reform education. If only Labour Members had listened to her 20 years ago, we would not have had so many years wasted in appalling attempts to get rid of initiatives such as grant-maintained schools, which we introduced as part of that policy.

**Anne Snelgrove** (South Swindon) (Lab): Will the hon. Gentleman give way?

**Mr. Willetts:** In a moment.

Socialism was once described as the longest route from capitalism to capitalism, and when I see this Government's approach to education reform I am very much reminded of that observation.

**Several hon. Members** *rose—*

**Mr. Willetts:** I give way to the hon. Member for Warrington, North (Helen Jones).

**Helen Jones** (Warrington, North) (Lab): The main difference between the hon. Gentleman's Government and this one is the investment that has been made in education—that is why standards have risen. When I taught under the Conservative Government there were not enough textbooks to go around my classroom. Now there are new buildings, new computer suites and plenty of books for every child.

**Mr. Willetts:** Of course the extra money has gone in—I am not denying that—but surely Labour Members must realise that the question on more and more people's lips is why, when so much money has gone in, the improvement in education has been so modest. Conservative Members know the answer: it is because the extra money was not accompanied by reform. If, when the Labour party first came into government, it had put some of the reforms in this Bill before the House, instead of abolishing grant-maintained schools, the hon. Lady might be able to enjoy a rather greater improvement in school standards as a result of the money that has been spent. That is the important point that I am trying to make.

**Several hon. Members** *rose—*

**Mr. Willetts:** I give way to the hon. Member for Waveney (Mr. Blizzard), who has a long-standing interest in education.

**Mr. Bob Blizzard** (Waveney) (Lab): Before entering Parliament, I taught in one of the Conservative Government's independent state schools, otherwise known as grant-maintained schools. As I have said before, there is no doubt that the autonomy that we were given enabled us to achieve more, but grant-maintained schools operated within a system of inequitable admissions, which is ruled out by the Bill. Is the hon. Gentleman happy that that is ruled out, or does he want to go back to grant-maintained schools?

**Mr. Willetts:** We have heard a great deal about grant-maintained schools, which have been caricatured. Two points have been made about grant-maintained schools. First, we have heard from several hon. Members that funding was unfair and that new trust and other schools will be funded differently. Let us be absolutely clear and set the record straight. Grant-maintained schools received the per capita funding of current expenditure along the lines inherited from their predecessors and there was no special arrangement whatsoever.

**Ruth Kelly:** What about capital?

**Mr. Willetts:** It is true that they had access to capital on a different basis, because they did not have access to local education authority capital. If the Government think that grant-maintained schools having access to such money was wrong, why do schools receive access to £0.5 million if they decide to become specialist schools? Why do academy schools sometimes have access to more than £30 million of capital? If the arrangement was wrong for grant-maintained schools, why is it a feature of specialist schools and academies? If Government Members oppose that system, will they denounce those provisions as well? No more extra funding was provided to grant-maintained schools for capital than is provided to specialist schools or academies, so let us hear a bit less from them about that.

**Mr. Peter Kilfoyle** (Liverpool, Walton) (Lab): Many Labour Members would object to any preferential funding for any school if we are to treat all children equally. The hon. Gentleman has made more than passing reference to his recent trip to Liverpool. Did he meet the Liverpool Association of Secondary Heads, which is another driving force behind improved standards? In a letter to the Secretary of State it said that the Government have missed a meaningful opportunity by emphasising structural change rather than the agreed drive for improved standards, which has already paid dividends, but with which we need to persist over a period of time.

**Mr. Willetts:** I accept that structural changes are not the whole answer to the challenge of raising standards in

schools, but we need such changes. Evidence from around the world clearly suggests what works. We need more diversity of school provision and school choice, and we need to be able to give schools more freedom. That is the model that is buried in the Bill.

**Several hon. Members** *rose—*

**Mr. Willetts:** I should like to make some progress, and I hope that it will not be too uncomfortable for Government Members if I set out my reasons for backing the Bill.

It is the Ides of March today, and the sound of daggers being sharpened around him may make the Prime Minister uncomfortable. The Opposition, however, are here to praise the Education and Inspections Bill, not to bury it, and I should like to take the opportunity to do so. The Prime Minister described the launch of his education proposals as

"a pivotal moment in the life of this Parliament and this Government."

We all know that a pivot allows something to shift to a different position. It is a great relief that, even though he does not have a reverse gear, at least the Prime Minister has a pivot. On his pivot, the Bill turns.

May I explain to Government Members which provisions we support? We support the fact that local education authorities are at last to be given a clear legal responsibility to pursue choice and diversity in the schools in their area—that is a good thing. We welcome the fact that local education authorities will now be obliged to conduct competitions for new schools, and perhaps more widely. Indeed, although the Secretary of State has not referred to it, buried in the Department's evaluation of the costs and the regulatory issues associated with the Bill is the assumption of 100 competitions a year between different providers to offer new schools. We think that such competitions to provide new schools are a very good idea. We look forward to 100 competitions a year, and welcome the fact that private providers, outside organisations—not just charities but commercial organisations—and independent schools can take part in the competitions to offer to provide new schools. It is a good thing to open up British education to far more diversity than has been the case in the past.

**Mr. Gordon Prentice** (Pendle) (Lab): On the new duty to promote diversity, do we need many more single-sex Muslim schools?

**Mr. Willetts:** If that is the community's position I would not oppose single-sex Muslim schools. If schools wish to offer single-sex education, they should be able to continue to do so, but there are threats to that in some parts of the country.

**Dr. John Pugh** (Southport) (LD): As 200 schools close every year because of falling rolls, roughly how many new schools and new providers will we need? Does the hon. Gentleman still support the Bill, given the Secretary of State has expressly made it clear that it will prevent the expansion of existing selective and grammar schools?

**Mr. Willetts:** The Secretary of State has duplicated the provisions in the School Standards and Framework Act 1998, because she was concerned that she was in danger of receiving our support. On balance, however, the Bill still increases schools' freedom.

**Several hon. Members** *rose—*

**Mr. Willetts:** I shall try to make some progress, as hon. Members on both sides of the House wish to speak in the debate.

I should like to talk about the provision in the Bill for trust schools. That is a strange policy—it is a policy that dare not speak its name, as the expression "trust school" does not appear in the Bill. Such schools are known as foundation schools with a foundation. Trust schools are the successors of our grant-maintained schools. It is a pity, unlike our approach of proposing grant-maintained schools clearly, honestly and openly in a manifesto for an election fought on that proposal, trust schools do not appear in the Labour manifesto. We made it clear, however, in our 1987 manifesto—[HON. MEMBERS: "1987?"] I have a copy with me. It makes clear what our grant-maintained schools could do. It is true that trust schools do not have quite as many freedoms as our grant-maintained schools, but they are a step in that direction. I would like to remind the Secretary of State of the commitment that we made on grant-maintained schools, and how we envisaged their operation. We said that they would become "independent charitable trusts". That was the proposal that we made in 1987, and I believe that it is the origin of the trust concept.

**Martin Salter** (Reading, West) (Lab): The hon. Gentleman, who leads for the Opposition on education, has indicated his support for the Bill, despite the fact that it now includes a mandatory code on admissions and the capacity for local authorities to open new community schools. Will he take the opportunity to distance himself from the lamentable minority report that was prepared by his Conservative colleagues for the Education and Skills Committee and fundamentally opposes both policies? He cannot have it both ways and retain any credibility.

**Mr. Willetts:** There are excellent Conservative members of the Select Committee, and I thought that their minority report made important points about the provisions. I very much hope that we will have ample time to consider them, because they suggest ways in which the Bill could be improved. I am not claiming that the Bill is perfect—it is a Bill that needs to be improved.

**Gregory Barker:** On my hon. Friend's point about clarity and honesty, is it not bizarre that in clause 40, on the prohibition of interviews, subsection (3) states that that

"does not prevent the arrangements from requiring or authorising any audition or other oral or practical test to be carried out in relation to an applicant solely for the purpose of ascertaining the applicant's aptitude"?

What is that, if not selection?

**Mr. Willetts:** My hon. Friend is right. For specialist schools, there is selection by aptitude for 10 per cent. of

*[Mr. Willetts]*

pupils. It is extremely difficult for anyone to discern the difference between selection by aptitude and selection by ability. As the chief schools adjudicator put it so well,

"Finding a difference between the meaning of two such words is the sort of exercise lexicographers get up to when they haven't enough to do."

The fact that the difference between aptitude and ability appears to be a fundamental distinction on which the Government's education policy rests reveals what a fragile structure it is.

**Mr. Bellingham:** My hon. Friend is making a superb speech. Clause 40 states that schools may not interview potential pupils and their parents. What happens if parents go to the school and want to interview the head?

**Mr. Willetts:** Indeed. The regulations are extraordinary. As I understand it, the purpose of such an interview is for the parents to learn about the school, but the school is not supposed to learn about the parents.

**Several hon. Members** *rose—*

**Mr. Willetts:** I should like to make progress, as I want to consider two crucial concerns about the Bill. The first, which has been mentioned already, is what we might call the fragmentation concern—that the proposals in the Bill will lead to fragmentation and diversity, which will lead to inequity. That is a genuine concern, and I recognise that Labour Members express it with sincerity and conviction. If I honestly believed that the agenda of opening up more freedom for schools and giving them greater diversity would create even wider gaps in our society than exist at present, that would be a powerful objection to the proposals.

However, I have to ask hon. Members who believe that argument, and who believe that we should return to the classic comprehensive model with every child going to their local secondary school, whether that model is as fair and equitable in practice as it is supposed to be in theory. In today's Britain, the main route for getting one's child to a good school is to get one's local priest to sign a chit or to be willing to pay the higher price to get a good house in a catchment area close to a good school—a higher price of £50,000 on average and in some cases possibly £200,000.

I do not believe that a system of allocation of school places by the power of the local clergyman or the parents' ability to pay high house prices is any basis for a 21st century education system. In a modern, diverse, socially mobile country there is no way we can tie people down to their local catchment area and their local school. They are used to having a range of options and choosing between them. They will search the internet for information about how different schools are doing, and there is no basis on which any of us, on either side of the House, should try to pass laws and regulations to stop them exercising such choice.

**Several hon. Members** *rose—*

**Mr. Willetts:** Let me make progress on this very important point, because it matters enormously to us on the Conservative Benches. We do not believe that that old model is any longer a way in which people can credibly claim to deliver social justice. That is why the system needs to be opened up, and why we need to consider a radically different alternative allowing greater diversity and choice.

However, the alternative model has powerful critics, and none more powerful than the Deputy Prime Minister, who put it so well when he said:

"If you set up a school and it becomes a good school, the great danger is that everyone wants to go there."

That is his objection to the model and his concern. I wish that that were only one of the absurdities that we are used to hearing from the mouth of the Deputy Prime Minister, but sadly, what he was describing is the thinking that lies behind far too much regulation of schools in our local areas.

As an example of such thinking, I quote from the adjudicator's report on a request to open a new voluntary aided Montessori primary school. He wrote:

"With its new facilities, it"—

that is, the new maintained school—

"might prove attractive to more local families who might indeed find places to be available. If this were the case, then the anxieties expressed by the LEA, the schools local to the proposed site and other objectors would prove to be well founded".

So the chief adjudicator did not allow the new Montessori school to go ahead. That is an outrage. That is not the way that education should be conducted in our country today. We want to see conditions made easier for new schools to be created and for successful schools to be expanded.

Somewhere in No. 10, and perhaps at least with the Secretary of State and her adviser, Lord Adonis, there is a recognition that school adjudicators should no longer turn down bids to run a Montessori primary school. That is not a vision for education reform in the 21st century. The Prime Minister gets it. He is clear about that whenever he makes the case for education reform. It is a pity that, because of her fear of her own Back Benchers, the Secretary of State has been reluctant to make a case for education reform on those lines today. We know that the abolition of the school organisation committee and the new power of schools to compete to create new places are exactly what is necessary to move us in the direction that I have set out.

**Tom Levitt** (High Peak) (Lab): I owe it to the hon. Gentleman to give him a chance to take a breath. Is there not a world of difference between schools selecting parents and parents selecting schools? Does he agree that selection is the antithesis of choice?

**Mr. Willetts:** Does the hon. Gentleman support specialist schools? Does he agree that they should have distinctive specialisms? Should they be able to select 10 per cent. of their pupils by aptitude in those specialisms? Can he explain to me the difference between the aptitude and the ability of pupils? That is a dangerous question to ask.

**Tom Levitt:** I am happy to respond. All the comprehensive schools in my constituency are specialist schools, and they may or may not take up to their 10 per cent. of additional pupils. What they do not and cannot do is select against children in their catchment area, who still expect and get comprehensive education from those schools.

**Mr. Willetts:** The world is moving on.

I have talked about the concern of Labour Members over the possible threat to equity. I understand the concern and appreciate their sincerity. I have explained why I do not believe that the old model of the local comprehensive school can work any longer. There is a second concern—that having laboured long and hard, the Secretary of State has produced a mouse. There is concern that despite the radical talk that we have heard from the Prime Minister and in the introduction to the White Paper, the Bill does not go far enough.

We would like to see far more education reform than is in the Bill. There are too many examples in the Bill of measures that take a step towards more freedom and more choice, only to erect a Heath Robinson sort of contraption around them to stop freedom being enjoyed and choice being exercised. In Committee we will try to bring back the greatest possible freedom for schools.

We have some concerns about restrictions in the Bill. I shall give two examples—first, the power of the schools adjudicator. The Bill increases enormously the adjudicator's power to interfere in the decisions that individual schools take, including about their admissions, but about many other matters as well. The powers of the adjudicator appointed by the Secretary of State are so enormous that it would be tempting to allow the powers to go into legislation, knowing that a future Conservative Secretary of State could use the powers of the adjudicator provided for in the Bill to change the education system in the way that we wish. If we simply wanted to come to power with maximum Executive freedom by fiat to change schools, we would use the powers of the adjudicator. I am sure that Labour Members will wish to consider that point.

I do not believe in free-standing executive discretion on the scale that will now be enjoyed by the adjudicator. It is important for those of us on both sides of the House, who believe that ultimately these decisions should be taken by people who are democratically accountable, to consider whether we are content with the amount of discretion that the adjudicator will enjoy under the Bill and, in particular, whether we believe that it is right that there is no provision for any appeal by a school against a decision by the adjudicator. This is one way in which it may be possible for Members on both sides of the House to improve the Bill.

Secondly, on the important issue of interviews for admission, the Bill goes even further by explicitly banning, in primary legislation, interviews for all purposes other than the allocation of children to a state boarding school. That ban is already in force through the admissions code, but it is tightened up in the Bill. I recognise that, and I regret it. It goes to the heart of an important confusion in the Bill. The Bill contains tough, indeed draconian, powers on discipline, and, in this day and age, we need to make it clear that teachers have disciplinary powers. But the Government are only thinking of how to improve order and discipline in a school by giving teachers almost unfettered power to discipline children. There is a better way of ensuring that schools are orderly and can maintain discipline, which is by encouraging schools to have a distinctive ethos and to have parents who are committed to the school and understand its ethos. Being able to invite parents to an interview to establish whether they and their children are committed to a home-school contract is a good way of establishing a commitment to discipline without having to fall back on the severe disciplinary powers proposed in the Bill. We know that a small number of Church schools have historically used interviews in order to establish the religious conviction of parents. I rather suspect that the Prime Minister is aware of such procedures used by schools. It is a great pity that he appears to be committed to a provision that would stop schools doing what the school to which he sends his children has been doing, which seems to us to be a reasonable way for Church schools to establish a denominational commitment.

The Prime Minister said to a Labour party conference:

"I believe we're at our best when we're at our boldest".

On another occasion, he said:

"Every time I've ever introduced a reform in government, I wish in retrospect I had gone further".

When he contemplates the Bill, I am sure that he will wish that he had gone further. It will be our task in Committee to make sure that the Bill goes a lot further than it does now.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. Before I call the next Member, may I just remind the House that an eight-minute limit has been placed on all Back-Bench speeches? That applies from now on.

2.13 pm

**Mr. David Blunkett** (Sheffield, Brightside) (Lab): I am sure that Members on both sides of the House will understand the nerves of a new Back Bencher. Even on the ides of March, I thought that the speech of the hon. Member for Havant (Mr. Willetts), the shadow Secretary of State, did not add up to a Mark Anthony and it is unlikely that my right hon. Friend the Secretary of State would wish to play Cleopatra. His speech was, first, all about apologising for past Conservative education polices and, secondly, a feeble effort to try to divide this side of the House by pretending that the Conservative party is in favour of the Bill because it believes in the measures in it.

The measures remove the kind of unfairness that the shadow Secretary of State has been talking about this afternoon when he was eulogising about grant-maintained status. Some Labour Members remember that very well: the unfair admissions, the unfair funding, the separation of one school from another and the inability to get people to realise that collaboration, not competition, helps schools to work with each other to provide a decent education. In the six and a half years during which I had the privilege of leading Labour's education policy, we undertook to overturn the unfairness we inherited in 1997.

*[Mr. David Blunkett]*

I commend my right hon. Friends the Secretary of State and the Prime Minister for listening and responding to the concerns that existed when the White Paper was published. It would be a great disservice to those who listened and responded if the message were to go out that Labour Members were churlish enough not to take that response and rejoice in it; in other words, if they were to snatch defeat from the jaws of victory, as we did so often in the 1980s. The message must go out that if the Government are prepared to listen and respond, then we, too, listen and respond and give our support to those measures.

The strengthening of the admissions code, placing the changes in the Bill so that the wording will be "in accordance with" the code, not merely "have regard to" it, will be a major step forward, as will be the development of the forum not merely for admissions at local level—which some progressive local authorities, such as my own, already operate—but also to plan places for the future. As my hon. Friend the Member for Sunderland, South (Mr. Mullin) mentioned in Prime Minister's questions, this also undertakes what is covered by the agenda in the White Paper, "Every Child Matters".

We believe in equality of opportunity in a way that the Conservative party demonstrated that it never did in the 18 years that it was in power. The Bill provides for a pupil-centred curriculum, an emphasis on vocational education—I hope that that will be a link between academic and non-academic pupils, not merely those who have been struggling with an academic agenda—and an emphasis on discipline and on the ethos of the school, which often drives people, particularly in inner London, out of the state system.

In Hackney, the most deprived borough in the country, 20 per cent. of parents send their children to private school at secondary level. Those parents are making a choice by opting out. We want people to make a choice by opting in to their local school where the standard of education is such, and where the culture and ethos have been so developed, that parents are proud to say that they are sending their chid to that school. The legacy we inherited was exactly the opposite. Special needs children were forgotten and under-investment and under-achievement were simply taken for granted. I remember what it was like in my constituency. People were not worrying about 25, 35 or 45 per cent. of pupils achieving A to C grades, but 6 and 8 per cent. In the school that is now known as Firvale community school, a specialist school, the figure was 6 per cent. The school had an 80 per cent. ethnic minority intake and the children and parents were told that no better could be achieved. The figure is now 36 per cent. and rising. That did not hurt neighbouring schools. They have transformed their achievements with the same intake they always had. Children will not be bussed from my constituency to the south-west of Sheffield, not just because it is a practical impossibility to get those in the south-west to bus back to my constituency, but because places are not available.

The imperative is to transform education for those children by the sixfold increase in capital investment, the 30,000 extra teachers, the 110,000 teaching assistants and the emphasis that we place on intervening in the most disadvantaged areas. Trust status, collaborative as it must be in those areas that choose it, builds on the education action zones that we have created since 1997. Education action zones focus on disadvantage and they draw in resources from outside business and support from universities. I do not mind at all if HSBC wants to use some of its £11 billion to invest in an academy in my constituency. It will not have to because the seven schools that serve my constituency at secondary level have transformed themselves. They have also formed a new sixth form college in collaboration with the education authority in an entirely new governance model, reminiscent of the trust status that we are talking about. Each is sharing and contributing—a part of the transformation in education that every one of us on the Labour Benches wants to see.

While accepting that there will be differences between us, all of us accept that the real fervour—the passion—for education in the Labour party is because we know, as I certainly know, that it is the transforming element in people's lives. It takes people up the ladder, out of disadvantage. We want good education authorities, sharing and working through the forum, to be able to liberate people to enjoy the quality of education that so often they have been denied.

Schools control schools, not education authorities. Today, we are building on the history of what we debated in 1995 and 1996 at conference and in the Education Act 1998. Because I benefited so much from education, I know that my constituency is an area that needs educational reform more than any other part of Britain. Building on what we have done, we shall achieve even greater strides in the future to transform our system.

2.21 pm

**Sarah Teather** (Brent, East) (LD): The Bill is an eclectic mix of proposals, some of which we broadly welcome, such as the, albeit tentative, moves towards personalised learning, the streamlining of the inspectorate and the intentions behind the provisions on school nutrition. I suspect that those proposals will be largely uncontroversial.

We also welcome the implementation of the Steer report on school discipline, especially the measure that finally clarifies the ambiguity in the law that left teachers without legal authority to impose discipline in the classroom and in other appropriate educational settings. We want to probe the proposals on pilots for school transport in more detail before offering support, but my main concerns about the Bill lie elsewhere.

The problem with the Bill as a whole is that it is timid on reform—*[Interruption.]* It is a timid Bill, with hidden dangers. Instead of building a radical, fresh agenda for reform for the 21st century, the Government's 11th Bill on education looks back 20 years for its ideas. Instead of addressing standards, which is the issue that most worries parents and future employers, the Bill focuses on structures. By failing to grasp real reform, it fails to tackle the most pressing problems in our education system and, worse, may actually entrench them.

The Bill is a missed opportunity. At the heart of the problem with the Government's education reforms is a conflict at the heart of the Government, and the tension is played out in the Bill: whether to adopt a competitive

or a collaborative model for education. The Government's failure to think clearly about that has paralysed their thinking. From the moment that the White Paper was published, No. 10 has spun in one direction and the Secretary of State has been forced to row back the rhetoric in another. We shall end up with a Bill that is a mish-mash of both approaches, with no clear vision for the future.

**Several hon. Members** *rose—*

**Sarah Teather:** I shall give way when I have finished this section of my speech. Be patient, please.

The opportunity for radical reform lies not in trying to combine the oil of competition with the water of collaboration, but in marrying a different set of opposites: autonomy and collaboration. Autonomous schools should decide which teachers they employ and how they spend their budgets, and should have the one freedom that the Government have constantly failed to give them—matching the curriculum they can offer to the needs of the pupils they serve. Collaboration means local schools and colleges working together to share good practice to develop the expertise of staff and share facilities, delivering with other agencies, including the local authority, the five outcomes that we want for children.

**Steve McCabe** (Birmingham, Hall Green) (Lab): According to a Liberal Democrat press release, schools would be required to take a certain number of children who are eligible for free school meals, otherwise they would lose out financially. Is not that a focus on social engineering and structures rather than on standards?

**Sarah Teather:** We would like admissions to be controlled by the local authority; we do not think it appropriate for schools to control their own admissions, as that is much more likely to entrench social segregation. One of the things that we have been looking into is giving schools an incentive to take children from disadvantaged backgrounds or who are underachieving and, under the proposals that the hon. Gentleman mentioned, giving them extra money to take those children so that they can do well—*[Interruption.]* That is one of the proposals that we are looking at and I shall come back to that point later in my speech.

**Mr. Mark Hendrick** (Preston) (Lab/Co-op): Given that the Bill does so much to improve discipline in classrooms, why do the hon. Lady and her party intend to vote against it?

**Sarah Teather:** As I explained, although we welcome those proposals, there are so many other aspects of the Bill that are timid on reform that as a whole it is not good enough to accept. The Conservatives have made a similar decision; there are things that they do not agree with, but they have decided on the whole to support the Bill. Each party must consider the Bill as a whole. We have done so and we do not feel that it is good enough.

**Mr. Khan:** The hon. Lady has just explained why she is not in favour of giving schools autonomy on discipline. Can she explain why she is not in favour of giving children aged between 14 and 19 the skills they need to do well in society?

**Sarah Teather:** The hon. Gentleman has not listened to what I said. That is not what I said. I said that we were opposed to giving schools autonomy on admissions, not on discipline. Particularly lacking in the Bill are proposals to implement the reforms recommended by Tomlinson. There are proposals on personalised learning, but they are timid reforms that go no way towards meeting the needs of young people.

We object to the Bill because we believe that the Government have missed the point about freedom and they have missed the point about choice. The proposed new trust schools will lack the one freedom that schools really want and that pupils really need—the freedom to teach what young people want to learn. But they will gain the one freedom that is likely to make inequality and discrimination worse—the freedom to pick their pupils.

The most important predictor of educational achievement for young people growing up in Britain today is their parents' income, and the gap between the attainment of rich and poor is getting worse, not better. For many young people—more than 16,000 last year—that means they will leave school with no qualifications at all. About half of 16-year-olds leave school with fewer than five good GCSEs. Britain has one of the worst records in the developed world on 16-year-olds leaving education, yet post-16 education has a huge impact on a young person's future earnings. Almost 80 per cent. of young people who leave school at 16 go on to earn less than half the average wage, so our education system is fostering inequality rather than aspiration.

If we are serious about tackling poverty and social justice and about giving all our young people the opportunity to fulfil their potential, we must address the reason why so many are failed by the current system. Reform of our education system must begin with freedom for schools from the over-regulatory centralised curriculum, with real reform of education to give young people choice and opportunity over what they learn.

**Tom Levitt:** The hon. Lady is making points rather than arguments. The thrust of what she seems to be saying is that the Bill does not go far enough, but given that it is the only Bill on offer and that it takes us a long way along many of the lines that she has set out, why does not she accept half a loaf and then go further?

**Sarah Teather:** Because, as I was about to point out, some of the problems with the Bill will make it difficult to implement the reforms that we want.

**Mr. Andrew Turner:** The hon. Lady knows that the Conservatives who now run the Isle of Wight council were bequeathed a failing education system by the Liberal Democrats, who admitted as much when they

*[Mr. Andrew Turner]*

left office. Can she tell me on how many occasions they asked the Secretary of State for derogations from the national curriculum such as she has described?

**Sarah Teather:** The hon. Gentleman cannot expect me to know the detail of what has happened in his local area, but if he writes to me, I shall write back.

**Sarah McCarthy-Fry:** Due to the hon. Lady's rationing policy on interventions, I must refer back to her remarks on admissions. The Bill states that looked-after children will have priority on admissions, which already happens in my constituency. By voting against the Bill, the hon. Lady will deny that right to all the other looked-after children in the country. How will that help disadvantaged children?

**Sarah Teather:** The provision that the hon. Lady has mentioned will be introduced by regulation and is not part of the Bill.

If we are serious about reforming education, we must, as I have said, implement the reforms in the Tomlinson report. The entitlements to diplomas laid out in the Bill are all very well, but they will do nothing to shift the two-tier system in education. The two-tier system fails children at both ends of the academic spectrum, because the brightest children are not stretched and many others are completely disaffected. Both groups of children need the option of combining skills and study to allow them to enter the work force with knowledge and know-how.

The Labour Government claim to advocate the politics of transformation, yet they have bottled this chance to transform 14-to-19 education, leaving untouched one of the most potent sources of Britain's class divide. Why will they not implement the root and branch reforms recommended by all since the late John Smith's commission on social justice more than a decade ago.

**Mr. Dismore:** Is it Liberal Democrat policy to abolish A-levels?

**Sarah Teather:** As we have said, we want to implement the Tomlinson report, which means using building blocks in a modular form to build towards a diploma.

To implement the Tomlinson report properly and provide real pupil choice, one needs a model by which schools and colleges work together. Clause 149 includes enabling powers to support schools and colleges in working together, but there is no incentive and no requirement to adopt that approach. No school is likely to be able to offer a full range of courses for students across the whole range of vocational and academic study, let alone arrange for work-based learning, if it is appropriate.

**Ms Dari Taylor** (Stockton, South) (Lab): Will the hon. Lady acknowledge that she has only read the Bill in part? I chair the all-party group on adoption and fostering, and it states on the face of the Bill that top priority will be given to admissions for looked-after children, which is crucial. I hope that she has the decency to acknowledge that she has read the Bill only in part.

**Sarah Teather:** I shall certainly look at that point. *[Interruption.]* I have been in this job for one week, and if I am wrong, I am happy to be corrected.

**Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): The hon. Lady is confusing me, because one moment she talks about devolving power locally, while the next she talks about making changes at a higher level. The Bill gives schools choice, and I point her to the example of Hackney, where strong political leadership has resulted in freedom for local schools along with a requirement to collaborate. If she believes in decentralisation, she should believe in the power of local government to get schools to work together.

**Sarah Teather:** I believe in decentralisation, but I do not believe in devolving power on admissions.

**Dr. Roberta Blackman-Woods** (City of Durham) (Lab): Will the hon. Lady explain how it squares with Liberal philosophy to oppose giving more freedom to schools, parents and governors to form partnerships or federations of their choosing in order to raise standards in their school?

**Sarah Teather:** I shall come to that point later in my speech. We do not oppose that approach—in fact, we welcome it. It would be better if groups of schools and colleges in an area came together to collaborate and co-operate on timetables and teaching and were judged by their collective efforts and not by the individual exam results of each institution. I welcome the Secretary of State's support for federations, which already exist in many areas, and I also welcome the change in language on supporting collaboration, but the problem is that the Bill does not include a lot of those proposals.

As has been said, schools could collaborate through loose federations and more formal learning networks, or we could require schools and colleges to work together in a community learning trust, which would still allow external partners to participate. *[Interruption.]* I have no problem with the concept of a trust; my problem concerns particular details. *[Interruption.]* I also have a problem with giving freedom on admissions. Reducing the number of parent governors on a trust rules out community governance.

We need to reform education and focus more on students' needs. When one examines the most poorly performing secondary schools in England, one finds that they are plagued by three interrelated problems—poor discipline, truancy and young people opting out of post-16 education altogether. Pupils are currently voting with their feet. In the months of posturing leading up to today's debate, the word "choice" has been oft used and much abused, although it actually appears only three times in the Bill. The Government have not used the word "choice" in respect of young people, and we need an education system that gives young people choice and encourages them to take responsibility in their lives.

**Bob Spink** (Castle Point) (Con): I am grateful to the hon. Lady for giving way—she is being quite generous. Will she take this opportunity to clear up the Liberal Democrat policy on discipline, because I have been confused by her remarks so far? Does she agree that bad behaviour is a key ingredient in poor performance in schools and that we need more discipline? Does she support clauses 84 to 86, which extend parenting orders and all of that?

**Sarah Teather:** We all agree that the Bill is complicated, and one needs copies of about four Acts and five statutory instruments to understand it. However, I cannot answer on "all of that".

We support all the recommendations in the Steer report, although we are concerned whether the proposal to take the parents of excluded children to court if their children are found in a public space in the first five days of an exclusion is practical, so we want to probe that issue further.

**Mary Creagh:** Before the hon. Lady entered this House, she was briefly a councillor in a north London authority—later, she became the local candidate in another part of the London. She has discussed timidity in the Bill, but she was on the committee that scrutinised the outsourcing of the Liberal Democrat council's school meal service, which resulted in the outsourcing to Scolarest of school meals, the closing and selling off of school kitchens and children being fed a different type of mechanically separated turkey every day. Does she regret her timidity when she sat on the committee that failed to provide decent school meals for children in that area?

**Sarah Teather:** Perhaps we should get back to dealing with the detail of the Bill.

**Mr. Bailey:** The hon. Lady has rightly identified bad discipline as a reason why some schools perform badly, and she has advocated radical changes. Why does she not support the radical change of giving teachers the right to discipline in school?

**Sarah Teather** *indicated assent.*

**Mr. Bailey:** In that case, why does the hon. Lady not vote for the Bill on Second Reading and table amendments in Committee on the items with which she does not agree?

**Sarah Teather:** I see that I am going to have to repeat myself several times. That was pretty much the first thing that I said, when I explained that we all have to make a choice based on the whole Bill, just as the Conservatives have. They have made a choice on the whole Bill and said that although there are things that they disagree with they feel that it is worth giving it a Second Reading. We have looked at the whole Bill, and I am afraid that we feel that there are too many problems for us to be willing to give it a Second Reading.

Let me return to the word "choice", which has come up rather a lot. The choice in the Bill, if there is any, is all about decisions at 11. I believe that choice should be a theme that should run throughout the education system. Even when choice is mentioned, I cannot help wondering whose choice it really is. If one lives in a rural area, much of the hubbub about choice in schools is irrelevant because there are not that many to choose from. For parents in urban or semi-urban areas, whether or not free transport is offered, the crisis at 11 is about surviving the stampede to get into one popular school and hoping that one's child does not end up lumbered with any of the unpopular ones.

That is not meaningful choice. The problem is that if we give schools the freedom to control their own admissions, we will take away what little choice parents have and hand it to schools that will have the power to choose their pupils. All the evidence suggests that when schools do that, they choose the well-off and bright children, leaving the others to go to other schools. That is hardly surprising given the incentive to do so because of nationally publicised league tables. If we move further down this route we could completely undermine the comprehensive system.

**Several hon. Members** *rose—*

**Sarah Teather:** I am not going to give way now as I want to make some progress.

Let us look at the evidence on admissions and social segregation. From the Sutton Trust, to Simon Burgess's work at the University of Bristol, to Rebecca Allen from the Institute of Education, the findings are similar. Schools that control their own admissions and perform highly are less likely to take poorer students than the catchment area would predict. The Government will say that they have outlawed more schools being able to select by ability, that they have forced schools to operate in accordance with the new code, and that they have legislated to prevent schools from interviewing in order to choose pupils. That is welcome, but it is not enough. Very few schools use interviews to select pupils anyway. Much more serious are the covert measures such as gerrymandering of catchment areas, name recognition and selection by aptitude, which is really just a semantic sleight of hand for selection by ability.

Is anybody really convinced that a code to be published after the Bill will be tough enough anyway? Will it be sufficiently tight? Can a beefed-up admissions forum police it adequately? Will it have the data? Will it be prepared to challenge the data provided? Will it really be prepared to grass on its high-performing local schools to the schools adjudicator? Frankly, a system that needs so many safeguards probably is not safe in the first place.

One wonders how on earth parents are supposed to navigate their way around a system with so many more schools operating their own criteria. One choice adviser per local authority is about as far as the proposed £12 million is going to go.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. I think that the hon. Lady has indicated that she is not going to give way at the moment.

**Sarah Teather:** Thank you, Mr. Deputy Speaker. I will give way in a moment, but I said that I wanted to make some progress.

*[Sarah Teather]*

Every MP and councillor will know that schools admissions are one of the most controversial aspects of education. Surely that is therefore the one issue that should have some accountability. The local authority is the right place to decide an area's admissions policies for community schools, foundation schools and city academies. Whatever other freedoms they may have, this one needs a strategic overview.

What about parent representation on the governing body of these trust schools? We know the direction of travel that the Government take on this. Look at academies, which need only one elected parent governor, with all the others appointed. That is no way in which to increase parents' influence on schools.

**Mr. Andrew Turner:** If 100 pupils are admitted to a school and 365 are turned down under one admissions policy, and the admissions policy is changed, will not that still lead to 100 pupils being admitted and 365, perhaps different, pupils being turned down?

**Sarah Teather:** It will not change how many are turned down. The key problem is the criteria that are used for turning them down and whether those criteria are accountable. Will the brightest children or those with the most well-off and articulate parents be taken? If so, we will have two-tier schooling.

**Ms Angela C. Smith:** The hon. Lady's comments about city academies are surprising given that when the Liberal Democrats were in charge of Sheffield city council they opened up negotiations with the Vardy Foundation for a city academy. I would appreciate her comments on that.

**Sarah Teather:** One of the problems with the way in which the Government run education is that they do not give councils an awful lot of freedom about the kinds of schools that they want to offer in a particular area, so that they are forced down a route, either through bribery or financial incentive, and often through the building schools for the future programme.

If the Government really want to turn round underachievement and social segregation in schools, they need to look again at the way in which schools are funded. If a means could be devised to target specific funding at young people who are underachieving or disadvantaged, schools would have an incentive to take those young people and they would get the extra resources that they need to thrive. By that I mean not just targeting a local authority or a school but following the pupil. We are looking at how such a system could be implemented in practice. A similar model has been used in the Netherlands and in Finland with considerable success, and I hope that the Government will look in more detail at such methods.

**Andrew Gwynne** (Denton and Reddish) (Lab): Is the hon. Lady aware that Stockport council, which is Liberal-controlled, constantly argues that more money should go to the wealthy areas of the borough such as Cheadle and Bramhall rather than to the poorer parts of the borough such as Reddish?

**Sarah Teather:** The hon. Gentleman underlines the point that I am trying to make. Wealthy areas often have young people, children and families who are very deprived. That is part of the problem of targeting money at a particular area instead of at particular deprived families. The index of deprivation is very wide, particularly in Stockport.

**Mr. Khan:** The hon. Lady expressed concern about poorly performing schools and said that local authorities should be given a greater role. The National Audit Office report on improving poorly performing schools in England recommended that local authorities should intervene in them earlier. Why is she not supporting that provision in the Bill?

**Sarah Teather:** I will come to that later.

I want to move on to the roles of central and local government. For all the spin on freeing up schools, it is notable that in the first 70 pages of the Bill the Secretary of State is mentioned in action or possible action more than 60 times, regulations prescribing this and that are mentioned more than 50 times, and the guidance of the Secretary of State is made available 20 times. She is going to be an extremely busy girl. It is hardly localist. We broadly support the idea of local authorities moving to a more commissioner-based role to support increased diversity in the system, but we do not see why they should not also compete to run community schools. That is a local decision that should not be subject to the Secretary of State's veto or interference.

If we want local authorities to commission, we need to decide exactly what we mean by that. First, we need to give them the power to decide how much money to put into education, and where to target it. *[Interruption.]*

**Mr. Deputy Speaker:** Order. Private conversations are breaking out. The House must listen to the hon. Lady who is addressing us.

**Sarah Teather:** Hon. Members are still trying to decide how to vote.

How can anyone believe that the Government are serious about any real substance to this commissioning role when at the same time as they announced it, they also announced the first dedicated schools grants, which bypass local authorities and for the first time ever take education funding decisions out of their hands?

Secondly, when local authorities commission other services they follow a standard model of good practice whereby they carry out a needs assessment, then commission services to meet those needs and hold service providers to account. The model in the Bill has been spun as little more than giving local authorities the power to book the newspaper space to advertise the competition. There is a key strategic role for local government here, which has not been adequately acknowledged. This Bill, like the Conservative legislation in the late 1980s, has been driven by 10 years of rising school rolls and increasing levels of distress and anxiety on the part of parents, particularly in the capital, who have found they cannot get their children into a school they that they are happy with. However, we are about to face 10 years of falling school rolls, and we will lose an estimated 500,000 teenagers from our schools in the next 10 years.

Do the Government expect the market to manage school allocation and resources efficiently? What will happen when a school faces closure and opts out to become a trust school? Unless councils are given a more explicit role in managing resources, they will find that they have two conflicting duties: efficiency and good management of public finances, and providing choice in the system. The Government have simply not tackled that.

The improved role of local authorities to step in when schools are coasting or failing academically is to be welcomed greatly. However, local authorities also have other duties, including fulfilling the requirements of "Every Child Matters". They have no powers to step in when trust schools fail to achieve those criteria. Indeed, the spin on the model is unlikely to encourage the cross-departmental approach to children and young people's services that is required. We are therefore back where we started.

Do we need a model for education that encourages competition and places choices in the hands of schools and their trustees, or do we want one that champions choice for pupils and parents, and promotes autonomy and collaboration? I know which model I believe will deliver for children, especially the most disadvantaged, who already miss out so much under the current system. The Bill fails to do that. The Government should go away and think again.

2.51 pm

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): I congratulate the hon. Member for Brent, East (Sarah Teather). It is her first time on the Front Bench. *[Interruption.]* Let us be generous—it is a stressful occasion. We hoped that she would be briefer than her predecessor, the hon. Member for Harrogate and Knaresborough (Mr. Willis), but we were disappointed.

In the short time that Back Benchers get, I should like to concentrate on two matters, the first of which is the background to the Bill. Many words are bandied around about different parties' achievements in comprehensive education. We should all remember with some humility that comprehensive education was a grass-roots movement. It was a passion of people from many parts of our country who hated the 11-plus, and the social division on which it was based, so much that they and local authorities throughout the country—some of them not Labour—changed the situation. National politicians joined in a bit later. Let us be honest about that.

However, once we had got rid of the inequity of the 11-plus in much of our country, we did not think hard enough about its replacement. Too much of the debate for the past 50 years has been superficial. Let us consider the history of comprehensive education. Last year, I went to Kidbrooke school for its 50th anniversary. It was the first purpose-built—in 1955—comprehensive school in the country. In 1964, Harold Wilson said that now we had comprehensive education, we would all have a grammar school education. That was wrong. We wanted comprehensive education to mean the right education for all the talents—practical, vocational, academic or a combination of all three. Some of us have been slow to tackle that.

What goes on under a school roof? In the time that I have had the privilege of chairing the Select Committee on Education and Skills, I have learned that one picks up, usually through school visits, what is happening on the ground and one can compare it with some of the great speeches that are made in this place. I believe that, until 1997, we did not get far.

In the run-up to the 1997 election, Labour Members started to think about what genuine comprehensive education should mean. We started discussing diversity and choice well before 1997 because we did not want comprehensive education to mean—we are not supposed to mention "bog standard" any more—the same sort of school in every part of the country. We wanted schools that were of their community and responded to skills needs, parents' aspirations and so on, and a fantastic change has occurred since 1997.

We have not achieved everything we wanted but we have got away from some of the "isms". I went to the London School of Economics, where I was taught by Michael Oakeshott, the famous Conservative philosopher. He said that one should put more faith in the pursuit of intimations—steady progress based on evidence—than in any "ism", be it socialism, fascism, communism, nationalism or Conservatism.

Let us be honest with each other. In the past 10 years, Labour Members have seriously considered the sort of comprehensive model that we want. We have set a course. Of course, we have not arrived—education is not like that. The shadow Secretary of State was a little pompous in some of his comments about that. *[Interruption.]* He is not always pompous. Sometimes he makes not superb, but pretty good speeches.

We have not only had 10 years of newly defined commitment to comprehensive education in the communities that they serve, but we have moved to a new position whereby we put resources behind our aspirations. No one, not even Conservative Members, can deny the money that has gone into education at every level—pre-school, throughout mainstream school, to higher education—about which I often ask for more assurances. We have genuinely changed the commitment. I shall make one party political comment. I sat in the House for 18 years listening to Secretaries of State who would never send their child to a state school tell me, who sent all my children to state school, how well they had done for the state sector. The Government have therefore made a great change.

My second point is about the progress of the Bill. It was initially published as a White Paper, which the Select Committee had the privilege of considering. It was not perfect. No measure has ever been perfect. However, we should be proud as parliamentarians that we turned the measure into a good Bill. We made it a rigorous, better and radical measure. I believe in its principles: fair admissions and diversity and choice. What is wrong with that for the communities that we represent? Nothing. However, we must support it with resources and leadership.

The measure is diverse. Fair admissions must be at its heart. The Secretary of State asked us to judge her and the Bill on whether it delivered for the underprivileged child who does not get the sort of education that we would like for our children and those of every constituent whom we represent.

**Lynne Jones** (Birmingham, Selly Oak) (Lab): Is not the problem that we have to judge the Bill without knowing what the code of practice will contain?

**Mr. Sheerman:** When we took evidence on that, we were happy that the code of admissions would be tougher. It had already been accepted that there would be no interviews. The Secretary of State assured us that the admissions code would be stronger, more robust and fit for purpose. Our suggestion that the admissions forum, local authorities and schools could call in the schools adjudicator toughens up the number of times that the adjudicator can be brought in if something that should not go on is happening.

The Select Committee also made a genuine breakthrough in getting the concession on what the school commissioner could do to assess the intake of schools throughout the country. Although I would prefer an annual assessment of schools' social mix, I am most proud of the biennial assessment, which the Select Committee's report recommended.

The White Paper and the Bill received more consultation than any other measure that I can remember in my 26 years in the House, and not only in the Select Committee, although I think that we did a darned good job. Okay, we did not get unanimity, but we produced a very good report. However, we also saw Labour Back Benchers and people from other parties making positive suggestions that were listened to by the Secretary of State and the Government, and we got change. Not only that, we got change in the School Transport Bill that came in last year. The Transport Committee looked at it, and it was obvious that it needed changing and improving. Why cannot we be proud of ourselves sometimes, not just because of our parliamentary responsibilities but because we have changed a Bill and improved it, and because we are now on course to make our country's education better than it was before?

3 pm

**Mr. Kenneth Clarke** (Rushcliffe) (Con): I am confidently expecting, at the end of this debate, to take part in Divisions that will give the Bill a bigger majority on its Second Reading than almost any Government Bill of recent times. That would give me particular pleasure because it is on the subject of education.

This also marks a considerable shift in the agenda of political debate. A large bloc of the Labour party is moving towards consensus with members of my own Conservative party, at least on the agenda of political reform, and it is important that we should do that. The poor performance of the British state education system, compared with that of most major industrialised countries, is one of the weakest features of British society. I rejoice that we are moving so close to a consensus; I only regret that it has taken us almost 20 years to get there, during which key figures who are now advocating the reforms from the Labour Benches have spent some of their time bitterly opposing the very principles on which they now base their legislation. However, that is behind us now, and I understand their difficulty. The Secretary of State made a speech in favour of a Bill of which I am broadly in favour, during which I had to listen to her stressing—for reasons I entirely understand—all the parts of the Bill that she never wanted to put in, and with which she hopes I disagree. I do disagree with some of them and I hope that we can amend them in Committee. However, we all know the direction in which we are going.

Some peculiar versions of the history of education reform have been given recently, but they have glossed over Kenneth Baker's reforms of the mid-1980s. The parenthood of the Bill is only too plain to see. I shall not labour that point because we are looking forward to what needs to be tackled and how we can make the best of what we are now doing. However, I shall just remind the House of the old adage: if it looks like a dog and barks like a dog, it probably is a dog. Labour Members are never more ridiculous than when they go blue in the face trying to convince us that the supposed trust schools are not grant-maintained schools, or that the city academies are not city technology colleges, renamed. Indeed, the same legislation was used to introduce the academies that we used to introduce the city technology colleges. Labour Members also talk about diversity of supply, parental choice and the opportunity to compete in terms that would have resonated with everyone who was Secretary of State during the third term of Mrs. Thatcher's Government.

I get worried when the Secretary of State tries to tell the likes of me that I am about to vote against principles that I hold dear. She plucked out as an example some feature of the Bill that she had thrown to old Labour. However, I am reassured when I go back to the White Paper, because there is absolutely no doubt about the direction the Government were setting out when they produced these measures. The Prime Minister's foreword states that

"the local authority must move from being a provider of education to being its local commissioner and the champion of parent choice."

[HON. MEMBERS: "Hear, hear!"] So say all my right hon. and hon. Friends. The Prime Minister's foreword continues:

"Our aim is the creation of a system of independent non-fee paying state schools."

That is perfectly clear, and it explains why the Secretary of State's veto over local authority proposals to carry on opening new community schools has been insisted on by the Government and remains part of the Bill. I am warmed by the fact that they have stuck to their guns on that, at least. I hope that any future Secretary of State in a Conservative Government will make ample use of that veto when local authorities try to challenge the structure for which this Secretary of State is paving the way.

If I may, I shall embarrass the right hon. Lady further by quoting her own White Paper. Paragraph 1.30 on page 20, describing the new system, states:

"This can only be achieved in a system that is dynamic, with weak schools replaced quickly by new ones, coasting schools pushed to improve and opportunities for the best schools to expand and spread their ethos and success".

That involves competition. It also involves enabling the best schools to expand and moving quickly to close irredeemably failing schools. That has been slightly obscured in the wording of the Bill, but let there be no mistake among Members below the Gangway on the Labour Benches: I know how a Conservative Secretary of State—and new Labour Secretaries of State over the next year or two, if they can get away with it—will implement that policy and use those powers.

Paragraph 1.35 on page 21 of the White Paper states:

"And if parents want to open a school, then it should be the job of the local authority to help them make this happen."

That follows a long, clear description of how parents should be in the driving seat when deciding what kind of school provision they want. They should be the best arbiters of the arguments about unsuitable people coming in and trying to run trusts or unscrupulous people misusing their powers. We must trust parents more; they want the best for their children. I agree with the Government that creating more parent power in this way within this kind of structure will finally move our education system further forward at a much more satisfactory speed.

**Lynne Jones** *rose—*

**Mr. Willis** *rose—*

**Mr. Clarke:** I shall give way in a moment.

The problem is obvious. Before we get to our resounding majority in this debate, the main problem is that the Labour Government are not being allowed openly to express the courage of their new convictions by their own Back Benchers. We are engaged in a curious political exercise this afternoon, but I hope that it will lead the way not to total agreement—there are plenty of details still to argue about—but to a new agenda, a new footing for the education debate. That is certainly what Margaret Thatcher, Kenneth Baker and I, when I was Secretary of State, would have wanted to see 15 or 20 years ago.

**Mr. Willis:** I was a head teacher when the right hon. and learned Gentleman was Secretary of State, and I know just how effective those Conservative policies were at dumbing down standards—*[Interruption.]* I had to get out. He has made some serious points in trying to drive more Labour rebels into the Opposition Lobby, but will he tell me where the evidence comes from that more parents want the powers that are now outlined in the Bill and which Baroness Thatcher and others wanted from 1983 to 1987?

**Mr. Clarke:** The hon. Gentleman makes a good point. I am conscious of the fact that the Labour Front Bench, my Front Bench and Members like myself have not yet managed to get the public to catch up with us. It is only too easy for the Liberal Democrats, every time reform is proposed, to get on a platform and oppose all reform and structural change. The easiest way to get a cheap round of applause is to say, "We don't need to change anything. All we need to do is make our own local school better." We have spent years doing that, and the present Secretary of State and every Conservative Secretary of State have been driven to the conclusion that that will not just spontaneously happen. We need resources and reform, and we need the system to be shaken out of its complacency about its performance. People do not realise, if they live in a decent area and their school is doing rather better than those in the run-down downtown areas, that this is not good enough. As the Government rightly say, too many schools are coasting along. Some are doing quite well, but they are not doing as well as they should. Diversity, choice and competition will enable us to challenge that complacency, bring a new dynamic to the system, and introduce some new providers who will do better.

I want to make one more point, very briefly.

**Lynne Jones:** Will the right hon. and learned Gentleman give way?

**Mr. Clarke:** I literally have no time.

We must tackle the question of selection. It is bizarre that, in order to secure as many supporters as possible, the Secretary of State should pretend today that we are arguing about the 11-plus, and about selection. She needs to address a key question: if education is to be personalised and tailored to each pupil, what is to be done about the gifted children in poorer areas? The old shibboleths do not answer that question, but it is a question that the Government must answer and we must answer—

**Madam Deputy Speaker (Sylvia Heal):** Order. The right hon. and learned Gentleman's time is up.

3.10 pm

**Mr. Nick Raynsford** (Greenwich and Woolwich) (Lab): It is always a pleasure to follow the right hon. and learned Member for Rushcliffe (Mr. Clarke), although on this occasion he confined his remarks to generality and rhetoric. We heard very little about the outcomes of his own tenures as Secretary of State for Education and as Chancellor of the Exchequer. Those of us who have followed developments in education over many years know that those were years in which teachers and others involved in education, including parents, were desperate because of the underfunding of education and this country's relatively poor attainment levels in comparison with those elsewhere in Europe, to which the right hon. and learned Gentleman referred. Those levels are improving significantly, and I would have expected him to acknowledge that the Government's increase in resources for education has been a major factor in that improvement.

I am one of the Members who criticised the White Paper when it was published. I considered it a poor piece of work. It was incoherent in many respects, it lacked an evidence base, and it contained claims and statements that were difficult to credit. It was difficult to understand how local authorities could act as strategic champions for their areas, working to raise standards and to ensure an adequate supply of places to meet parental aspirations, if they were the subject of vilification in some of the background briefing and if their role was being written off as though they were being sidelined. I do not think that that was at all helpful.

I pay tribute to the Secretary of State and her team for the way in which they have worked with Back Benchers like me over the past few months, and to the Select Committee and others who have voiced significant criticisms of the original White Paper and have worked to improve it. We now have a Bill that I shall be happy to support tonight, although I still feel that changes are needed.

My main reason for supporting the Bill is that it continues the good work already done by the Government to raise educational attainment levels. It

*[Mr. Nick Raynsford]*

recognises the importance of a coherent approach that links what is being done for teaching with the wider "Every Child Matters" agenda—something that appears to be entirely unfamiliar to Conservative Members, whose approach seems to involve ignoring the importance of coherence and interdependence. I think that in future years they will rue their failure to understand the position.

I also support the changes that have been made to ensure fairness in selection, a proper role for local authorities and a significant reduction in the bloated and rather bureaucratic role envisaged for the office of the schools commissioner in the White Paper. Nevertheless, one or two fundamental changes are still needed. One involves the Secretary of State's power to veto a local authority's proposal for a new community school. I am glad she has accepted that if there is to be a competition for new schools, it must be a fair competition, and that if parents want a community school they should have that option. However, I do not buy the argument that the Secretary of State needs the power to prevent a local authority from proposing an inappropriate scheme.

Clause 7 provides for that veto, but only in respect of a local authority submitting a plan for a community school. If an authority submits a plan for a foundation or trust school, there will be no veto. If the aim is to restrain poorly performing local authorities, the provision should apply to all types of school. The fact that it applies only to community schools implies that a degree of bias remains, and I think that it should be removed in Committee.

I also hope that more thought will be given to the difficult balance that must be achieved between promoting choice and diversity, which I support, and ensuring that we maintain the highest standards of quality. It is not always possible to combine the two. Measures to improve one school may well be compromised and undermined by measures to expand another. In my area, a clear and co-ordinated approach has enabled a hugely successful post-16 campus to be created alongside the sixth forms of a number of existing schools. That co-ordination has ensured the widest possible choice of curriculums and courses, and the maintenance of quality. If there were a proliferation of small sixth forms, all constrained by a lack of resources and unable to provide such a wide opportunity, quality and choice would be undermined.

The issues are complex. I felt that the speech of the hon. Member for Havant (Mr. Willetts), in which he promoted diversity and choice, was a little superficial. He did not recognise that there are difficult challenges to be addressed. Addressing those challenges will depend on local authorities' having an understanding of the issues, an ability to engage with all the parties and the power to ensure a co-ordinated approach not just to education, but to the wider "Every Child Matters" agenda. That is why the crucial role of local education authorities must be maintained, as—I am glad to say—my right hon. Friend and her colleagues now recognise.

I am a little nervous about the fact that there is still a tendency to try to write the local authority out of the scene and I hope that it will be countered. The Conservatives need only talk to their own representatives in local government to realise that it is recognised on a cross-party basis that local authorities have an important role to play, and that rhetorical attacks on them and attempts to wipe them off the scene are counter-productive.

I hope that there will be further changes to the Bill in Committee, and that the Committee stage will be constructive but not excessively prolonged. With those reservations, I shall be happy to vote for Second Reading.

3.17 pm

**Mr. John Maples** (Stratford-on-Avon) (Con): I share the lukewarm support expressed by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford). I shall support the Bill. I am sorry that the Secretary of State is leaving the Chamber: I was going to say some nice things about the intelligence and eloquence of her speech being a walking argument for the highly selective education that she enjoyed.

Our time is very restricted, and I shall deal with just one very specific issue—what I believe is the failure of the state system to deal with very talented and intelligent children. In my view, that failure has become abundantly clear. I can cite two studies, one of which was conducted recently by a professor of education at York university. He took a sample of 5 per cent. of the most able pupils at key stage 2, aged 11. Of those pupils—37,500—30,000 went into the state sector and 7,500 went into the independent sector. At the age of 16, almost every pupil who had entered the independent sector achieved five A or A* grades at GCSE, but only two thirds of those in the state sector did. At the age of 18, almost every pupil in the private sector achieved three As at A-level, while only 40 per cent. of those in the state sector achieved the same result. It is not surprising that when we look at the entry to really good universities, we see that it is skewed even further. The state sector is letting down bright pupils.

Anyone who wishes to dispute that evidence should look at the Department's own statistics. They show a happy improvement in the percentage of young adults attaining three As at A-level in all sectors. However, in the independent sector it has risen from 17 per cent. to 26 per cent., an increase of just over 50 per cent.; in the selective state sector it has risen from 12.5 per cent. to 20.5 per cent., an increase of slightly more—nearly 60 per cent.; and in comprehensive schools it has risen only from 4.7 per cent. to 5.7 per cent., an increase of 20 per cent. Not only is that group of children being let down by the state sector, and particularly by the comprehensives; the gap is becoming wider. Those in selective schools in the state sector, or in independent schools, are doing better and better as time goes by in comparison with those in the state comprehensive sector.

That is obviously palpably unfair to the children involved. They are bright kids, who are not receiving the education that they need and deserve to develop their talents for the purpose of their own lives. It is also bad for the country, however. Our economy relies heavily on the development of high technology, and if we are to have judges, doctors and professors of medicine, we need the brightest people we can get. Whatever their background, those people must have the education that is appropriate to them.

What should we do? Lip service is paid to this issue, and my party talks a lot about streaming, which has its [illegible] to play. To judge by schools in my constituency, [illegible] much more streaming than there used to be, but [illegible] schools with a lot of teachers can stream in more [illegible] a few subjects, because it is resource-demanding. The Government have a gifted children programme, but it does not do what is called for. People do not want a national academy for gifted schoolchildren; what they want is for the school that their child attends to be able to teach them and to enable them to fulfil their potential.

Having represented two different constituencies, my view is that a school's ethos is absolutely crucial. If most of a given school's parents value education, the children do their homework, they learn from other pupils and there is a competitive academic environment, very bright kids will flourish. Some comprehensive schools have that ethos and almost all independent and grammar schools do, by definition, but it needs a critical mass. The constituency that I used to represent was an inner-city area, and my current constituency is a largely rural, very prosperous middle class area. I wish that there had not been a gap between my two periods of service in this House, but that gap has given me a perspective on both situations.

We have grammar schools in Stratford, but in fact the high schools and the comprehensives are also pretty good, and I suspect that they are able to deal with bright kids. However, in the main comprehensive school in the part of inner-city London that I used to represent, only 10 per cent. of children used to get five GCSE grades at A to C—frankly, for most purposes, a C is a fail—so what chance did bright kids have there? On examining the percentage of children with special educational needs and the number of unauthorised absences from school—a euphemism for truancy—it is clear that there is not much difference between the two types of school. The problem is the critical mass and the expectations.

**Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): Does the hon. Gentleman not agree that, compared with the factors that he is describing, there is a greater correlation between class and poverty and education and attainment? Does the Bill not begin to address such inequalities, which are creating the divides that he mentions?

**Mr. Maples:** I wish that I thought that that was true; however, the hon. Lady is absolutely right to mention this issue. Very bright children in constituencies such as mine whose parents can afford to send them to independent schools will be all right; it is the bright working class kids whom the hon. Lady is concerned about who are getting left behind. This Bill goes nowhere near far enough; indeed, it is not designed to address that issue. Diversity might produce better results in some cases, but it is unlikely to do so.

We have got to accept that different children need slightly different forms of education. I am open to persuasion on whether such a division should be made at 11, 14 or 16, or whether it can be made within the same school. I would love to believe that bog-standard comprehensives, or the new ones in which the Bill will result, can deal with this problem, but I suspect that they cannot. We cannot pretend that we can give everyone the same education, because that simply will not work. In the school to which I referred earlier—it is in Lewisham—where 10 per cent. of children get 5 GCSEs at grades A to C, the child who does their homework, is interested in work and listens during lessons is a freak. The whole culture of the school is against such children, and it is they who are suffering.

**Linda Gilroy:** Will the hon. Gentleman give way?

**Mr. Maples:** No. I am not particularly arguing for the creation of new grammar schools, because there may be other solutions, but if I were I would not locate them in constituencies such as mine; I would put them in constituencies such as the inner-city one that I used to represent.

**Linda Gilroy:** Will the hon. Gentleman give way?

**Mr. Maples:** No, I am in the middle of making a point. That way, bright children from poor backgrounds who are currently being let down would have a school with the critical mass to enable them to aspire to achieve their potential. It is not constituencies such as mine that have this problem; it is those that many Labour Members represent.

I do not understand why "no selection" has become such an ideological sacred cow. Life is full of selection. We believe in selection for musical aptitude at school, and in ruthless selection for school sports teams. At age 18, we have one of the most ruthless education cut-offs and transitions that one could dream of, so I do not buy the idea that there should be no differentiation between pupils and their educational needs.

I am not sure what the solution is, but perhaps the Minister will address this point when she winds up. What about the very bright kids, whom I worry are being let down by the current system? At some point, the sacred cow of "no selection" will come into contact with the altar of progress, and we will have to accept that bright kids need a different kind of education from most others if they are to achieve their potential, if the economy is to benefit from their skills and abilities, and if our society as a whole is to get the most able people into the jobs that we need them to do.

3.25 pm

**Mr. Edward O'Hara** (Knowsley South) (Lab): Like other speakers, when I read the White Paper I was profoundly depressed. The expression that came to mind then was one that I had often used when I witnessed in opposition the attempts of the Conservative Government to divide and dismantle our education system. I used to say that they were creating an educational archipelago. We all know what can happen in archipelagos. People can lose their way, and those who find a better island in their travels can be sure that it has already been occupied. Of course, as Alexander Solzhenitsyn's "The Gulag Archipelago" showed us, people can lose their life opportunities if they lose their way and are stranded in an archipelago. I need not develop the image further, which can apply to a divided education system.

However, I am much encouraged by the Bill before us. I am encouraged by the tightening of the provisions on admissions, by the proposals for 14 to 19-year-olds in

*[Mr. Edward O'Hara]*

part 5, and particularly by clause 149, which we could call the "Knowsley model". That model was pioneered in Knowsley and we are proud to have made that contribution to the development of education policy. I am also encouraged by clause 17, which looks promising and deals with another area in which Knowsley has been in the vanguard of delivering the Government's policies. It is certainly in tune with "Every Child Matters".

On co-operation between schools and the sharing and dissemination of good practice, we in Knowsley have a philosophy and policy of corporate entrepreneurship. It works well, and there is a commonality between politicians, administrators, head teachers and teachers. All are concerned that this philosophy should not be undermined by the intrusion of the individual entrepreneurship of school trusts—a danger intrinsic in this Bill but, I hope, one that can be avoided. Rather than a rigid model based on individual schools, we want trusts to be developed in a local context, not spanning local authority boundaries, but perhaps including several schools being federated in trusts. Such co-operation is the spirit, as my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) said, of the "Every Child Matters" agenda—a spirit that consciously aligns with other Bills before the House on child care and vulnerable children.

The agenda that we in Knowsley espouse is an holistic one. It is no accident that the title of "director of education" in Knowsley has been replaced by "director of children's services", thereby indicating this systemic, inclusive, corporate and holistic agenda. I seek assurance from the Government that that agenda will be allowed to prosper once the Bill is enacted. I am encouraged by earlier remarks by my right hon. Friend the Secretary of State, both in the House and outside, that that might be the case and that there is the possibility of a strengthened role for the local authority—certainly more strengthened than I feared after reading the White Paper. I am also encouraged by my right hon. Friend's assurances that there will be close discussion in Committee in an effort to improve the Bill, including the criteria to enable successful local authorities to perform that appropriately strengthened role. I agree that one size should not necessarily fit all, and that applies to local authorities as well as to schools. I am optimistic that the Government now recognise that.

Clauses 7 and 9 will allow local authorities to propose new community or community special schools, subject to the consent of the Secretary of State. As the clauses stand, it appears that my right hon. Friend still feels unable to trust local authorities to run schools, even if they have a track record of success. Knowsley has established its credentials, demonstrated by its early selection for funding support for the building schools for the future programme, a system-wide reform in a local authority context. At the end of this month, all Knowsley secondary schools will be closed and replaced with eight learning centres—the name reflects the holistic, inclusive ethos that I have already mentioned. The Bill, if appropriately framed, will provide a perfect opportunity for us in Knowsley to maximise the implementation of federated trusts—indeed, in a local authority the size of Knowsley, possibly one federated Knowsley trust.

I make no apology for putting my remarks in the context of my home borough, which I am proud to represent. I have devoted more than half of my adult life to the education service in Knowsley and I want to see it improved, not damaged. I am optimistic that we can work with the Government to achieve that.

Other local authorities are thinking along similar lines to Knowsley. In some cases, they are even taking leads from Knowsley. I put it to my right hon. Friend the Secretary of State that when the detail of the Bill is considered in Committee she should not lose sight of the guiding principles, which I have mentioned several times, of inclusion, holism—I do not mind "isms"—and corporate enterprise. In Knowsley, we believe in sharing our problems and our opportunities. I usually manage to quote one of the Latin poets in my speeches, so I shall finish with a quotation from Horace, who said:

"Nam tua res agitur paries cum proximus ardet".

If the person next door's party wall is on fire, it is your problem too.

3.33 pm

**Mr. James Clappison** (Hertsmere) (Con): I am delighted to follow the hon. Member for Knowsley South (Mr. O'Hara). On balance, I think that my right hon. and hon. Friends are doing the right thing in giving the Bill a Second Reading. It contains principles that Conservatives can support, although the Government have clearly gone to some trouble to try to disguise them. There are other elements about which I am less enthusiastic, and I hope that plenty of time for debate will be available in Committee. That seems to be the will of Members on both sides of the House. The hon. Gentleman argued for more time in Committee, as did the right hon. Member for Greenwich and Woolwich (Mr. Raynsford). Indeed, the Secretary of State conceded that we needed to spend more time in Committee on the criteria according to which local education authorities can promote new community schools.

This is not only a Labour debate and it is not only the Labour party that is having an internal debate to try to perfect the Bill. We want to have our say, as do other parties. We all care very much about making the Bill as good as possible. It would be difficult for us to oppose a Bill that sets out to promote Conservative themes, which we have supported for such a long time, as my hon. Friend the Member for Havant (Mr. Willetts) so ably pointed out in his opening speech, as did my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), drawing on his experience as Secretary of State. Indeed, when he described how the White Paper chimes with previous Conservative thinking, the Secretary of State did not look as comfortable as she might have done. At one point, when my right hon. and learned Friend was quoting from the Government's White Paper, she had the sort of expression one would have when some dreadful family secret was about to be unearthed.

How could we oppose a White Paper and a Bill that set out Conservative themes such as diversity and choice in schools? Clause 2 is entitled:

"Duties in relation to diversity and choice".

It will place local education authorities under a duty to promote diversity and choice in the provision of schools. In 1992, the Conservative Government produced a White Paper entitled "Choice and Diversity". The Government speak of diversity and choice, but the underlying themes are the same.

The 1992 White Paper identified five great themes in Conservative education policy—quality, diversity, parental choice, greater school autonomy and greater accountability. Those five themes ran through the Secretary of State's speech today. Labour Members may not have been comfortable with that, but I felt comfortable when I heard her talk about those themes—if not some of her other themes. *[Interruption.]* If the Minister demurs from any one of these five themes, I would be interested to hear from him.

The problem is that I am not yet convinced that the Bill will make the difference that I would like to see it make to the education of our children, especially those who live in the most difficult areas and attend the most testing schools. Will we see the broad, across the board progress that parents are crying out for, especially in secondary education in the difficult areas? Ministers tell us that progress is being made in secondary education. Every week, they pray in aid—the Prime Minister did so today—the increasing number of good grades at GCSE and A-level. Grades have been improving, as they were before 1997. However, the conclusion that because grades have been improving over a long time standards are rising depends on the heroic assumption that standards are as high at GCSE and A-level as they were in the past. That is not an assumption that everybody finds it easy to make. It may not be comfortable for any of us to say that, but it is not a unanimous assumption—*[Interruption.]* Well, I shall ask the Minister directly. Does he believe that standards, in the curriculum and the results, are as high today as they were 20 or 30 years ago?

**The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope):** Of course they are.

**Mr. Clappison:** We can debate that in the context of the Bill's provisions on curricula and entitlements. However, one piece of worrying evidence is the drift from the study of subjects that some would say demand a high degree of academic rigour, such as science and modern foreign languages, and a move toward subjects that many would regard as less rigorous.

For example, since 1997 there has been a collapse in the number of students studying modern foreign languages at A-level, although Spanish has more or less held its own. That has happened under a Government who say that they want this country to play its full part in Europe.

Every bit as worrying is the decline in science. The number of students entering for science A-levels has been in steady decline since 1997. Last year, significantly fewer students began A-level studies in biology, physics and chemistry than in 1997, and the decline is especially marked in physics and chemistry. That has happened under a Government who have said that they want the work force of the future to be better and more technologically equipped, with more children going into higher education to study scientific and technical subjects.

Last weekend, we heard of the closure of the chemistry department at Sussex university, which followed hard on the heels of the loss of the chemistry departments at Exeter, King's college, London, Queen Mary's college, London, Dundee and Surrey. That is not a trend that is good for the future of our country, and it needs to be reversed. We hope that the Bill, and other measures to be introduced, will go some way towards changing that trend, but we must wait to see what happens. Will the Bill make a difference? Does the Minister believe that it will lead to a revival in school science? Such a revival would be evidenced by more children choosing to study science subjects through to A-level.

**Phil Hope:** Yes.

**Mr. Clappison:** The Minister says yes, but we shall find out in due course. We shall also debate the matter in Committee.

My next question deals more generally with trust schools—or foundation schools, or double foundation schools, however they may be camouflaged by the Government. Will the Minister say how many brand new additional schools of that type will be established as a result of the Bill? How many existing schools will choose to go down that route?

Many questions will have to be examined in great detail in Committee. We want the Bill to make a real difference. At present, it will not do enough in that respect, but we will take every opportunity to make as much difference as we can, for the sake of the futures of the children about whom we have been speaking.

I do not believe that the Bill as it stands will make a difference on the scale that is needed. For that, parents will have to wait a little longer.

3.41 pm

**Mr. Gordon Marsden** (Blackpool, South) (Lab): Labour Members have argued long and passionately over the past few weeks about how to transform the White Paper into this Bill, and those who belong to the Select Committee have done so in a way that I consider to be both constructive and positive. Our passion stems from something deep in our psyche, history and personal experience, as we all have people in our families who have failed the 11-plus or been the first to go to university. We know that knowledge is power, and that the ability to rise out of adverse circumstances can be delivered only by education, principally in school.

As my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) made so clear, those factors are the rocks and stones on which our party is built. Of all this Government's achievements since 1997, we are most proud of the achievements in education. We must continue to get this issue right, and it is crucial that we go on talking about education, education, education.

Structures are important, but so are individuals—individual teachers, and individual schools and initiatives. The Bill contains important provisions in

*[Mr. Gordon Marsden]*

respect of personalised learning that deserve support, but we must also look at its community context. It is crucial to get the educational environment right, and that is why the proposals on transport and discipline are so important. The revolution that the Bill will promote in respect of school meals is also very significant, as is getting the curriculum right, with parental support. The proposals in respect of children aged 14 to 19 may not go far enough, but they are important as well. The Bill covers a big agenda, and we must get it right.

The Bill should be radical, as it is about taking us forward to the next generation. Its framework must be robust enough to be worth arguing about and not simply rejected. I have not found myself in agreement with Roy Hattersley very often in recent times, but he was right to say in his article in *The Guardian* that MPs who want to vote for the perfect Bill will wait forever.

The Second Reading of the Bill should be a debate about broad principles and aspiration, but it would be wrong if we did not look also at some of the specific concerns that I hope that Ministers are beginning to address. The devil is always in the detail, but we should look to replace that with a few angels in the architecture. The Select Committee report tried to achieve that, and the common theme of all its recommendations was that there should be co-operation and collaboration.

Labour Members have consistently advocated an approach based on co-operation and collaboration. In my constituency, that will provide a crucial test of whether the proposals usher in a progressive future or leave us in a dead end.

In Blackpool, we are proud of our specialist schools, but without them spreading their best practice to other schools in the area that have not been so fortunate, and converting those schools, the reforms would have been stillborn. Therefore, there needs to be far more leverage to achieve the sort of thing that the Secretary of State and others have talked about today.

The philosopher Thomas Hobbes said that

"covenants, without the sword, are but words".

If hon. Members want that translated into 21st century language, it means that if the Government will the ends that they talk about for collaboration and co-operation, they must also will the means. In order to do that, there are a number of specific things that they must look at, such as making the model of trust schools a collaborative one, as so many have said today and as the Select Committee recommended in paragraphs 57 and 68 of the report. We need federations that will act alongside local authorities, which must be the overall commissioners of education and we must ensure that the Bill impacts positively on all children in a local area. If the Government are not prepared to place the statutory obligation on schools to collaborate, they must provide stronger incentives for collaboration and partnership.

Schools must all face the same rules, and that is particularly true of children with special educational needs. Parents of children with a statement should have the same right of access to trust schools as they should have to an academy or to any other school. I was pleased to hear my right hon. Friend the Secretary of State touch on this issue. We need action on this matter urgently because there is already anecdotal evidence that academies are not practising fair admissions for children with special educational needs. If we have trust schools, we must make sure that they do not go down the same route. It is important that schools should be subject to the same scrutiny under local authorities. Admission forums must be encouraged to work together. If they do not, the system will not work.

The role of the schools commissioner was referred to and we touched on this point in the Select Committee. Frankly, I do not believe that a schools commissioner who is purely and simply a civil servant within the Department will deliver the expanded egalitarian role that we have heard about. We need to look at that in Committee and the Government need to look for someone with a fresh viewpoint and a fresh mind.

That is particularly true in terms of ensuring that the needs of disadvantaged children are properly maintained and represented by the commissioner. It is instructive that the briefings that many of us have received from organisations such as the Children's Society, the National Autistic Society, Barnardo's and the Campaign for Racial Equality have all touched on this point. It comes back to leverage again; we need to make sure that local authorities focus on securing fair access for all pupils.

I want to say something about the Select Committee's comments on benchmarks. A lot of nonsense has been spoken about them, as if they were some form of Stalinist quota. That was never the intention of the Select Committee. The analogy should be with what happens in higher education and the Higher Education Funding Council for England; we should promote, encourage and, from time to time, name and shame. The idea that this is a Stalinist process of quotas should be thrown out of the window. If that is an issue of concern to the Government, they should revisit it.

Children with special educational needs need to given explicit priority in admissions criteria because two thirds of the exclusions at the moment are of children with special educational needs.

The Bill is all about providing a platform to progress our life demands. The Bill will be judged by the way in which nothing is done to chip away at that platform. We need to make sure that the direction of travel is one of collaboration, and not division. That is the responsibility of the Government team, and I expect to see it delivered in Committee and on Report.

3.49 pm

**Mr. Phil Willis** (Harrogate and Knaresborough) (LD): May I say—[HON. MEMBERS: "Hear, hear."] I thank hon. Members very much indeed, but they are taking up my time.

We certainly welcome some elements of the Bill. Clause 1 emphasises the role that local authorities should play in improving standards for all children. Quite frankly, I take that as a given—indeed, it was stated for the first time in the School Standards and Framework Act 1998—and it is good see it re-emphasised. The point made by the hon. Member for Blackpool, South (Mr. Marsden) about looked-after children is absolutely right. We very much welcome the Government's recognition that we must have a strong disciplinary framework in our schools to which people can relate and in which teachers in particular feel safer.

The right hon. Member for Sheffield, Brightside (Mr. Blunkett) and the hon. Member for Knowsley South (Mr. O'Hara) both made very telling speeches in their own ways. They both emphasised that their constituencies have dynamic local authorities. Sheffield was Liberal Democrat-led and is now Labour-led, and it has taken on our great ideas. *[Interruption.]* I shall carry on while I am winning. Those local authorities have been doing exactly what they should be doing: providing dynamic leadership in the schools in their communities and delivering results.

The schools in Sheffield, Brightside—they were mentioned by the right hon. Member for Sheffield Brightside—achieved those results and improvements despite the Bill. They did not need the threat of trust schools coming along. They did not need wealthy individuals to put in £2 million to get £25 million of Government capital to improve. They improved because the local authorities believed that such things were important. The work going on in Knowsley South is, quite frankly, inspirational.

**Ms Angela C. Smith:** Is the hon. Gentleman aware that schools in Sheffield, Brightside have enjoyed relationships with external partners via the education action zone and, in addition, that the chair of the local sixth-form college was Sir Hugh Sykes—a local benefactor of Sheffield schools?

**Mr. Willis:** The hon. Lady makes my point exactly—the Bill is not needed to do all that is claimed—and I am grateful to her for emphasising that fact.

This is a Conservative Bill, but Labour Members will support it in the Lobby tonight. We heard the right hon. and learned Member for Rushcliffe (Mr. Clarke) make it absolutely clear that these are Tory proposals. Labour Members can dance on the head of a pin about whether or not the Bill will create grant-maintained schools mark 2, but the reality is that that is exactly what they will be. That is why the Bill has so excited Tory Members under their new leadership.

We have only to go back to what Lady Thatcher said at the Tory party conference in 1987:

"Give parents and governors the right to take their children's schools out of the hands of the local authority".

Little did she know that a Labour Prime Minister would do exactly that, but the question that we as a party—my hon. Friend the Member for Brent, East (Sarah Teather) made an outstanding contribution in her first speech in her new role—and, indeed, those Labour Back Benchers who have the courage to stick to their Labour principles have to answer is, in fact, whether these are the right proposals.

First, where is the evidence? I asked the right hon. and learned Member for Rusciffe, who is a former Secretary of State for Education and Science, and the current Secretary of State to produce any evidence to support the proposals. The White Paper said:

"the expanded involvement of the private sector will improve education".

Where is the evidence that that will occur? It said that, under the Bill,

"all will benefit from an education service based on choice and diversity".

Where is the evidence for that? Not a single bit have the Government been able to produce in support of that claim. It also said that

"parents want to attend Parent Councils and establish new schools."

Where did that come from? There is no evidence at all that that is what parents want. The vast majority of parents want good local schools, and when they have had the opportunity to take up some of those advantages, they have not taken them.

Let us consider the grant-maintained system. Despite the fact that schools were bribed to become grant-maintained and extra resources were involved, how many did it? Just fewer than 1,000 primary and secondary schools took up that offer. Let us take the Education Act 2002—

**Lynne Jones:** Will the hon. Gentleman give way?

**Mr. Willis:** Not now, as I am in full flow.

Let us take the Education Act 2002. We again argued whether all schools should have the power to innovate and have earned autonomy unless they were under special measures. The Government refused that, but exactly the powers that could underpin most of what is in the Bill are in place. What have we had from schools, parents and governors since 2002? Three schools have asked for permission to change the school day. That is how excited parents and governors are about actually changing things. There is no evidence. I wish there was more time, but I shall give way to the hon. Member for Birmingham, Selly Oak (Lynne Jones)

**Lynne Jones:** Of course, the Government will argue that no school would have to opt for trust status; it is purely voluntary. However, does the hon. Gentleman share my concerns that there are all sorts of ways in which the Government coerce schools to do what they perceive the Government want? In Birmingham, there are proposals for seven academies. There is no demand for that, but the Tory-Lib Dem controlled LEA is forced to go down that route, because that is the only way that it knows that it will get the desperately needed funding for the schools.

**Mr. Willis:** The hon. Lady is absolutely right, and the Minister knows that she is right. The point applies wherever one goes in the country. For example, to get money from the building schools for the future programme, Newcastle had to include an academy in its proposals. I do not believe that that gives choice. It is back to the nonsense that we heard the other night when the Home Secretary told us that having a passport was voluntary. It is just semantics at the end of the day.

One of the great myths in the Bill is that the creation of choice and diversity means that the good schools will suddenly, because of trust status, say, "Ah, we want to take the most disadvantaged, unruly, disruptive kids from the estate down the road so that we can expand." That is absolute and utter nonsense. There is not a single piece of evidence for that. Successful schools are successful because of their size, catchment area and parental involvement. The idea that we will deal with disadvantage simply by creating trusts is absolute nonsense.

*[Mr. Willis]*

Before the last general election, the Government betrayed most of our schools and most of our youngsters by their betrayal of the Tomlinson report and its proposals. There is a sop to vocational education in the Bill—a sop that continues the myth that academic education is for the best and vocational education is for the rest. Lady Lumley's school is in North Yorkshire where it is sometimes 30 miles to the nearest school let alone the nearest college. One cannot have there the sort of diversity that is prayed in aid by the Secretary of State and Ministers. In reality, the Secretary of State will decide the vocational curriculum; it will not be individual schools. There will not be that flexibility.

Wherever I go—I am sure that this applies to every Member of the House—I am constantly bombarded by companies that say that they cannot get people with the right skills. They are talking about the right skills from levels 2 and 3 and right up to graduate and postgraduate levels. The Bill does absolutely nothing to create a 21st century curriculum. All it does, yet again, is show that this is a controlling Government who have now reformed themselves in the image of Mrs. Thatcher. They should be ashamed.

3.58 pm

**Martin Salter** (Reading, West) (Lab): What a horrible image.

When Dr. Philip Cowley updates his next pamphlet on Back-Bench rebellions, he might like to consider the following subtitle: "The Education White Paper: How to lose friends and fail to influence people". I give credit to the Government for eventually and grudgingly—at times, it felt like pulling teeth—making important concessions in response to the concerns raised both in the alternative White Paper and by the Education and Skills Committee, teachers, schools governors and many others. However, there have been spectacular gaffes along the way, most notably when hon. Members were told that their concerns were misplaced and would all disappear once we truly understood the nature of the White Paper. I have to say, spinning a set of proposals to curry favour with the *Daily Mail* and patronising the hell out of Labour MPs is an interesting, but inadvisable political tactic and I trust that Ministers have learned from it.

I was in the Department for Education and Skills for a very short time as the White Paper was being prepared. It became clear to me that my role as Parliamentary Private Secretary to the Minister for Schools would be to promote the White Paper proposals among my colleagues—something that I was simply not prepared to do. It is not that everything in the White Paper is necessarily objectionable or runs contrary to Labour values. In fact, the points of contention about trusts, admissions and the role of local education authorities are contained in a comparatively short section of the White Paper: some 28 pages in a 116-page document.

Perhaps most objectionable of all, however, was the contention put forward without a single shred of evidence that good local education authorities are an inevitable drag anchor on progress and innovation. That was pure dogma, inserted into the middle of an otherwise reasonably acceptable White Paper. We know where it came from, and I have to say that it was not from the Department for Education and Skills. Poor LEAs have to be dealt with, but good LEAs offer support and encouragement and play a vital co-ordinating role in helping schools to improve and in driving up standards. They did not deserve to be trashed as they were in the White Paper and I trust that they will not be again.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): A good LEA is the one in the county of Leicestershire, which has never been controlled by the Labour party, so this is not a partisan point. Does my hon. Friend agree that the analysis of the White Paper and the Bill is still very much a metropolitan one? It has little to offer in many areas of the country. Would it not have been better to pilot some of the ideas, such as trust schools, to see whether they work in some contexts?

**Martin Salter:** I seem to recall that in the alternative White Paper, which I think that Ministers truly understand now, we suggested piloting trusts. My hon. Friend is absolutely right: that is not a party political point.

It became clear to me that, without significant reform, an education Bill based on the White Paper would not command wide support on the Labour Benches and elsewhere. In his introduction to the White Paper, the Prime Minister quite rightly emphasises the real improvements in education since 1997. Teachers' pay is 20 per cent. higher in real terms. There are an extra 32,000 teachers and 130,000 support staff. There is improved literacy and numeracy. Ofsted reports that the proportion of good and excellent teaching in primary schools has risen from 45 per cent. to 74 per cent. There have been big improvements in GCSE results and more children are gaining university places. All of that has been achieved within existing structures.

Recently, however, we appear to be in danger of talking down our own achievements and implying that further progress cannot be achieved or sustained. That is in marked contrast to our earlier education mantra: standards, not structures. Labour MPs and Labour councillors were entitled to ask what had changed, where the evidence was and where the proposals came from. At the last election, in the Labour document "Schools forward not back", we attacked Tory education policy. The document stated:

> "The current catchment areas used by schools would be abolished and schools would be forced to introduce their own admissions system. This policy would see the end of community based schools and lead to a massive increase in bureaucracy for headteachers, with each school having to design their own admissions process."

The fundamental concerns of many colleagues centred around the potential for pupils from poorer areas to be disadvantaged as popular schools expanded and wealthier and better informed parents were able to set up their own schools, operating their own admissions policy. There was also concern that local education policy should remain democratically accountable—something lamentably missing from the tenor of the debate.

**Jeremy Corbyn** (Islington, North) (Lab): Will my hon. Friend give way?

**Martin Salter:** I have given way once, so I will not.

Sir Jeremy Beecham, leader of the Local Government Association labour group, said of the White Paper:

"The proposals around admissions, the planning of new schools and the expansion of popular schools give insufficient leverage to councils to maximise fairness or the efficient use of resources".

Small wonder that there was such a hostile reaction to the publication of the original White Paper. In fact, 95 Labour MPs eventually backed our alternative White Paper, which was fairly entitled "Shaping the Education Bill—Reaching for Consensus". It challenged the absence of a mandatory code; the ban on local authorities promoting new community schools; and any attempts to force trusts on communities by financial inducement or ministerial diktat. The Government have listened, and conceded those substantive points with assurances of more movement and clarification in Committee.

All seven of us who were proud to co-author the alternative White Paper have come to the conclusion that it is worth consolidating the gains that have been made. We have spent three months of our lives on the issue, and none of us wants to throw away what has been achieved or to disengage from the process. Colleagues who are thinking of voting down the Bill on Second Reading should realise that disengaging from the process at this point is subcontracting education policy from the Labour party and the Labour Government to the Opposition. That is not something that any of us came to Parliament to do. My message to colleagues still concerned about aspects of the Bill is to stick with it: continue to engage with the process by supporting the Government on Second Reading but reassess the situation when the Bill returns to the House on Report. That is what parliamentary democracy is supposed to be about. We can all make grand gestures on Second Reading but, quite frankly, some of the issues have become conflated. I have a view about how long our Prime Minister should carry on, but I do not think it should be confused with the issue of how we vote on the future of our kids' education.

4.7 pm

**Mr. Edward Leigh** (Gainsborough) (Con): What an interesting speech. Remembering Michael Foot's words about ratting and reratting, I believe that it generally helps to stay in one corner.

The Prime Minister knows that I am a great admirer of his, and I very much welcome what he said in the White Paper. It is unpopular to hold such a position in the Conservative party nowadays, but he and I are born-again Thatcherites. We both believe that state schools should be fundamentally independent. I hope that he will forgive me, but I am an impoverished middle-class refugee who has fallen on hard times and travels across several boroughs to send his children to the London Oratory.

**John Bercow** (Buckingham) (Con): Surely not all six of them.

**Mr. Leigh:** No, not all six—I mix and match like all the other middle-class parents.

**Mr. Willis:** How did the hon. Gentleman get his children in on parental interview?

**Mr. Leigh:** We got on very well in parental interview. John McIntosh, the headmaster, has asked me how one can achieve choice and diversity in a school—and he does so—unless one interviews parents. My hon. Friend the Member for Havant (Mr. Willetts) and other hon. Members have made an important point. There is not a problem in my rural, prosperous constituency, which has a mix of grammar and comprehensive schools. We have two excellent grammar schools that regularly appear among the top 20 state schools in league tables, and comprehensive schools, such as William Farr, whose headmaster told me only a few weeks ago that he already has a foundation school. The Bill will not make a scrap of difference to him, as it is now so hedged around with caveats on admissions and the code of conduct that in many parts of the country it will make very little difference.

I wish to talk about inner London, as I feel strongly about the problem that we face in metropolitan areas—an issue rightly raised by my hon. Friend. The London borough of Hammersmith has the fastest growing population of parents who send their children to private schools. Unless they can get their children into free schools, which are Lady Margaret school, the London Oratory or the Sacred Heart school, they will not stay in the state sector. That is the problem. Surely middle class parents—people in the Labour party who want diversity—should be worried about that. Why are people fleeing from state schools in inner London and the metropolitan areas?

**Mr. Kilfoyle:** The hon. Gentleman may not be aware of it, but there are middle class parents all over the country. Why should they have to suffer the downside of the Bill, which is markedly London-centric? Surely the problems that he is adumbrating and the problems addressed in the Bill revolve around the situation in London, more than anywhere else in the country.

**Mr. Leigh:** That may arise from the situation where both the Secretary of State and the Prime Minister send their children to state schools in inner London. That is not my problem, is it? The hon. Gentleman must put that question to his own colleagues. I can speak only from my personal experience of my constituency and of London. I do not know a lot about Liverpool. I apologise. I cannot speak about it. It is much better in the House to speak from one's own experience.

To those who knock the London Oratory, all I can say is that it is a school that gets a huge, diverse social mix. It is a school that works. It draws pupils from 40 boroughs.

**Jeremy Corbyn:** Does the hon. Gentleman understand that those of us who represent inner London constituencies have seen enormous improvements in the past five years in our local secondary schools? Our concern about the Bill is that it will take away the most able children, who will be able to get out to the suburban schools, which have the space and the money to expand, and we will return to a situation where the inner London comprehensives are seen as second best and school of last resort for too many parents. We want a continuation of the excellent levels of funding that we

*[Jeremy Corbyn]*

are getting, which have so dramatically improved our inner-city comprehensives. We want comprehensive schools.

**Mr. Leigh:** I understand where the hon. Gentleman is coming from. I know the philosophy that he agrees with. I apologise to him; I do not agree. The evidence from all over the world—from Sweden, Denmark, Chile, America and many other countries—

**Paul Holmes** (Chesterfield) (LD): What about Finland?

**Mr. Leigh:** —apart from Finland, which is a small country of 5 million people with no large urban areas. From all over the world, the message is that competition and choice work.

The particular problem that I have with the Bill, as my colleagues know, is with regard to faith schools, particularly the ban on interviews. I know that many Labour Members in particular do not like the idea that schools have the right to interview parents. I know that it is said that that is just a small problem now.

**Helen Jones:** Will the hon. Gentleman give way?

**Mr. Leigh:** No, I cannot give way again. I apologise.

I know that only a small number of schools interview, but up to the imposition of the code of practice, 80 per cent. of Catholic schools in London used to interview. There is a very good reason for that. Surely it is not fair on Catholic priests, Anglican priests or anybody else that they should become spiritual policemen. We all know what happens in some of the oversubscribed schools. People turn up to churches and try to make themselves known to the parish priest. The parish priest has to sign the chit, having no idea who they are. Is it right that the onus should be put on the priest? Much better that it should be on the school.

I am rather sad that the Secretary of State, who understands Catholic education and involves herself in it, should have been party to a mean little device to ban the small number of schools that interview from interviewing. It is said, I know, that those schools interview because they want to cherry-pick middle class parents.

**Paul Holmes:** They are just trying to select.

**Mr. Leigh:** Maybe those schools want to protect their ethos. Up to a few years ago, they could interview on the basis of the general ethos of the school. What is wrong with a school wanting to protect its ethos? What is wrong with giving a Catholic school or a Jewish, Muslim or Anglican school a chance to protect its ethos?

I heard a sotto voce intervention suggesting that the schools were just trying to select. That is not true.

**Paul Holmes:** It is true.

**Mr. Leigh:** It is not true. I speak from personal experience. The London Oratory, the Cardinal Vaughan—

**Paul Holmes:** Will the hon. Gentleman give way?

**Mr. Leigh:** I cannot give way again because of the time limit, as the hon. Gentleman well knows. He should look carefully at the schools, as I do. The fact is that they band: 30 per cent. the most able, 30 per cent. the middle, and 30 per cent. the least able. They are genuine comprehensives. People may not like them for other reasons, but they are trying to protect their ethos, whether Catholic or Anglican. Why should they not be allowed to do so? Why should the Secretary of State take this great sledgehammer to crack this tiny nut, especially when there are schools in inner London that, unlike many schools, are attracting parents from every social stratum? The Labour party should be in favour of that. It should want state schools to attract middle-class parents. It should not want ghetto neighbourhood comprehensives that middle-class people do not want to go to. Why are the Government trying to change the ethos of the very schools that are successful in difficult areas and are achieving what the Government want; that is, a social mix? I feel strongly about that.

I also feel strongly about the role of the adjudicator. I talked to the Catholic Education Service about this last night. It is extremely worried because the adjudicator will be given untrammelled new powers. I have talked widely about this to headmasters and other people. At the moment, the adjudicator can step in and interfere in the admission criteria for that year only. Under the Bill, the adjudicator can step in and make indefinite changes. It is a huge extension of the power of the adjudicator and the Secretary of State. We should be worried about that.

Some of us are also worried about the role of school improvement partners—SIPs—appointed by local authorities. They will be able to range widely over schools and interfere. They will be a sort of commissar from the LEA. Why are they in the Bill? The ban on interviews, the role of the school adjudicator and school improvement partners are all something to be worried about.

What would I hope for from a Bill such as this? What would I hope that the next Conservative Government would produce? I believe in a Government creating independent state schools. That is the way forward. There is no reason why we should not achieve that.

Why do we have so little trust in head teachers? Why do we assume that if we give them power over selection, hiring and firing or excluding we will somehow create a load of new grammar schools, God forbid? There are only 165 grammar schools in the country, but 3,500 schools. If we gave powers to head teachers to do as they know best and to run their schools in the way that they believe in, there would not be radical change. Of course, there would be incremental change, and gradually some schools might become more selective, but maybe not. In the independent sector, there are schools that are selective and schools that are not. There are schools that cater for every whim. I cannot understand why, when we have this great opportunity, at the same time that we are creating new trust schools we are loading more control over them. There used to be a cry, "Trust the people." I say, "Trust the schools." I say to my hon. Friends that when they vote for the Bill tonight, they should amend it to ensure that we get the real freedom that the Conservative party believes in.

4.18 pm

**Martin Linton** (Battersea) (Lab): I welcome the changes that have been made between the White Paper and the Bill, particularly those to the admissions code.

In Wandsworth, there are a lot of partially selective schools, so I am thankful for the ban on the expansion of such schools. There was an anomaly in the Education Act 1998 that allowed adjudicators to increase as well as decrease the level of selection where it has been decreased since 1998. I see Committee stage as an opportunity to close that loophole.

Trust schools seem to be the most controversial part of the Bill. I take them very seriously. Last month, some colleagues and I went to Sweden to look at one of the models for trust schools used by the White Paper team, to see for ourselves and reach our own conclusions. No doubt, we have reached different conclusions, but we have done so on the evidence of our own eyes. Sweden has schools that are fully funded by local authorities. They get the same funding per pupil as local authority schools and are not allowed to charge fees. They are not allowed to select in any shape or form, but they are independently owned. Some are parents' co-ops, some are Montessori-type schools, some are Church schools, but about half of them are owned by businesses. That would be precluded by this legislation.

When those schools were set up 15 years ago, they had three aims: to widen choice, to raise standards and to reduce costs. I shall briefly set out their experience. They have widened choice, mainly by introducing new teaching methods in their curriculum—not only Montessori but many others—which have spread out to local authority schools, too. Some of the schools introduced new specialisms that are also spreading to the local authority sector. Some use personalised timetables and personalised level groups, whereby children are taught not in year groups but according to the level they have reached in a subject; for example, a student could be in year 3 for English and year 6 for mathematics. Those new methods are spreading throughout the system, so there has been some widening of choice.

Raising standards is a key aim. The schools obtain higher grades than local authority schools, but that is not surprising as, on average, they are more likely to be in higher income areas. They also have higher added value, which research has shown fairly conclusively. The key question is whether they have had any effect on the rest of the school sector. It was said earlier that there was no evidence, but in Sweden there certainly is evidence that the existence of those free schools—only 8 per cent. of the total—has raised standards in local authority schools. The evidence is not wholly conclusive; there have been four studies, not all of which reached a statistically significant conclusion, but those that did so show that the rest of the system has improved. That is mainly because the free schools are more likely to be innovative, which acts as a spur to innovation change in the local authority sector, where schools are changing in directions pioneered by the independent schools.

In terms of reducing costs, the schools have been a complete failure. At first, in some areas, they succeeded in reducing costs, but the costs have now increased. Local authority schools have had to raise their game to compete with the nearest independent school and have had to carry a fair amount of overcapacity to make choice a reality. What some people considered a way of reducing costs has turned out to be more expensive, which causes planning difficulties for local authorities. They do not know how many children will be enrolled in their schools in August or September because the independent schools are in the market, too. Overcapacity may be the price we have to pay for real choice.

The independent schools make up 8 per cent. of the total and only 4 per cent. of them are business-owned, so it would not be right to make grand claims on their behalf. However, we have to face the possibility that the existence of even a small independent sector may be a spur to improvement throughout the system. I have no brief for private providers in public services. In my ideal world, the public sector would provide all public services, but we have to be prepared to look at the evidence.

Until 1999, only 4 per cent. of students at a school in my constituency were gaining A to C grades at GCSE—the sixth lowest in the country. No school in Liverpool, Manchester or Sheffield had such bad results. The school has now been turned around and the number is up to 30 per cent., which is a great achievement, but 70 per cent. of students still fail to achieve the basic A to C grades. If we are failing 70 per cent. of our children, and there is any chance that an innovation could raise the quality and standard of education for low income people, there is nothing I would not do to achieve it.

**Dr. Blackman-Woods:** Does my hon. Friend agree that one of the interesting findings on our trip to Sweden was that politicians who had previously been against the independent or trust schools now support them? Because the schools had raised standards overall and brought about innovation, those politicians do not want to go back to the previous system.

**Martin Linton:** That is right. There is no doubt that those schools are still controversial within the Social Democratic party, where many people are against them but more are in favour. We asked many Social Democratic MPs whether they would oppose free schools if they had their time again, and every one of them said that they would still support them. Although the research is not conclusive and everyone is not of the same mind, the evidence indicates that those schools are doing a good job.

We should all search our consciences before we vote against anything that might improve education for working-class children in this country. The middle classes always get choice—if they are not given a choice of schools, they can choose where to live, which means the same thing. We must accept that low-income people are the only group who are denied the benefits of choice and diversity, which is one of the reasons why I welcome the extension of free transport in the Bill. Many people in my constituency are trapped in a situation in which their children qualify for only low-performing schools, but that provision may enable them to spread their nets more widely. I also welcome the introduction of choice advisers, who will help people in inner cities, where it almost impossible to choose a high-performing school.

I am not certain whether trust schools will improve things, but I hope that they do, and I therefore welcome their introduction, which is at least a positive attempt to improve the situation. I cannot prove whether the Bill will extend to low-income families the benefits that

*[Martin Linton]*

middle-class families already enjoy, but it is clearly an honest attempt to achieve that objective, and I am confident that it is a move in that direction.

4.26 pm

**Sammy Wilson** (East Antrim) (DUP): I have found the debate a bit bewildering: the Secretary of State has taunted Conservative Members with the reasons why Conservative Members should not vote for the Bill; Labour Back Benchers have tormented Liberal Democrat Members on why Liberal Democrat Members will not vote for it; and the local paper in Northern Ireland reports that Labour Whips are "irritated" that we might vote for it.

We will vote for the Bill, even if Labour Whips stand at the Door of the Lobby and try to shoo us away, because we believe that the Bill is an important building block in improving educational provision for people in England. The right hon. and learned Member for Rushcliffe (Mr. Clarke) has pointed out that on a Bill such as this, where it is possible to achieve consensus, we should seek consensus across the party-political divide. It is disappointing that the Labour party has adopted a Sinn Fein approach—ourselves alone, with no one else supporting the changes. [HON. MEMBERS: "No surrender!"] Absolutely.

We will support the Bill despite some of the concessions, which were unnecessary and are probably detrimental. When the Secretary of State introduced the White Paper, she made it clear that it was "the next essential step" in changing the education system for the better. Over the past weeks and months, however, we have seen her toss changes out of the front door, the back door, down the trap door and through the green door in the face of the baying old Labour rebels. Despite those concessions, the Bill contains enough to warrant our support.

The Government are seeking to remove from schools in Northern Ireland what they are proposing for schools in England. In Northern Ireland, against the wishes not of a few party rebels, but of two thirds of the population and an overwhelming proportion of parents and teachers, the Government are seeking to impose a one-size-fits-all comprehensive system. Despite the fact that the Government are denying to the people of Northern Ireland what we want for them, we are prepared to support a Bill that will at least move towards it in England.

The Bill is important because children deserve better than what they are getting at present. I recognise that the Government have spent considerably more money on education over the past few years. A 45 per cent. real increase in the budget is to be welcomed. However, it is not funding alone that creates change. I do not want to repeat the statistics that we hear bandied backwards and forwards between the Prime Minister and the Leader of the Opposition at Question Time about what is happening to schools. We all know the statistics about the number of children who are being taught in failing schools and so on. Funding is not the only answer—there must be structural change. I believe that the structural changes in the Bill go towards tackling the mental block among the UK public that one cannot have a good education system unless it is solely provided by the state. We need diversity and we sometimes need to lift the deadening hand of local authorities from education provision.

Several of the measures in the Bill are welcome. Giving children greater freedom to travel will help to improve social mobility. Allowing bad schools to shrink and good schools to expand will improve efficiency and provide incentives for change. Permitting schools to apply for trust status will bring greater expertise and resources—not just money, but other resources—into the system. Encouraging schools to have that autonomy will give good leaders the opportunity to make the changes that they know are needed to improve the situation in their own local area. The enhanced disciplinary powers for teachers are welcome, given that 41 per cent. of parents indicated in a recent survey that they are concerned about school discipline.

I regret that the Minister still has a blind prejudice against academic selection, which is a cornerstone of matching pupils to the appropriate education experience. I find that incomprehensible. In Northern Ireland, selection has worked in terms of improving social mobility, improving standards, and getting more people from working class backgrounds into university. However, I take some joy from clause 40, which allows for auditions or oral or practical tests. That, to me, is selection of a sort; the Minister can call it what she likes.

We will go through the Lobby to support the Bill. We hope that no more concessions will be made in Committee, that some of the weaknesses that have been identified will be addressed, and that some provisions will be strengthened to give youngsters a better chance of using the educational ladder to improve themselves.

4.34 pm

**Mr. John Denham** (Southampton, Itchen) (Lab): The Government have a great deal of which to be proud in their educational record. We should not allow the Opposition to get away with their dismissive claims of, "Yes, there's more money and far more teachers and exam results are better, but what did you ever do for schools?" We have a good record of achievement and we need to build on it.

We cannot yet claim that the Government have decisively broken the link between social class and educational performance. The row about that and how to achieve it is at the heart of the debate, and I am glad. When the White Paper was published, it was spun in many quarters as a measure that was solely for aspirational, middle-class parents. Through the work of my right hon. Friend the Secretary of State, the debate has become about the group of pupils who have not benefited as much as others from what we have done so far. The analysis supports that interpretation of the debate, and that is good.

The White Paper was controversial because it rested on two propositions about how to improve our schools: school autonomy and parental choice. I am not against either of those—there are merits in both—but the problem is that neither is sufficiently powerful to produce the improvements that we need throughout our school system. Both can produce good results in individual schools and improvements in individual areas. However, we need improvement across the board.

Our actions so far in government have told us what makes a good school: strong leadership, well-supported staff, a balanced intake and parental support. Too many schools do not have all those elements, but autonomy and parental choice alone are not likely to deliver them. There is simply no evidence to show that the exercise of choice drives up standards. It is possible for choice, diversity and good schools to co-exist, as happens in Sweden. However, there is little evidence to show that parents choosing between different schools or schools competing for pupils drives up standards.

There is evidence to show that choice increases social segregation. Some people respond to that by saying that we should stop choice. I must say to my colleagues who feel like that that it is a non-starter. Although many parents do not especially want to exercise choice, they undoubtedly wish to feel that they have a choice. It is a political dead end to believe that we can solve our school problems by removing choice from the equation.

The challenge for us is to deliver a genuine choice of good schools. Choice itself does not ensure that schools are good. Successful schools will have a balanced intake. They are what we used to call "comprehensives" before that went out of fashion. The evidence suggests that comprehensives work. It is interesting that the hon. Member for Gainsborough (Mr. Leigh), when speaking about The Oratory—a school of which I had not heard previously—tried to defend it on the basis that it sought a comprehensive intake.

One of the most distinctive things that has happened with academies is that schools that used to have an entirely disadvantaged intake now have a balanced one, and the Government say that they produce better results. I wish that we had been more prepared to argue that schools with balanced intakes were more successful for more pupils than any other model of education, and then set about finding the best strategies to achieve balanced intakes. As I said, I do not believe that one can do that by removing choice and saying, "You've got to go to that school—end of story." That will not work. We must win the argument parent by parent and school by school throughout the country.

In the Bill and the campaign since the White Paper was launched, we have made sufficient change to make the original market model, which some Conservative Members desperately want, pretty difficult to achieve. We have done enough so that in the areas where local authorities and others wish to do so, we can begin to devise local strategies for developing schools with balanced intakes. We will have information, monitoring and the admissions forums to take forward the campaign for a better sort of education. All of us, working together, have helped to achieve that in the past few months.

**Michael Connarty:** May I take my right hon. Friend back to his first comment about the worry that the White Paper would be a charter for the middle classes to take over independent trust schools? Nothing that he has said up to now has convinced me that that will not happen, and the local authorities will not have the power to prevent it.

**Mr. Denham:** We have ensured in the Bill that local authorities will have the leading role in objecting to the kind of expansion of a school that would damage other schools. The Secretary of State has given us assurances that will provide some constraints, although not all the ones that I would have put in if I had been asked to write the Bill. However, I was not asked to write the Bill, so I am working with the one that we have got. We have made a lot of progress since the White Paper was published in ensuring that there are local strategies and local admissions forums that will be able to determine whether a development will be damaging to pupils in the wider area.

Many of us fought for certain safeguards, not to prevent a popular school from expanding, but to enable us to say to a school, "If you act like that, if you cheat like that, if you develop like that, or if you change in this way, it will damage the education of other children." The Bill is not perfect in regard to the safeguards that it contains, but it is a lot better than what we had when the White Paper was first published.

**Clive Efford:** Will my right hon. Friend give way?

**Mr. Denham:** No, I must make some progress.

When building on the Bill, we need to go beyond the idea of having a statutory admissions code. That is a building block for making the argument about a balanced intake. We then have to determine at local level how we should develop an approach that genuinely persuades parents that schools with a balanced intake are better for their children's education. There are elements in the Bill that will be important in enabling us to do that. I would almost throw the whole Bill away if I could keep the powers that will enable us to intervene quickly on schools that are beginning to fail, but have not yet been condemned by Ofsted. Too many children have suffered in schools that have drifted for two, three, four or five years before anything was done about them. The ability to get in there quickly is important.

There is not a lot about personalised education in the Bill, although the flavour of the concept is there. It involves the ability to give a guarantee to parents that their child will not disappear into the morass of a school that offers a lowest-common-denominator education. That is a key part of the strategy to develop schools with a balanced intake. For that reason as well, I believe that there is enough in the Bill to illustrate that we have made progress since the publication of the White Paper and that we should support it.

I wish, however, that the Bill had gone further. It is not enough to aspire to co-operation between schools. One of the big dividing lines between Labour Members, certainly on the Back Benches, and the Conservatives is that the Conservatives celebrate the independence and irresponsible autonomy of individual schools. We, however, believe that it is essential that schools collaborate across an area and take responsibility for the achievements of all children. I wish that the Bill had gone further in regard to the powers to require schools to form federations and to take responsibility for working together. I hope that, in the course of the Bill's passage through Parliament, we can diminish those deficiencies.

4.43 pm

**Robert Key** (Salisbury) (Con): I congratulate my right hon. Friend the Member for Witney (Mr. Cameron), the Leader of the Opposition, on recognising that this is a special Bill that deserves our support for all the right reasons, as well as some very good reasons that are more political. I also congratulate the Secretary of State and her Ministers on producing a Bill that has depth and vision and which deserves support right across the House.

When I decided to become a teacher, the first class that I faced before I did my postgraduate certificate was in a secondary modern school. I was horrified at the poverty of aspiration in the people in that school, from the teachers and parents to the children. That experience motivated me strongly to believe that we had to do something about the problem. During the course of that year, I passed a term at Leeds grammar school, and a more traditional and excellent school one could not find anywhere in the 1960s.

I am glad to say that, because my first full-time job in education was in Scotland, I am a Scottish-registered teacher. I recognised within about five minutes an enormous difference between the approach to education in Scotland and, in particular, the approach in England in the 1960s. During my 16-year education career, I also learned an enormous amount—as a governor of schools in the old Inner London Education Authority—about education at all levels and for those of all ages. I realised how privileged I had been in my own education; I also realised what I wanted for my children and for other people's children.

When I look at the Bill, I recognise something a little bit special: it has vision. When I think back to Kenneth Baker's great Education Act 1988—I sat for many hours on the Standing Committee of what was known as the Gerbil—I also recognise that that was a landmark education Bill, and I suspect that this will be one too.

I regret that there is still such animosity towards grammar schools. We heard a moving speech from my hon. Friend the Member for East Antrim (Sammy Wilson) on the subject.

**Nia Griffith** (Llanelli) (Lab): Will the hon. Gentleman give way?

**Robert Key:** I certainly will not give way at this stage.

I also recognise, however, that in constituencies such as mine—we have excellent grammar schools, which both my daughters attended—there is not the animosity that there was 20 years ago. The grammar schools have changed, and all the other schools have changed. There is a mythology among Labour Members about hatred of grammar schools, which I think is wrong. I have a great admiration for the grammar school system throughout the country. Grammar schools make an enormous contribution and I hope that we shall see no diminution of support for them, although I do not believe that there will be any particular call for their re-establishment.

I looked carefully at clause 36 in case it was doing something of which I was not aware. I certainly would not support the Bill if it was going to abolish grammar schools, but I do not think that it will. I do not think that it says much more than was said in legislation a little earlier.

What I particularly like about the Bill is that it will do things for my rural constituency as well as other constituencies. I do not agree that it is a London-centric Bill, although I know that that worries many people. For instance, clause 7, entitled "Invitation for proposals for establishment of new schools", is right on for the problem that we face in rural constituencies such as mine. Following the Government's building schools for the future initiative and the one-school pathfinder project, my local education authority was told, "Here is £20 million: build us a new secondary school." There was then a frantic competition. The LEA had to choose one secondary school among dozens that needed rebuilding. Last week, my constituency lost out—for all the wrong reasons. It was not that we do not need new secondary schools; we need at least two rebuilt secondary schools, or completely new schools. Good luck to Melksham: it won and we lost. It should not be like that, however, and I think that the Bill will enable us to overcome such failures in the system.

I am also delighted that school transport is being tackled in a more constructive way for the first time. I particularly like clause 11, "Establishment of school as a federated school". We have huge problems in rural schools, especially primary schools. We simply cannot go on having little village schools with 40, 50 or 60 children when more than 50 per cent. of children are brought in, unsustainably, in 4X4s from the surrounding market towns because their parents happen to like a particular school with a particular head teacher at a particular time, and it is a brilliant school. I do not want us to experience the traumas that we experienced in the village of Farley last year, or those that we are experiencing in the village of Redlynch this year. I want to see an approach like that in the village of Broadchalke, where there is to be one big school that will look after the needs of a large number of villages in the Chalke valley west of Salisbury.

Clauses 14 and 15 deal with the discontinuance of schools maintained by LEAs and with consultation. I am delighted at the recognition that the LEAs must consult the district council, the parish council and

"such persons as appear to them to be appropriate".

That is constructive, although there are some omissions. There are issues that I should like to see tackled. I shall be told that that is not possible, but I do not think we are taking enough account of the needs of service schools. Thousands of the children of our service men and women are served very well by the service schools education authority. The Education Select Committee is not allowed to investigate service schools because they are a matter for the Ministry of Defence, and I am glad to say, as a member of the Defence Select Committee, that we are going to investigate service education. However, I would have been more comfortable with a joined-up government approach.

I turn to a fundamental issue, to which a number of Members have referred: the crying need for education in science and technology from year one of our children's school careers. I shudder when I hear about any more involvement with creationism—as if it can be taken

seriously. We are told that this is only a comparative study and that it will never happen; nevertheless, I remain worried.

**Mr. Jamie Reed** (Copeland) (Lab): Will the hon. Gentleman give way?

**Robert Key:** Forgive me, but I will not give way; I want to keep absolutely to the time limit.

I worry about the teaching of creationism and I am strong believer in the need for more science and technology education. One of the great strengths of the school system in my constituency, which has everything from grammar schools to large and thriving comprehensives, is that it recognises the education and careers needs of the local community and, above all, the value of education for its own sake in terms of the quality of life of our young people and the good of our country in the long run. I shall happily support this Bill tonight.

4.51 pm

**Mr. Michael Meacher** (Oldham, West and Royton) (Lab): I listened with interest to the speeches from the Government and Opposition Front Benchers, and noted in particular the supportive tone of the latter and of the right hon. and learned Member for Rushcliffe (Mr. Clarke), who waxed eloquently about consensus. I should point out that I speak today more in a spirit of sorrow than of anger. Labour has, as many colleagues have said, a very good record on education. Huge extra resources have been pumped into improving buildings, classrooms and equipment, and into providing many more teachers, smaller classes and steadily rising educational standards. There are certainly aspects of the Bill that build on that foundation. For example, it contains a welcome emphasis on personalised learning, makes clear the Government's impatience with coasting and failing schools, and demands proper rules of discipline. It is also concerned with improved nutritional standards and the restoration of vocational education.

All that is clearly excellent and should be supported, but the Bill's central thrust is based on a rather different philosophy: a competitive market model opened up to external sponsors and driven by parental choice. That model, which will give popular and successful schools their head as the engines of innovation and change in the locality, has clear and distinctive drawbacks and disadvantages that have been widely publicised ever since the far-reaching nature of these proposals was first divulged in the White Paper. It was not divulged beforehand, and certainly not in Labour's election manifesto.

However, it is fair to say that since objections to that model were extensively voiced in the Labour party and outside it, the Government have engaged in discussions to try to deal with some of them. In my view, they have done so. On admissions, they have now agreed to a ban on selection not only by ability but by interviews, which is clearly important. Schools will now be required to act in accordance with the admissions code, and not merely to have regard to it; however, we have not seen the content of the code to which they are obliged to have regard.

The sheer length of the last admissions code—at the time of its withdrawal it was more than 70 pages long—illustrates some of the difficulties involved in trying to close all the loopholes that undermine a fair and balanced admissions policy within an open market system. In such a system, will the admissions forums be sufficiently robust and effective to counter pressure from high-performing schools against including a fair share of children from poorer and more difficult backgrounds? I, for one, have my doubts about that.

On expansion, the White Paper envisaged popular schools being free to expand with little or no regulation, and with few if any limits on their size. It is now proposed that local authorities should be responsible for lifting standards in weak or failing schools—which is much better—and that they can take consideration, as they should, of the overall educational performance of all schools in the area. However, in an open-market system, it is all too likely that the capacity of local authorities to do so effectively will be undermined unless we write into the Bill criteria such as no damage to surrounding schools and no impairment of the local authority's efficient use of resources. At the moment, the Bill does not include such criteria. When local authority intervention fails, a school that has been made unviable can be closed and replaced, but only at the expense of struggling with increasingly inadequate education over several years. I, for one, regard that as too high a price, both for teachers and for children.

On governance, the founding of independent trust schools would represent an irreversible transfer of public assets to external sponsors, be they businesses, charities or faith groups, for which there would be little or no public accountability whatever policies they might pursue. The important point has been made that if there was evidence that coasting or failing schools, which are a major concern, would routinely and reliably be transformed by taking on trust status and, crucially, that the overall educational performance of all the schools in the surrounding area would also be lifted, the case for the change would be strong. However, there is no such evidence. The Education and Skills Committee, in a very good report, considered all the evidence and concluded:

> "No causal link has been demonstrated between external partners and the success of a school".

The example of charter schools in the US seems to underlie many of the proposals in the White Paper and the Bill, but they have been shown to fail especially poorer and more vulnerable families.

The problem is not that the Government have not listened. They have listened, but the amendments have been relatively marginal and the core proposals in the Bill remain untouched. I expect that all hon. Members want a fair, equitable and accountable education system that will drive up standards across the range of provision in all schools, but the reform model in the Bill is the wrong one to achieve that. As has been said—and it is relevant because the OECD evidence is widespread—Finland and other Scandinavian countries have the highest literacy and education standards in the world. Finland has a fully comprehensive system, based entirely on community schools. I know that my hon. Friend the Member for Huddersfield (Mr. Sheerman) pointed to differences between this country and Finland, but that does not undermine the force of my point.

*[Mr. Michael Meacher]*

We need a wholly different model, not one that tinkers with structures and private markets—and then has to be tinkered with again to ameliorate some of the worst effects—but a modernised public services model, with a relentless focus on high quality school leadership; the recruitment and professional development of highly qualified, highly valued and well paid teachers; high expectations of all pupils; close monitoring of each pupil's progress with smaller classes, more effective communication between parents and schools; and a targeting of resources and time on pupils from the most challenging home backgrounds. With great sorrow, I have to say that I cannot support the Bill as it stands.

4.59 pm

**Mr. Graham Brady** (Altrincham and Sale, West) (Con): Like my hon. Friend the Member for Havant (Mr. Willetts), I think that the Bill is, on balance, a good thing. It is a small step in the right direction. I have several reservations about it, but in some ways the saddest aspect of the Bill is the extent to which it now falls short of what was promised in the White Paper. In particular, having seen how charter schools in some of the most deprived areas of the US work incredibly well, I was excited to read what the Prime Minister wrote in his foreword to the White Paper. He pointed to the successes of charter schools, and to the success of school choice in Florida, so I was sorry to find that the Bill did not contain any of that radical edge. I hope that we will try to restore it as the Bill goes through the House.

**Mr. John Hayes** (South Holland and The Deepings) (Con): We will.

**Mr. Brady:** I am delighted that my hon. Friend on the Front Bench confirms that we will try to do so.

The other matter about which I want to speak is academic selection. Sadly, the Bill is even more timid in its approach to that than it is about school choice. Selection is a facet of education policy and debate that is more bogged down with outdated ideological baggage than any other. In raising educational standards, we should not let ideology determine policy. What matters is what works, and I want to talk about what works.

In his excellent foreword to the White Paper, the Prime Minister made no criticism of grammar schools, but correctly identified low-achieving secondary moderns as the cause of the pressure that led to the spread of comprehensive education in many areas. My hon. Friend the Member for Salisbury (Robert Key) made the same point.

I shall quote briefly from a book written in 1998 by Stephen Pollard and someone called Andrew Adonis. It stated:

"In 1965, the Labour-controlled House of Commons resolved that moving to a comprehensive system would preserve all that is valuable in grammar school education . . . and make it available to more children. Few would maintain that this has in fact been the case."

Later in the book, the authors state:

"The comprehensive revolution tragically destroyed much of the excellent without improving the rest. Comprehensive schools have largely replaced selection by ability with selection by class and house price. Middle class children now go to middle class comprehensives. Far from bringing classes together, England's schools—private and state—are now a force for rigorous segregation."

Such thinking has clearly informed the White Paper, and I welcome it very much, although it is sadly lacking from the Bill.

**Mr. Jamie Reed:** Will the hon. Gentleman confirm that he is opposed to selection by ability?

**Mr. Brady:** I am sorry, I did not catch that.

**Mr. Reed:** Will the hon. Gentleman tell the House what his position is on selection by ability?

**Mr. Brady:** I propose to do that at the length that I am allowed by the time limit on speeches. The hon. Gentleman will not be disappointed.

Some areas, such as my own borough of Trafford in Greater Manchester, took another route in respect of education at that time. Instead of scrapping our excellent grammar schools, we set about raising the standard of our secondary moderns. That is a model that hon. Members with open minds who genuinely care about educational outcomes will want to take seriously, as the system in Trafford works better than any comprehensive system in England.

Here are the facts. Last year, 70.2 per cent. of children in Trafford gained five or more A* to C grades at GCSE. That compares with 51 per cent. in Bolton, which is represented by the Secretary of State, or 56 per cent. in Worcestershire, where the constituency of the Minister for Schools is situated. In Bury—and I see that the hon. Member for Bury, North (Mr. Chaytor) is in the Chamber—where the social profile is broadly similar, the figure is 58 per cent. In Trafford, a wholly selective area, more than 70 per cent. of children get five or more good GCSEs. That compares with 60 per cent. in leafier Cheshire next door, 54 per cent. in Oxfordshire, 61 per cent. in Hampshire, and 56 per cent. in West Sussex.

**Barbara Keeley** (Worsley) (Lab): I thank the hon. Gentleman for giving way, and he will know that I was responsible for education in Trafford from 2000 until 2004. The statistics that he has read out are very impressive, but I have to tell him that we encountered many difficulties. We had problems with admissions, as some schools were oversubscribed and it was very difficult to get looked-after children or those with special needs into them. That was one of the most difficult jobs in the country. Moreover, in the period when I was responsible for education in Trafford, there was always one school that was failing or subject to special measures. The hon. Gentleman must be careful when he quotes those statistics, as there is a danger that they are partial and do not take account of the problems that the Trafford system caused.

**Mr. Brady:** The hon. Lady is absolutely right; there are problems and difficulties with any system of education. The point is that, in Trafford, we managed to overcome those problems and get the best results in the country. The hon. Lady should be pleased about that.

The rigour and transparency of selection helped to ensure high standards of primary education long before the publication of performance data. Equally striking is the extent to which these high standards are maintained throughout a pupil's school career. Richmond-upon-Thames tops the league table for primary schools; Trafford is second. Yet at GCSE level, Richmond slides down the rankings to 69th place, with only 55 per cent of children getting five good GCSEs. Trafford maintains the momentum; we continue to top the table at GCSE and at A-level.

None of this, of course, is new. We heard an excellent speech earlier about the Northern Ireland selective system, which gets the best results in the whole of the United Kingdom. Last year, even the DFES admitted that

"between the ages of 11 and 15, pupils in wholly selective local education authorities make more progress than pupils in partially selective or non-selective authorities and that extra progress equates to pupils in wholly selective LEAs achieving approximately two grades higher in one GCSE than in non-selective LEAs."

The fact is that selective LEAs do better for all children across the board. If seven out of ten children in Trafford can get five good GCSEs, why not in Oxfordshire, where only half of children reach that level? If seven out of ten children in Redbridge, with selection, can get five decent GCSEs, why not in Hampshire, Westminster or Manchester—or why not in Bristol, where only half as many children get five good GCSEs as those living in Trafford or in Redbridge?

We all know that the same few LEAs dominate the top of the table for GCSE achievement: Trafford, Redbridge, Sutton, Buckinghamshire and Kingston upon Thames, all of which are selective. The case for selection has been made as eloquently by the Government's own value-added tables as by anything else. The value-added tables had been expected to knock the grammar schools off their perch. But between the ages of 11 and 14, of the 21 schools adding most value, 18 were grammar schools and the other three were independent. If value-added tables were a wheeze to show the effectiveness of comprehensives, it did not work.

Of course some comprehensives do work well—usually ones where pupils are taught in classes set by ability, because pupils learn better when they are engaged at the right level of ability. That is the way grammar schools operate; if grouping pupils according to ability within schools is effective and desirable, it should be acceptable also to group pupils according to ability between schools. What matters is what works. Perhaps that is why today's ICM poll shows that 70 per cent. of the public would like more grammar schools, while only 21 per cent. oppose them.

Trafford's outstanding results are achieved not just because of the grammar schools, but because of the quality of the high schools that stand in the place of the failed secondary moderns of the 1960s—proud, high achieving schools with a rich pattern of specialisms, from sport to technology. We can judge the effectiveness of the high schools by the results that they produce. Do not forget: the most academically inclined children have gone elsewhere.

The national average for children achieving five good GCSEs in 2005 was 57 per cent. Ashton on Mersey high school in my constituency, also a specialist sports college, easily beat the national average: 62 per cent. of pupils got five good GCSEs. Down the road at Wellington, 73 per cent.—16 percentage points above the national average for children of all abilities—got five good GCSEs. Children at Trafford's high schools are receiving a better education and getting better results than at most comprehensives.

Indeed, if you exclude the performance of Trafford's grammar schools, with roughly the top 40 per cent. of the ability range, the high schools on their own would come 65th out of 148 LEAs in England, ahead of Richmond-upon-Thames and many others. Trafford is perhaps the perfect example of the successful, diverse state education system that the Prime Minister and Lord Adonis so rightly want to achieve—a system that, in the words of the White Paper, takes full account of

"how different young people acquire knowledge and skills".

All of us here today want higher standards in schools. I am not claiming that what we do in Trafford can work everywhere, and I certainly would not seek to impose it on other parts of the country. But I am asking all hon. Members to look at the facts that I have put before the House. If they do so with an open mind, they will find it impossible to rule out the use of selection as a part of the modern, diverse provision of schools that our children need.

5.10 pm

**Mr. David Chaytor** (Bury, North) (Lab): We have moved on a long way from the rhetoric of the White Paper six months ago. Some of the White Paper's language could have been lifted directly from the speeches of Sir Keith Joseph in about 1981, shortly before he made his terrible speech in Preston and argued that all women in social classes D and E should be sterilised, as the solution to the problems of the welfare state. Nevertheless, we have moved on since that early rhetoric. I commend the Secretary of State and her ministerial team for the way that they have listened to the criticisms from a wide range of sources to try to convert the White Paper into a Bill that is practical and workable.

Perhaps the key moment during the past six months, when we saw that we were moving in the right direction, was when the Secretary of State came to the Select Committee on Education and Skills and made the very simple and straightforward point that, regardless of the rhetoric about trust schools and the brave new world promised in the White Paper, in reality a trust school would be no different from the existing category of foundation schools that already have their own foundations.

In fact, trust schools will be simply a subset of foundation schools. Given that we have recently legislated to allow schools to become foundation schools far more easily—a process that can be achieved in four weeks following the simple vote of the governing body—why on earth do we need a new Bill to launch trust schools?

*[Mr. David Chaytor]*

I shall support the Bill this evening. It has many merits, some of which were spelt out by my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher): the emphasis on curriculum reform, particularly at key stage 4, and on the personalisation of the curriculum and the measures on school discipline. However, there are controversial issues about the governance of schools, the role of local authorities and the admissions policies.

Although we had genuine concerns about those issues six months ago, the Government have responded to them. Local authorities will be able to run new community schools, subject to the veto, and it is extremely important that the criteria by which that veto will be exercised are spelt out in the Bill. There are also concerns about the eligible bodies that could become involved in the new trust schools, and it is important that there are measures in the Bill to determine what external partners can become involved. The key criterion is that an external partner should be a charity or a corporate body that already has a good track record in delivering education, not someone who just happens to have a couple of million pounds to spend and wants to inflate his ego.

As the corollary of the tightened admissions procedures already included, it is important that the code of practice appears in the Bill, albeit not necessarily in full. I am not convinced about whether such a long document could be included as a schedule to the Bill. Although it already has 18 schedules, I should have thought that a 19th schedule with the full text of the code of practice would not be unreasonable. The Bill should certainly state the key admissions criteria that are deemed acceptable and those that are not. Of course, the precedent has been established for inserting some criteria in the Bill, such as in the clauses that relate to banding and interviewing.

**Tim Farron** (Westmorland and Lonsdale) (LD): Does the hon. Gentleman share my disappointment that the Government have not yet given way to the suggestion in the Select Committee report that a move towards the anonymisation of the admissions procedure could guarantee that it would not be used for selection through the backdoor?

**Mr. Chaytor:** That was the hon. Gentleman's contribution to the Select Committee report, and it was an important one. I agree that the issue has not been properly debated and that it needs to have a wider debate. It is an excellent way forward, but we are not yet at the stage where the Government will adopt the suggestion. However, these ideas must be pursued.

Those who feel the need to vote against the Bill have to decide what the educational reasons for doing so are. The process that we have gone through over the past six months involved the Government publishing their White Paper, with some of its critics publishing alternative proposals. The Government listened carefully, took on board many of the proposals and made assurances and promises that other issues would be considered in Committee. Once one has made one's contribution to the debate and the Government have listened and taken on board much of what one has said, one cannot then suddenly shift ground and say that there are other reasons for not voting for the Bill.

I know that some people will say that the Bill opens the doors to a market in state education. Where have they been since the Education Act 1980? Since open enrolment was introduced—it was the first Act of the Thatcher Government—we have been steadily moving towards a more market-based system. To those who are concerned about more private sector revenue or capital coming into the state system, I say that it is very difficult for a Member of Parliament cheerfully to issue a press release welcoming the close links between the schools and local businesses in his or her constituency, welcoming the designation of specialist status for schools in their constituency with the £50,000 that comes from the private sector and welcoming the launch of an academy in the constituency with the £2 million that comes from the private sector and then suddenly say, "No, we cannot have trust schools because that will lead to more private sector involvement."

**Michael Connarty:** Will my hon. Friend give way?

**Mr. Chaytor:** I have given way once and I do not accrue another minute if I give way again. I must carry on.

We need to explore in more detail—I hope that we will do so in Committee—some of the concepts that seem to go unchallenged. I pick out the issues of diversity, choice and independence as three of the most important concepts that go unchallenged. I am quite relaxed about schools being slightly different; I am not really bothered what the name on the front door of the school says. I recognise that there is a public demand for a wider range of products and services in all spheres of our public life, but what matters at the end of the day is not the name of the school. In fact, I am not sure that what matters is the school's ethos, because I get slightly nervous about the term "ethos". It really is a euphemism for selecting those who are similar to us. However, I am bothered about diversity within the school. If the Government are going to fulfil our absolute commitment to raising standards of education and achieving the potential of all children, we have to recognise the differences among all children, and we have to be able to provide diversity of curriculum and diversity of pastoral care arrangements within each school.

Some people take it as read that choice is a good thing. I do not think that we can have a system of totally free choice without paying attention to the practical consequences of implementing that. In any system of education, health care or of any other aspect of the welfare state, choice has to operate within a series of constraints. The key issue for Government is to decide what constraints there are going to be and in whose interests they operate. There could and should be such a thing as managed choice that works in the greatest interest of the greatest number rather than a naïve view of totally free choice, which will inevitably advantage those who are most confident and articulate.

I am fairly relaxed, and have been for 20 years, about the commissioner-provider split. I am fairly relaxed about more innovation in the system, but if the system

is going to be freed up, two things are of paramount importance. First, we need to have the powers for local authorities to manage at the strategic level and to co-ordinate in the interests of all children. Secondly, we have to have a tight admissions policy that works in the interests of all children. If we do not have a set of rules—

**Mr. Deputy Speaker (Sir Michael Lord):** Order. The hon. Gentleman has had his time.

5.19 pm

**Tim Farron** (Westmorland and Lonsdale) (LD): Throughout the Select Committee's work, it was clear that the education professionals who appeared before the Committee were in a mood to have reform; they were pro-reform, rather than anti-reform. The Liberal Democrats are not anti-reform either, despite some of the things that have been said during the debate. However, the Select Committee found that the reform that the professionals sought related to improving standards, enhancing quality and ensuring fair access for all. That is why it is a source of great sadness to me that, although there is much in the Bill to be welcomed, it is flawed by its concentration on structural change, as has been said. Much of that appears to be unnecessary and some of it is downright unhelpful and perhaps counter-productive, at least if we assume that the Government want to improve fair access to the best quality of education for all, as I believe they do.

Much attention is paid to the language of diversity and choice. Diversity and choice are good words—they are "hooray" words. Who is going to be opposed to such things? Not the former chief inspector of schools, Chris Woodhead, who has been on the airwaves this week, acting as Government apologist for the Bill and saying that diversity of provision is a precursor to increasing standards—*[Interruption.]* Hon. Members may have heard him. Of course, he presented no evidence for the claim, but he explained that the Bill was a welcome step towards "marketising" education. He did not give any explanation of why the marketising of education was to be welcomed. Given the problems that we are experiencing in the NHS, specifically with regard to dentistry, we can see the consequences of dogmatic and inappropriate marketisation. One would have thought that such language would be seen as reactionary and backward thinking—hardly the stuff of a legacy-setting reform agenda.

A successful school system provides the best opportunities for all its young people and ensures that every child meets their potential, irrespective of their background. On that basis, substantial parts of the Bill fail the test because they make it less likely that young people from disadvantaged backgrounds will succeed. Allowing independent admissions under current arrangements will undoubtedly lead to children from poorer families being left further behind. We have already heard about the Sutton Trust's paper, which states:

> "Schools which are responsible for their own admissions take a low proportion of pupils on free school meals, which is an indicator of a school's overall social mix."

The Institute of Education, in its report in January, stated:

> "There is clearer evidence that own-admissions authority schools are associated with greater levels of social segregation."

Furthermore, Baroness Warnock, in her evidence to the Select Committee last autumn, stated that greater independence over admissions inevitably led to children with special educational needs receiving a poorer deal.

As the hon. Member for Bury, North (Mr. Chaytor) and I mentioned earlier, the Selection Committee raised the point that that anonymisation of the admissions procedure could have given the Government a way out of the accusation that independent admissions procedures are selection by the back door.

**Meg Hillier:** The hon. Gentleman talks about the admissions code as though there have been no changes since the White Paper. Perhaps the Liberal Democrats have got that a bit confused. There is currently a postcode lottery in many areas. As people move to live nearer schools of their choice, the reality is that we have postcode performance in many areas. Does the hon. Gentleman agree that the Bill will go some way towards addressing that inequity?

**Tim Farron:** I thank the hon. Lady for her intervention and I acknowledge that there have been changes to the admissions code. That was the work of the Select Committee. I signed up to the report, as did my hon. Friend the Member for Bristol, West (Stephen Williams), but we do not think that it goes far enough. We believe that one of the ways to ensure that we do not get discreet and sometimes unseen selection through the back door would be to remove the possibility of seen admissions, which would lead to that. I will deal with her other point later.

There are some positives in the Bill and my hon. Friend the Member for Brent, East (Sarah Teather) pointed them out. We welcome attempts to strengthen discipline in schools and to tackle underachievement, poor behaviour and truancy, which makes it all the more disappointing that the Government have again passed up the opportunity to make a real difference in this area. I wonder whether it has occurred to the Secretary of State that young people who are succeeding at school rarely play truant. Those who are achieving their potential, or on the way to doing so, rarely play truant. Almost exclusively it is the case that young people who play truant, who go on to get into trouble and whose contribution to society may end up being limited are those who do not succeed at school.

Why is the Government's focus on a mirage of choice between schools when it should be on the desperate need for real choice in curriculum? Why have the Government again, as has been mentioned this afternoon, ducked the challenge of taking on the Tomlinson report, which would provide young people with a spectrum of choices from which they could take a blend of traditional academic courses alongside professional and vocational ones, in a format that does not pander to academic snobbery and therefore reinforce social segregation and failure at school? The Government could truly make progress with their respect agenda, and win the respect of parents and teachers, if they only had the inclination to provide options at school that ensure that young people are enabled to succeed at what they are good at and reach their potential, rather than being relegated as failures.

This Bill has been characterised as one for urban Britain, more specifically for London. Nowhere is that characterisation more appropriate than in the language

*[Tim Farron]*

about choice that is being used to sell the Bill. Choice in education is important, but choice between different schools is a laughable nonsense to those of us living in rural communities. John Ruskin school in Coniston in my constituency is an excellent high school, and it is good that it is because the second choice school, or the second nearest, is a 10-mile drive along country lanes and two ferry rides away. The Government should not be surprised that so many teachers and parents in my constituency and others like it stand perplexed in response to the Government's celebration of choices that simply do not exist.

Even for those less rural parts of my constituency where it is physically possible to get to more than one school without resorting to ferries, choice will in essence be meaningless. The Select Committee discovered that the Government have no serious practical plans to expand the most popular schools, so once they are full, they are full. Given that most of the most popular schools are by definition already full, even in this respect choice between institutions is a mirage.

Perhaps, however, despite all the watering down of the Bill, the reality is not that important to the Government. Perhaps what matters are the messages. Perhaps the message of the controversial part of the Bill is intended to be a dog whistle to those who consider themselves aspirational and ambitious for their children. That includes me, by the way, so I am listening. The message is, "Whatever we say, this will lead to the opportunity for your child to do better, to take advantage of your aspirations and those of your aspirational school. It's a desperate shame, of course, for the other dozen schools in your city or town that are non-aspirational and also that the parents of the kids there aren't as aspirational as you, but that's not your fault and it can't be helped."

The Conservatives like that sort of thing, and I would like to think that that is why they are preparing to back the Bill, but it is nothing as sophisticated or intelligent as that. This is low politics. The Conservatives will back the Prime Minister simply to embarrass him, but they could back us and defeat him, and at the same time protect our children from a dangerous slide back to opportunities for a few at the expense of the many.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. As a significant number of Members are still seeking to catch my eye in this debate, in accordance with the Order of the House of 26 October 2004 on shorter speeches, the Deputy Speaker has decided that between half-past Five o'clock and half-past Six o'clock a time limit of three minutes will apply. Obviously, whether or not Members take interventions is entirely a matter for them, but no time will be added if they do. I call Helen Jones.

5.28 pm

**Helen Jones** (Warrington, North) (Lab): There is much in this Bill that is sensible and well thought out and builds on the Government's excellent progress in education. But I deeply regret that I cannot support the Government's proposals for trust schools because I believe them to be wrong in principle and flawed in practice. Moreover, I believe that far from improving education for the most disadvantaged children, they will in fact disadvantage them further.

There are two things that we try to do in education. One is to pass on the skills that we need to the next generation, but the other is to transmit values to them. One cannot contract out that process—it is one of the basic responsibilities of civil society. Yet that is what we propose to do here. We propose to allow foundations, businesses and charitable organisations not simply to be partners in schools but to own and control them.

The proposal stems from two propositions—first, the belief that the current system has failed and, secondly, the belief that the measure will fix it. It is difficult for the Government to argue the first proposition when they keep announcing educational successes. They are right to do so, because the latest Ofsted report makes it clear that the proportion of good or excellent teaching has increased enormously since 1997. The number of schools causing concern or in special measures has fallen, and results have improved. The Opposition hate that fact, as they would rather that kids did not achieve many good results, but the numbers attaining five good GCSEs and better A-levels, as well as the proportion of children staying on at school, are increasing all the time.

It is therefore difficult to argue the first proposition. There are still problems in the education system that need to be reformed, and I hope to come on to that later. The question is whether the measure offers the right reform—will it fix the problem? Quite simply, there is zero evidence that people who have made a great deal of money are good at running schools. When the Select Committee examined the White Paper that preceded the Bill it said:

> "No causal link has been demonstrated between external partners and the success of a school, or the independence of a school from local authority control and its success."

The Government have cited the example of specialist schools and academies. Our predecessor Committee said in 2003 that research on specialist schools could not separate the effect of an external partner from the large injection of cash that such schools receive. The data on academies are such that the case for them is still unproven. Most academies accept a smaller proportion of deprived children than their predecessor schools, but while some have improved results, others have stalled and some have produced worse results.

We are therefore being asked to make a leap of faith. In a form of educational creationism we are asked to proclaim "All the evidence is against it, but I believe it anyway." Doing so, however, would result in the creation of a system that is unfair, does not meet parents' aspirations, and fails to address many of the problems that remain. Despite the work that the Government have done on admissions—I acknowledge that work and give them full credit for it—the key question is who monitors admissions procedure. The Select Committee recommended that it should be local authorities working with school admissions forums that set benchmarks and produce annual reports. The whole process would be accompanied by an annual report to the House. Admissions forums, which are largely ad hoc bodies, are not capable of doing that by themselves, and they cannot administer an extremely complex system used by different admissions authorities.

It is assumed that diversity in itself promotes choice, but the evidence does not stack up. Diversity and choice are two different things. In the London borough of Barnet, which has a large number of different schools and admissions authorities, 52 per cent. secure their first-choice school. In my local authority, the figure is 97 per cent. In other parts of the north-west, it is 99 per cent. The evidence for that assumption is simply not there. A great deal of evidence was given to the Select Committee showing that a wide variety of schools increases social segregation and clusters the poorest children in a small number of schools. I am worried about that, and I fear, too, the people who are waiting in the wings to take advantage of the proposal. Make no mistake—creationists and fundamentalists of all colours and creeds are waiting to use the proposal to take over schools. At a time when we ought to bring our young people together and allow them to learn to live together, I fear that we will push them further apart, which would be disastrous for this country.

There are contradictions in what is proposed. A Government who want to restore community cohesion want to move away from community schools. A Government whose whole agenda for 14 to 19 education, extended schools and even the youth service depends on co-operation between institutions have not accepted the recommendation of the Select Committee to put in the Bill a duty of co-operation between trust schools.

There is much that we need to do to reform education. We must get our best teachers into the most challenging schools. We must find out why some schools in very difficult circumstances produce excellent results and others do not. We need to manage the transition from primary to secondary school and make the personalised learning agenda a reality through proper training. The Bill is not the right reform to achieve that. It is not a reform for this century, but a return to the notion of philanthropism that applied in the 19th century. When my hon. Friends look at charities, I hope that they will remember that famous Labour saying—yes, it is an old Labour saying, and I am proud of it—that private charity is no substitute for organised justice.

5.36 pm

**Mr. Andrew Turner** (Isle of Wight) (Con): It is a pleasure to follow the hon. Member for Warrington, North (Helen Jones), with whom I shared membership of the Select Committee in the previous Parliament, and with whom I had many disagreements then and no fewer today. She says there is no evidence of benefit, but that does not mean that there is evidence of disbenefit. She speaks about the percentage of parents in her constituency who are fortunate enough to get the school of their choice compared with those in Barnet, but there is not much choice in some constituencies. I cannot speak for hers. There is a big choice in Barnet, so it is not surprising that so many are disappointed when there is a wide range of choice available.

What we want, as I pointed out to the hon. Member for Brent, East (Sarah Teather), is not that 100 pupils should get the school of their choice and that 365 should be rejected, but that 465 pupils should get the school of their choice. In other words, we need more good schools. When he was sent down from Oxford, the hero of "Decline and Fall" was told when seeking a teaching job that there are leading schools, good schools and schools, and that schools are pretty awful. That, sadly, is the case for many parents, aspiring or otherwise, and pupils, capable or otherwise, not only in our inner cities, but in other parts of the country.

The only thing that makes me feel ashamed about representing the Isle of Wight is that we inherited a poor system of schooling, where no choice is available at high school level. My Conservative-controlled council inherited that from the Liberal Democrats, who had controlled the council for 20 years. There is no choice and no competition among high schools.

I have two points to make about the Bill. First, I am concerned that charities will not take part in the trust schools enterprise if they are over-regulated. There are regulation-making powers in clauses 7, 8, 12, 17, 19, 22, 24 and 25. If Ministers do not display a light touch—I suspect they may want to treat the regulation-making power with a light touch, although I am not sure that their hon. Friends on the Back Benches want to see such a light touch—the Bill will not achieve the objectives that Ministers seek.

The second point relates to school transport. I hope that the defence will be removed from section 444 of the Education Act 1996, which permits parents whose children are excluded from school transport because of misbehaviour to allow them to truant from school. There should be no obligation, as my youth council says, on those who misbehave to be carried to school at public expense.

5.39 pm

**Liz Blackman** (Erewash) (Lab): I would probably have joined all my colleagues at the last election in proudly campaigning at every school gate that I could get at to hail the progress made in my local schools. The investment has gone in, and many of the reforms that needed to be made have been made. However, if we think that we have reached a point where we can relax, we are kidding ourselves. I say to my hon. Friends and to the Opposition that if they have any doubt about where we are and the road that we still need to travel, they should go to the Department for Education and Skills website, click on "school performance tables" and have a look, first at every school in their local area and its performance—the website allows that to be done very easily and shows a five-year period—and then have a little roam around the country. Members will see that there is a story to be told that is even more shocking than the 40 per cent. headroom that we still have to make as an average. There are schools that are bumping along, barely getting to 30 per cent, and they have done that for years. Derbyshire is a three-star authority and has done very well in supporting many of the schools in my constituency. Ten out of the 12 poorest schools fit into that category. If one looks more closely, there are schools that are achieving higher than that, but they are coasting. They are still going nowhere. One will also see some schools that are doing phenomenally well, reaching high levels of attainment and making that change very rapidly.

The Bill is based on what we know works. We may not have all the evidence, but we have a lot of evidence about what works. We know that good leadership, good discipline, individualised learning packages, specialisms, partnerships, federations, high-performing

*[Liz Blackman]*

local education authorities, sound governance and engaged communities work. The central part of the Bill, the most powerful change agent, is the role that we are giving to local education authorities to get in early, make the diagnosis, broker the changes that are needed to shift those schools that are failing so many of our children and to make the difference. The Bill is not just about children in poorly achieving schools and poor areas. It is also about high achieving children who are not being stretched. I say, look at the website.

5.42 pm

**Mr. Mark Hoban** (Fareham) (Con): I welcome the Bill. It is symbolic of the change in this Government's attitude to education. By freeing the provision of education, putting more emphasis on parental choice and giving schools the opportunity for greater freedoms, it marks a comprehensive departure from Labour's past. It is a recognition by the Government that to make the next step change in improving standards, we need to free the education system in this country. We need to harness the accountability that increased parental choice and increased diversity of provision can bring to the education system.

For far too long we have relied on centralised control and direction to raise standards in our schools. The measures in the Bill will lay the foundations for a change in emphasis in our education system. The Bill will introduce more choice and more diversity. That will benefit parents and pupils, not just in leafy suburbs, but in urban areas and cities as well. For too long we have allowed education in our inner city areas to be neglected. Too often, education has not been seen as a route out of deprivation and social problems.

I am concerned that the Government have already made too many concessions since the White Paper and the vision that the Prime Minister set out in its foreword. The concession that the Secretary of State made to allow LEAs to set up new community schools will be used by the weakest local authorities to hide their performance. Local authorities that are strong, confident and proud of the schools in their area will have no fear of new providers. The hon. Member for Battersea (Martin Linton) pointed out from his experience of a visit to Sweden that competition from new providers can raise standards, improve diversity in the system and lead to better results, not just in the new schools but also in the schools already in the area. We need to learn that important lesson from experience in Sweden.

We also need to say to those people who do not believe that autonomy and freedom can contribute to an improvement in standards that they should look at the value added tables for schools published earlier this year. What type of school was at the top of those tables in raising attainment beyond the expectation of children at the end of key stage 2? The answer is city technology colleges—the Conservative forerunners of academies. Schools with the least freedom—community schools—actually experienced a reduction in standards at key stage 4 compared to their results at key stage 2.

It is vital that the Government hold firm to the reforms and recognise that parental choice, diversity and freedom lead to higher educational standards. That was the basis on which I fought the last general election. I am pleased that the Government were thinking what we were thinking, and I am delighted to be able to support the Bill.

5.45 pm

**Colin Burgon** (Elmet) (Lab): The Government have a good story to tell about their education programme; about investment, which has never been matched by any other Government, the new building programmes, the record number of teachers and teaching assistants and rising standards across the board. But if we are honest, there is one thing we have not delivered: a rise in standards in areas of social deprivation. The question we face is how to address that issue.

The areas of greatest deprivation can easily be identified. We should be building schools there for the pupils who live there. A pay structure for head teachers and classroom teachers should reflect the difficult and different nature of the job in those areas. We should have something that our public school comrades have always had—class sizes of about 1:12. If it is good enough for them, it must be good enough for us. The important point is that those changes should be carried out in the community itself, rather than bussing kids to other schools. Two communities suffer from that; bussing children out of one area deprives it of a school, while school sizes balloon in the other.

The Bill is primarily about governance. I was a teacher for 17 fairly tumultuous years; it was a tough school, not a finishing school for the sons and daughters of gentlemen, and I rarely, if ever, thought about the nature of its governance or about its relationship with the local authority. We have to understand that the key determinant of education is not governance but the ability and class of the kids walking through the school gate and the ability of teachers to engage with them in education.

I shall be voting against the Bill because it is about the primacy of the private over the public; it is about marketisation, competition and fragmentation. We have heard much about the direction of travel. I urge my hon. Friends to recall what the right hon. and learned Member for Rushcliffe (Mr. Clarke) said, because he brilliantly spelled out the direction of travel. It will be a disastrous direction both for education and for us as a Labour Government.

5.48 pm

**Mr. Rob Wilson** (Reading, East) (Con): My Front-Bench colleagues believe that the Bill is timid—it certainly would be for a Conservative Government, but it is as radical as we will get from a Labour Government. Indeed, when the legislation is passed into the right hands it could be every bit as radical as the Prime Minister originally intended. It will certainly mean an end to the pretence that we have a comprehensive education system and it will mean a significant decline in the power of local education authorities.

I understand why some Labour Members are concerned about the direction of travel of the legislation.

It will not be everybody's cup of tea. The quality of education has become so poor in many areas, with thousands of schools failing, that the middle classes are gradually withdrawing from the public sector, especially in the cities. As one Downing street adviser put it,

"we have to persuade the critical mass of people to switch from the private to the public sector".

Otherwise, he argued, they would demand tax cuts rather than supporting public sector investment.

The Conservative party has already been down the independent road. We tried to use grant-maintained schools to raise standards and choice in education, in an attempt to break away from the dead hand of LEAs. Grant-maintained schools made a small but important contribution. Their impact could have been more significant, but unfortunately there was not a broad political consensus on the issue at that time. This time, we have a wider political consensus on trust schools and extra freedoms, so, if we can get the Bill through Parliament largely unaltered, one roadblock has been removed.

The Bill provides an excellent foundation on which a Conservative Government can and should build. A number of specialist schools are currently permitted to select 10 per cent. of pupils on aptitude, which is to be applauded, by why only 10 per cent. and why include only certain specialisms such as PE and information technology? If the principle is sound, why not extend the practice to a wider range of specialisms and increase the percentages?

I have not had time to say everything that I want—this is the abridged version of my speech—but the Bill is a great platform on which the Conservative party can build further educational reforms. A party that has dismantled the comprehensive education system can hardly complain when we kick dust on that system's grave.

5.50 pm

**Mr. Mark Todd** (South Derbyshire) (Lab): I want to explore two issues—the value of independence in dealing with poor performance and choice. Information is available on demonstrable demand for independence. An experiment took place in the 1990s, when grant-maintained status was offered with significant financial inducements. We are not repeating that experiment this time, and one must therefore assume that that offer was unattractive to many schools.

In the 1990s, roughly 3 per cent. of primaries and 25 per cent. of secondaries went down the grant-maintained route, and almost all those schools are now foundation schools. In the past seven years, about 20 schools have converted to foundation status, so the offer has been there, but it has not been taken. In August last year, greater freedom was given to apply for foundation status, but I believe that the Department for Education and Skills is currently considering only a further six applications, which does not suggest that people are battering at the gate.

Why are Labour Members so concerned about the value of independence? The evidence on outcomes is far from clear. The performance of foundation schools at the primary level compared with Ofsted outcomes for failing schools that are in special measures or that have been warned about the need to improve indicates that the performance of foundation schools and community schools is identical. The Government's model suggests that community or foundation status makes no difference to avoiding such sanctions, but there is evidence that there may be a gain at secondary level.

I will support the Bill tonight. As hon. Members who have listened to me know, I generally endorse the involvement of the private and voluntary sectors in the provision of state services. I therefore sympathise with some of the principles behind the Bill, but I am concerned about some of the practical thinking. Given what I have seen, small primaries need to be protected from some of the risks of going down that path—in my constituency, one primary reverted to community status after an appalling experience dealing with the freedoms that some hon. Members have commended.

On choice, there is no way round the fact that if one grants greater choice, one needs extra resources to pay for extra capacity, and I have heard no assurance to date that that will be offered.

5.54 pm

**John Bercow** (Buckingham) (Con): I welcome the Bill, which will improve the quality of education, and I want briefly to focus on three issues. First, the introduction of specialist diplomas is radical, innovative and welcome. The Government deserve congratulation on taking forward the 14-to-19 agenda, but I have two concerns—timing and funding. I understand that the Government intend to introduce no fewer than five of those diplomas by 2008, 10 by 2009 and the full 14 by 2010, which is an ambitious time scale. I simply say to the Minister, in the most positive and courteous spirit, that in view of the need for extensive training for new personnel and for people with workplace experience to translate the aspiration of the vocational specialisms into effective practice, I hope that people will not have their expectations raised only to be disappointed.

In addition, there must be a commitment on funding. I know that the Government's implementation plan for the 14-to-19 agenda says that Ministers will provide the resources that are necessary to make it effective, and I dare say that that is what they intend. However, I hope that the Minister will accept that we need more specifics for this bold educational and social reform. It would be to snatch defeat from the jaws of victory were we to end up with a threadbare, insubstantial and underfunded programme. Please let us avoid that in the interests of all our young people.

Secondly, I want to say something about setting. I recollect that the White Paper referred to setting no fewer than 19 times. In 1997, the Government said that it should become the norm in secondary schools. I appeal to the Minister to abandon the religion of localism, which seems to have infected all the political parties. If they think that setting is a good thing, let them issue guidance, make it the norm, and invest some political muscle and capital in ensuring that it happens.

Finally, there were, last time I looked, no fewer than 61,000 looked-after children in this country, only 6 per cent. of whom secure five decent GCSEs and only 1 per cent. of whom go to university. Access matters, but they need tailored teaching, personalised learning and effective assistance. If the Government believe that they, and children in detention, are to be helped, and

*[John Bercow]*

they want to practise the philosophy and principle of social inclusion in which they believe, they must give that the resources that it requires.

5.56 pm

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): In Plymouth, there is real enthusiasm for collaborative work, but the current performance measurement gives people little credit for doing important work that can achieve as much—arguably more—in driving up standards than any single trust or foundation school. All 17 secondary schools, including the three grammar schools and two further education colleges, are part of collaboratives that extend the curriculum pathways for 14 to 19-year-old students. The quality and extent of those opportunities has been complimented by Ofsted. Schools also collaborate on staff training and development, including the training of new teachers. We want to take that work forward in radical new ways that include all our schools, not only the high-performing ones. We are concerned that some of that will be limited by the Bill's focus on the individual school as a unit of change and improvement.

Personalisation and collaboration extend choice in the curriculum for parents and students, as well as driving improvement. Such work already addresses the postcode selection by mortgage issue, and has the potential to do more—probably more than the White Paper proposals. It breaks down rigidities between grammar schools and the rest of the education community, up to a point, and could do much more in that direction to ensure that no child is ever made to feel that an 11-plus examination is a barrier to their progress. The significant personalisation money—£0.5 billion over the next two years—could work very well with the grain of that and help us to go as far and as fast as any education community in the country. I am among those who accept that we have much more to do.

In response to my earlier intervention, the Secretary of State said that she would actively encourage such an approach, but I seek her assurance that she will ensure that the money for personalisation and other specific funds is allocated in a way that complements collaboration and ensures that the money can follow the pupil from primary to secondary school. Most importantly, will she quickly find a way of measuring and acknowledging—indeed, rewarding—success across collaborating education communities, perhaps in relation to clause 114(2) to (4)?

My city is an ambitious city. We are ambitious for our children's education and very forward-looking. We want every child to matter and every school to be an excellent school. If the further debate in Standing Committee could make it clear that what I have described is not only possible, but something that the Government will actively encourage and create a framework in which it can thrive, not just survive, then perhaps I, and probably others, could be a lot more confident that we can deliver what we all want for young people as thoroughly and as quickly as possible.

5.59 pm

**Mr. Brian Binley** (Northampton, South) (Con): I wrote to head teachers, talked to parents and parent groups and met local education authority officers. I must now try to summarise in three minutes the mass of information that they gave me. I shall do my best to do them justice.

Most people to whom I spoke believed the Bill to be about structures and they hoped that it would be about rising standards. They said that they wanted help with standards and that they needed some action on several matters. I hope that we can amend the measure in Committee to help them achieve their objective. They want us to stop messing about with structures. They fear that education is a political football and say that it is time that it stopped being so. Although the Bill goes some way in that direction, it could have gone much further. Sadly, the Government withdrew from that position and that disappoints many of the people to whom I spoke.

Those people told me that we need more setting in schools and that they need more help to set properly. They believe that one of the major ways in which to improve standards is to understand that children learn best in groups with others of similar ability. We need to direct proper resources to those groups to get the best out of everybody who attends our schools.

The people to whom I spoke said that we should leave decision making to the professionals in our schools and they fear that we interfere too much. Two people told us that if we simply backed off, shut up and allowed teachers to get on with it, we would have better standards of education in all our schools. I believe that—we should trust professionals. We, as politicians, do not do that enough.

The people to whom I spoke believed that there should be a limited LEA model but that it should be mostly concerned with stepping in quickly when schools begin to fail. They also said that national league tables should be abolished. Everyone who talked to me told me that they were corrupt and open to manipulation. It is time we listened to that. Equivalence is a disgrace and I hope that the Minister for Schools tackles that point.

In a short time, I have tried to sum up some of the things that the people to whom I spoke told me. They want us to help them raise standards and to get off their backs so that they can do that. I hope that the Bill can be amended and we can give them what they want so that children can benefit.

6.2 pm

**Mr. Peter Kilfoyle** (Liverpool, Walton) (Lab): When one reflects on the number of days that were rightly given to consideration of Welsh devolution and compares that with the six hours for this debate, it underlines the need for all right-thinking Members to vote against the programme motion. We are not here necessarily to help or hinder the Government but to hold them to account, and we are considering an important Bill.

I endorse the comments of my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) and some of those that my hon. Friend the Member for Knowsley South (Mr. O'Hara) made about the many good things that have been done locally and nationally in our schools. My constituency, like everyone else's, has benefited.

I want to underline that aspects of the Bill will be advantageous to people in constituencies such as mine, and they are welcome. However, let us make no mistake:

at the heart of the Bill lies a structural issue about trust schools. That outweighs everything else in it. I agree with the hon. Member for Harrogate and Knaresborough (Mr. Willis), who said that we were considering something that was roughly analogous to grant-maintained schools.

Looking around the Chamber, I see no more than a handful of hon. Members who were here in the winter of 1996–97. You will remember, Mr. Deputy Speaker, that one measure that came before us towards the fag-end of the Major years was the Nursery Education and Grant-Maintained Schools Bill. I had the honour of speaking about schools for the then Labour Opposition. We defeated the Bill by one vote, mainly thanks to a hapless Whip on the Government's side, I hasten to add. Nevertheless, we defeated it, and we were committed to removing what we saw as a travesty of educational policy that went under the banner of grant-maintained schools.

This is the first time since 1997 that I have spoken in the House on education. I have no doubt that the right hon. and learned Member for Rushcliffe (Mr. Clarke) and the hon. Members for Gainsborough (Mr. Leigh) and for Havant (Mr. Willetts) were absolutely sincere, even if they were making mischief with the Government, when they said that they applauded these policies. If these trust schools are introduced, they will atomise comprehensive, co-operative and cohesive local educational communities. I can put this no better than the head teacher of the Notre Dame specialist arts school, a girls' faith school in my constituency, who wrote to the Secretary of State to tell her that she had missed the point completely, and that trust schools and foundation schools were of no consequence whatever in meeting the demand for raised standards.

6.6 pm

**Mr. Douglas Carswell** (Harwich) (Con): I broadly welcome the Bill. It is perhaps one of the most heartening Bills on which I have spoken since becoming a Member of Parliament, and I hope that it will begin a radical transformation in our education system of the kind that I would like to see. At the centre of the Bill are the proposals to devolve to schools new powers and responsibilities, to empower schools to acquire self-governing trust status, and to devolve power and responsibility away from remote educational experts.

The Bill will begin the fragmentation of monolithic state provision, and that is a fragmentation in which we should welcome and rejoice. For more than a generation, we have seen the steady advance of an invidious leftist orthodoxy through our state educational institutions. State-enforced, one-size-fits-all education has held down a generation of young people, and it is time to overturn it. The Bill does not mark the end of one-size-fits-all, state-enforced education, but it marks the beginning of the end. That is why I have no difficulty in supporting it.

I served on the Education and Skills Committee, but I was unable to support its rearguard action to fight against the measures outlined in the White Paper. The Committee's critique of the White Paper conflicts with its decentralist rationale. If anything, the Government should be prepared to go much further than they have done in the Bill, but that can wait until another day. However, the Bill brings closer that other day, when we shall see a radical change to the status quo in our education system.

The significance of the Bill is that even those on the centre left of British politics have lost faith in the state-enforced, one-size-fits-all system of education. They have lost faith in the notion that education can, or should, be run entirely from the centre. Having listened to the ideologues and the dinosaurs who oppose these measures, I believe that the only compelling critique of the Bill comes from those who say that it does not go far enough.

Not all in the Bill is perfect—the poisoned pills placed in it by the Government on admissions, the unelected and unaccountable adjudicator, and the banning in clause 40 of interviews, for example—but I suspect that those measures will be less important than is supposed. One day, we will iron out those flaws and then we will go much further. In the meantime, the Bill warms the cockles of my localist heart. I will go through the Lobby tonight with many Labour Members, and with a spring in my step.

6.8 pm

**Tom Levitt** (High Peak) (Lab): I rise to speak as the proud product of comprehensive education, as both a pupil and a teacher. I want to follow on from where my fellow Derbyshire Member, my hon. Friend the Member for Erewash (Liz Blackman), left off, by asking, who suffers when the system fails? With only a 56 per cent. GCSE pass rate, we are not delivering for enough children. Who suffers? It is the children from the deprived wards where expectations are lowest, the children whose parents are not well motivated to support them through education, and the children who leave school at 16 to go into low-paid jobs with low skills and to continue the cycle of deprivation. Those are the people whose needs we have to address.

It would be a tragedy if the Bill failed tonight, and I welcome any support that it is being given, from wherever it comes. I particularly welcome the statement by the hon. Member for Havant (Mr. Willetts) that the 18 years of Tory Government had failed to deliver for children in education. I agree with him entirely. I know that it failed. I was a teacher under a Tory Government, and I was a Labour member of an education authority under a Tory Government. I sat there while Derbyshire budgets were cut by 7 per cent. in real terms, and when we had larger primary class sizes, more outdoor toilets and more leaky roofs than anywhere else in the country. That was education under the Tories, and we must not return to it.

The Bill is not a panacea. It does not say, "We know best". It acknowledges that when schools have made major strides, they have done so by thinking out of the box and by finding new partners—partners with a vested interest in skills, education or children. They have worked in harmony with good LEAs, or despite the lackadaisical LEAs, and they have said "Every Child Matters."

The Bill tells us, "Here are some things that others have found to work. With the right local leadership in our schools, with supportive communities taking an active interest in their schools and with the right partners chosen by schools and encouraged by LEAs,

*[Tom Levitt]*

we can create a framework to give better support to schools, children and learning. We can make a difference to the children who most need that difference to be made."

The Bill opens doors rather than closing them. It does not guarantee higher standards, but it is the toolbox from which schools can select to ensure that they deliver for the children in their catchment areas.

6.11 pm

**Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): My girls are being educated at a state comprehensive, but I cannot allow the comments of the hon. Member for Harrogate and Knaresborough (Mr. Willis) to go unanswered. The hon. Gentleman, who has chaired the Education and Skills Committee, was educated at a selective grammar school, while I, a junior conservative Member, was educated at an inner-city secondary modern.

My girls have not always been at a comprehensive school. They have also been educated at private schools, and I have never seen anything in a private school that could not be replicated in a state school. I was particularly impressed by Ampleforth, a Roman Catholic boarding school that follows the rule of St Benedict and has an ethos based on realising the potential of every child, regardless of ability. It takes an holistic approach to children and is not obsessed with league tables. Father Gabriel, the head, does nothing that could not be replicated in any other school. It is not necessary to have grand buildings to achieve culture, ethos and identity. What is necessary is parental preference and involvement. A school must be responsive to its community or, dare I say, market, and it definitely needs freedom.

The Bill takes the first wimpish steps towards liberation of state schools from the asphyxiating control of local education authorities, and removes the remote governance of this place. By giving schools freedom, it will enable our children who are educated in the state system to benefit from the kind of education from which those in private schools benefit.

We are all different. If that were not the case, we would all be sitting on this side of the House. Why, then, do Labour Members want to homogenise education? They want to keep it all at the same level, and ensure that everyone is taught in the same schools. We do not want that. We want parent power, and believe me, if a parent talks to the head of an independent school, the independent school jumps. Parents need and want that kind of power in the state system.

Surely we should welcome the emphasis on personalised learning. After all, it is another thing from which children in fee-paying schools benefit while children in state schools do not.

I speak very much with a mother's hat on. I wholeheartedly welcome the emphasis on nutrition in school and the work done in that connection by the hon. Member for Wakefield (Mary Creagh).

I have an interest in special needs. I hope that trust schools will have the ability and the power to "velcro" the funds provided by the statementing system to children's special needs, and that some trust schools will specialise in that and will really benefit.

I wholeheartedly support the Bill.

6.14 pm

**Mr. Michael Clapham** (Barnsley, West and Penistone) (Lab): I am concerned about the direction in which we are travelling. The reforms that we have introduced since 1997 are a recipe for success, and success is beginning to come through: 2005 was the best year ever for results. The recipe is based on strong leadership from head teachers, substantial funding for schools and better, more highly trained teachers, working with children who are now motivated because they are in an environment that is more conducive to learning and teaching. The reforms have brought success, so it is standards that we should concentrate on, not structures.

My fear is that altering the structures, and particularly turning foundation schools into trust schools, will lead to unintended consequences. I honestly believe that there is no evidence to support the argument that competition in education can drive up standards. The hon. Member for Altrincham and Sale, West (Mr. Brady) referred to the USA and in particular to California, but he missed out Minnesota. According to research done for the alternative White Paper, the charter school system in Minnesota did not work. Seventeen of its 88 charter schools have closed in the past decade, and the ones that remain open are providing education for better-off people.

We need to move away from the argument that by altering the structure of education, we can drive up standards. Altering the structure will not help kids in my constituency, many of whom live in deprived areas. We are already starting to see the benefits of universal nursery education and of Sure Start, which is engaging not just the kids but the parents with education. It is the best thing that this Government have done, and by concentrating on standards we can make improvements.

In conclusion, I support the National Union of Teachers' stance, which is that we should focus on comprehensive education and ensure that better standards lead to the results that we want to see.

6.17 pm

**Mr. David Gauke** (South-West Hertfordshire) (Con): A generation ago, there was a great debate in this country on how we should run the economy. On one side were those who argued in favour of big government, planning and protecting failed industries and institutions; on the other were those who advocated competition, allowing successful institutions to expand and letting industries that were no longer fit for purpose fail. The latter view prevailed because some of the brighter elements in the Labour party recognised that the debate was no longer worth having, and that they needed to adapt. The same is happening now, in that those brighter elements recognise that the values of choice and diversity are also vital to our public services. Fundamentally, that is what this Bill is about.

Clause 2, which deals with choice and diversity, makes it clear that local education authorities must have regard to

"securing diversity in the provision of schools, and . . . increasing opportunities for parental choice."

Clause 3 states that they must take into account parental representations on these matters, and that they "must have regard to" guidance provided by the Secretary of

State. That provides a huge opportunity. The Secretary of State could say that if a majority of parents petition for a school to become a foundation school, it must become one. That is an excellent step.

There will be many more foundation schools than community schools. The Government, of course, have a vested interest in encouraging more foundation schools; it is, after all, a flagship policy. A few weeks ago, there was a power of veto preventing the creation of any new community schools, but the Government have bowed to pressure from their Back Benchers. Who is to say that they will not reverse their position once the pressure is off? I hope that they do, that the veto will be used to prevent the creation of such schools, and that we will see more foundation schools. The Bill includes powers for the Secretary of State to close failing schools in the interests of the welfare of children.

If we have more foundation schools, what powers will they have? They will have powers under the power to innovate programme and they can seek further derogations from regulations. For example, the Department is in discussion with some schools about varying local teachers' pay and conditions. That could be devolved to a local level under the Bill.

The buzz phrase—everybody is using it in all sorts of situations—is direction of travel. There is no doubt about the direction of travel of the Bill. It is in the right direction, at least from my perspective, and I welcome it.

6.20 pm

**Ms Dari Taylor** (Stockton, South) (Lab): I will support the Government tonight in the Lobby. The reforms that have been introduced, in terms of diversity and structure, increased powers for local authorities, and parental choice, will all in their different ways drive up standards. The research is clear and outlines the problems. As the proportion of children from low income backgrounds goes up, average results go down. The research explains that children from different backgrounds have very different chances of achieving good results. Those facts must be acknowledged and, when they are, we will have a chance of putting reforms together that will improve standards.

In my constituency in low income wards, only 24 per cent. of children achieve five good GCSEs. In average and high income wards, 80 per cent. of children achieve five good GCSEs. Over the past seven years, we have seen a 10 per cent. improvement in low income wards, but at that rate of improvement it will take 32 years for the children from low income families to match the achievement in average and high income wards. That is not acceptable. Reform is not an option: it is an absolute obligation.

The issue is not investment. We have put that in and we are still struggling to deliver effective improvements in standards for children from low waged families. It is therefore crucial that we improve the structure of delivery. I say that while acknowledging the research based on academies. It is not popular, but I will say it because it is factually correct. In Middlesbrough we have three academies and two of them are seriously delivering. Over three years, we have seen a significant increase in the number of children achieving five good GCSEs. We have also seen parents becoming very involved in the schooling of their children, and that is to be commended. They are showing enthusiasm and commitment and once parents show that, we have serious support for increasing standards. Structure is important and I implore my colleagues to look at the evidence.

If there was one reason for me to support the Bill, it would be the admissions framework assurance that will give top priority to admissions for looked-after children. That is such an important part of the whole. In addition, local authorities will have an explicit commitment to narrow the gap in attainment between pupils from different backgrounds.

6.23 pm

**Mr. Austin Mitchell** (Great Grimsby) (Lab): There are some good things in the Bill and it is a great improvement on the White Paper, but we would have had those aspects that are good anyway. I have to concentrate on what the Bill will do for Grimsby, and in my view the answer is very little.

First, the gutless failure to abolish selective education in Lincolnshire means that every day more than 100 kids are transported from Grimsby by bus and Range Rover to selective schools. That represents a loss of ability and parent power to schools in Grimsby. With more choice, that number might increase. People in the villages on the border might be eligible for the six-mile free travel for poorer children to attend selective schools in Lincolnshire.

Secondly, secondary education is improving fairly rapidly in Grimsby. We will probably have three academies, which means that there will be much more competition. How will schools improve their competitiveness and secure a higher place in the league tables? They will do so by attracting more kids of greater ability, and they can do that only by draining ability from the remaining schools in the area. Therefore, what measures will be put in place to help and sustain those schools suffering the drift away of able children to the better schools? How will those schools be protected, and how will they get the extra teachers, money and resources that they need to combat such competition?

Thirdly, how will the schools commissioner ensure that we do not have what might be called postcode trust-school syndrome, by which I mean that trust schools will be in the better areas, and not the poor or deprived areas that really need them? Trust schools are a very good idea, as long as power in the school is proportionate to contribution. Governors will have to make a massive contribution to their schools: otherwise, there will be no point to the changes, and we will have what amounts to merely an academy-lite system.

Fourthly, governors will have too many duties. Their duties will be enormous, and will prove to be much too hard for ordinary working people and families, and especially single-parent families, to perform. They also need to be paid—not out of school funds, but by the local authority or the state—if they are too to do the job properly, and if working people are to be represented among their ranks.

Finally, the power of local authorities needs to be strengthened, not reduced. Only they can ensure fair play for the whole area, with a fair distribution of SEN kids and other children with problems, and expulsions.

6.26 pm

**Clive Efford** (Eltham) (Lab): I resent some of the comments that have been made to me in this debate about the White Paper and the Bill, as they have suggested that I am somehow in favour of the status quo. I do not support the status quo: I accept that this Government have improved education across the board, in every school in my area. However, I am sure that those schools still occupy almost exactly the same places in the secondary education league tables as they did when those tables were first published.

Much has been said about choice in regard to this Bill, but for whose benefit are we introducing that choice? Who are we empowering to make choices in the education process? Fiona Millar and Melissa Benn produced an alternative paper entitled "Quality and Equality for all Children", in which they proposed a bounty for children attending schools that attract those who have not achieved higher results in primary education. In support of their argument, they quoted Tim Brighouse, who suggested that there should be a flat rate for pupils, with additional sums for those who had achieved only levels 3 or 2 at primary school.

Similarly, Peter Hyman wrote an article for *The Guardian* on 24 October, in which he suggested that resources should be targeted at schools with the most challenging pupils. We need to ensure that the system drives up standards in those schools, but the Bill does not say how resources will be targeted on those areas, with the specific aim of raising standards.

The Bill wants to promote diversity, and places an onus on local authorities to do that in their areas. As my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) said earlier, it is a question not of using the Bill to end selection in one sweep, but of challenging discrimination in our education service and removing the circumstances that cause people to opt out. However, the creation of a marketplace in our local education service requires winners and losers and, sadly, the people who will be the losers will be the same ones who have always lost in our education system. The challenge for all of us is to empower those parents so that they can ensure that their children's education improves.

Who are we legislating for? Many parents do not engage in their children's education in the way that we would like them to. Recently, I visited a primary school in my constituency, where only five parents had bothered to visit any of the secondary schools that their children might attend. We must make sure that we improve standards in such schools, and that we legislate in such a way that they get the resources that they need.

6.30 pm

**Mr. Nick Gibb** (Bognor Regis and Littlehampton) (Con): This has been a fascinating and enjoyable debate, with pro-Bill speeches from Labour and Conservative Members and some passionate anti-Bill speeches from Labour Members. The number of people wanting to participate in the debate reflects the importance that many Members attach to education.

This is a necessary, if rather modest, Bill. It is necessary because although we happily acknowledge that there has been a degree of improvement in standards since 1997, there is still a huge amount to do. It cannot be right that nearly half of 11-year-olds leave primary schools without the necessary skills in reading, writing and maths combined. These children rarely catch up when they go on to secondary school.

It cannot be right that despite improvements in GCSE figures, still only 44 per cent. are achieving five or more good GCSEs when English and maths are included, or that the proportion gaining five or more good GCSEs is falling when the core subjects of English, maths, science and a foreign language are included.

**Nia Griffith:** Does the hon. Gentleman agree that GCSEs were set up as an amalgamation of O-levels—available to only about 25 per cent. of the population—and the CSE, and that a D is actually the average grade of GCSE expected of a pupil? We must stop labelling as failures the pupils who struggle to get D and E. A child may equally be under-achieving if he or she gets a B when capable of an A. We should be looking at the reasons behind that. Does he agree that we should stop labelling these children, as that is half the problem?

**Mr. Gibb:** I accept the hon. Lady's point, but no one is blaming the children. Too many schools in this country are underperforming and letting down the very children she is talking about. For example, it cannot be right that employers complain that new graduate employees are writing what they describe as illiterate memos and letters. The National Audit Office has reported that 23 per cent. of secondary schools are underperforming. It is clear that education reform is still crucial.

We support the Bill because:

> "The system will finally be opened up to real parent power. All schools will be able to have Academy style freedoms . . . No one will be able to veto parents starting new schools or new providers coming in, simply on the basis that there are surplus places."

How could anyone disagree with the Prime Minister when he said that? Even after the unnecessary concessions made to Labour rebels in the Secretary of State's letter, these essential principles of reform remain as she described them. She said:

> "I remain committed to all the freedoms for foundation and trust schools that we set out in the White Paper—schools owning their own buildings, employing their own staff and setting their own admission arrangements . . . the ability of good schools to expand, as set out in the White Paper, will remain."

**Tom Levitt:** Will the hon. Gentleman tell the House whether Conservative members of the Local Government Association regard the changes that are being made to the Bill as unnecessary? I do not think that they do.

**Mr. Gibb:** We have a diverse set of opinions in the Conservative party, but we all believe in more good schools. It is important that good schools—schools that are over-subscribed by 10 applications for every place—are allowed to expand if they wish. It is important that committees made up of people with a vested interest to maintain the status quo are not allowed to veto such expansion. That is why we welcome the abolition of the school organisation committees in clause 27 and the abolition, in effect, of the surplus places rule.

It is important that underperforming and failing schools are reformed or closed over a much shorter time scale, rather than allowing them to languish year after

year, providing a poor education to thousands of youngsters. That is why we welcome the Bill's provisions to make it easier to close bad schools.

School discipline remains a major concern of parents and is a key reason why many teachers are leaving the profession.

The Steer committee has made some important recommendations about giving teachers statutory powers over discipline, and we welcome the fact that the Bill contains those new powers. Good behaviour is crucial to raise standards in our schools. However, we have some serious concerns about parts of the Bill. It is over-prescriptive on admissions, reflecting a world view that the quality of a school is driven by its intake, rather than by the quality of its teaching and leadership. The school adjudicator's powers, which are increased in the Bill, need to be tempered by a right of appeal. We will table amendments on those issues and amendments to undo the unnecessary concessions in the Secretary of State's letter.

Despite all the measures in the Bill that make it easier to establish foundation schools, trust schools and academies, the Conservative party could have taken the view that, because the Bill did not go far enough, we would oppose it. With a looming Labour rebellion, that approach would have ended up with the Bill being defeated. We could have formed an unholy alliance with Labour's rebels in the No Lobby. The public loathe that kind of politics. Such an approach brings politics into disrepute and is deeply cynical, and my right hon. Friend the Leader of the Opposition has set his leadership against it. He has made it clear that, when the Government do the right thing, we will support them.

**Clive Efford:** Will the hon. Gentleman give way?

**Mr. Gibb:** I will not give way.

Our view is that the Bill's net effect, taking the good with the bad, will make it easier to establish trust schools and therefore increase the freedoms available to our schools.

The Secretary of State has written to my hon. Friend the Member for Havant (Mr. Willetts) to ask why, if we support the Bill, we oppose the programme motion. We oppose the programme motion, because we almost always oppose programme motions, as they are an affront to the procedures of the House. It would be wrong therefore if we failed to oppose this programme motion simply because we happen to support the Bill. Some of the concessions made to Labour rebels that were agreed behind closed doors should be debated more fully on the Floor of the House—issues such as the powers of the unelected schools adjudicator; the outlawing of interviews by schools, even interviews that help to enforce home-school contracts, which are particularly important in raising standards in inner city schools; and, of course, the concessions on community schools.

Those concessions were negotiated by the hon. Member for Huddersfield (Mr. Sheerman), who is the Chairman of the Select Committee on Education and Skills, on which I had the pleasure to serve. I was struck by his impressive speech, in which he said that we did not think hard enough—all of us, collectively—about what we replaced grammar schools with and that some of us have been slow in realising that vision. He is right: we need to take ideology out of education and to replace it with what works.

A similar point was made by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke)—a former Secretary of State for Education and Science—in an excellent speech. He said that we may now be moving towards a consensus, perhaps one that is 20 years too late, and that we should try to build a consensus on how we tackle low expectations and poor leadership and standards in schools, such as those referred to by the right hon. Member for Sheffield, Brightside (Mr. Blunkett), where only 8 per cent. of pupils achieved five or more good GCSEs in the 1990s.

Consensus was also sought by the hon. Member for East Antrim (Sammy Wilson), in a very powerful and passionate speech, and by my hon. Friend the Member for Reading, East (Mr. Wilson), whose speech was very different from that of the hon. Member for Reading, West (Martin Salter). I was surprised by the speech of the hon. Member for Brent, East (Sarah Teather), who leads on the issue for the Liberal Democrats. She agrees with the provisions on discipline and vocational education, yet she is pledged to vote against the Bill. She also agrees with not serving mechanically recovered turkey, yet she is pledged to vote against those provisions in the Bill. Perhaps her predecessor and fellow Liberal, the hon. Member for Harrogate and Knaresborough (Mr. Willis), hit the nail on the head when he said, in the shortest speech that I have ever heard him give, that this was a Tory Bill. In a very thoughtful and candid speech, my hon. Friend the Member for Hertsmere (Mr. Clappison) made a similar point when he asked how Conservative Members could vote against a Bill that promotes diversity and choice. He, indeed, is right.

I understand the concerns of my hon. Friend the Member for Gainsborough (Mr. Leigh) about the ban on interviews, particularly for faith schools such as the London Oratory. We will table amendments to try to redress that in Committee.

My hon. Friends the Members for Salisbury (Robert Key) and for Altrincham and Sale, West (Mr. Brady) are passionate about the grammar schools in their constituencies. I have been to both the secondary moderns that my hon. Friend the Member for Altrincham and Sale, West referred to—Wellington school and Ashton on Mersey school. Despite 40 per cent. of the children in Trafford going on to grammar schools and Wellington school taking some of the other 60 per cent., 73 per cent. of its pupils achieve five or more grades of A to C at GCSE. It can be done.

In a highly effective three-minute speech, my hon. Friend the Member for Isle of Wight (Mr. Turner) made the key point that we need more good schools. My hon. Friends the Members for Buckingham (John Bercow) and for Northampton, South (Mr. Binley) sought more setting in schools. I believe that that is the way forward.

This is a modest Bill, but it is significant in one important respect. It probably marks the last education Bill that we will see from this Administration and the last serious education reform that we are likely to see over the next few years. Education remains one of the most crucial issues facing this country. As my hon. Friend the Member for Stratford-on-Avon

*[Mr. Gibb]*

(Mr. Maples) said in his speech, in today's increasingly competitive world in which knowledge and intellect are the source of new wealth creation, the only way that we can compete with India and China and the millions of highly educated graduates these countries are producing is if we can deliver a significantly improved quality of education.

Leaving aside the economic importance of the issue, we should also want all our children to be highly educated for its own sake, so that they can enjoy and enrich our culture. That means ensuring that children are taught to read properly and effectively at primary school with methods that work—with synthetic phonics rather than whole language teaching—that maths is taught properly and that children learn their multiplication tables. We need to ensure that the curriculum is rigorous and that pupils are set by ability so that the less able have the time and space to learn and the most able are stretched to their full potential.

What the Bill, the White Paper and the row and debates in the Labour party over the past few months reveal is that Labour can no longer deliver any future serious reform to our education system. What Lord Kinnock and Lady Morris have established, together with all the Labour Members who signed up to the alternative White Paper, is that only a Conservative Administration can now deliver the changes we still need in our education system if we are to provide for a prosperous and fulfilled future for the next generation.

We support the Bill this evening, modest though it is, because we believe that it will increase the freedoms that are available to schools and that it will make it easier to close bad schools, easier to expand good schools and easier to establish new schools. All this is a small step to ensuring that children from whatever background get a better education. That is why I urge my right hon. and hon. Friends and right hon. and hon. Members from all wings of the Labour party to join us in the Lobby in support of the Bill.

6.43 pm

**The Minister for Schools (Jacqui Smith):** I start by thanking all the Members who contributed to this very lively debate. I am not surprised. As the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) suggested, education is the passion that brought many of us into politics. This debate has built on the important debate that we had since we published the White Paper and up to the publication of the Bill, a debate that involved parliamentary colleagues. I pay tribute to my hon. Friend the Member for Huddersfield (Mr. Sheerman) and the work of the Education and Skills Committee in taking forward that debate.

I pay tribute to other hon. Friends and parliamentary colleagues, as well—even to my hon. Friend the Member for Reading, West (Martin Salter) for his contribution to the debate that we have had since the White Paper. The debate has also included local government, head teachers and school staff, including through their professional associations. The Bill is better for having gone through that process.

We want to continue the scrutiny and discussions in Committee, which is why I think that my hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle) is frankly wrong to ask people to vote against the programme motion, as is the Conservative party. The programme motion sets an end date for consideration of the Bill in Committee. I know that some colleagues are worried that that might limit the time available for scrutiny, but I can assure them that the number of Committee sittings and how long they last is not in the motion. We have already said to Opposition parties that we are prepared to be flexible about this matter to ensure that the Bill has all the scrutiny necessary in Committee and two days for Report stage and Third Reading on the Floor of the House. I ask my hon. Friends and others to support the programme motion.

During the debate, many colleagues have contributed their experience as teachers, governors, local councillors and parents. I taught for 11 years before coming into this place. I taught in the lean years, when funding per pupil was falling in real terms, when we used to run around putting buckets under leaky roofs, and when the four in 10 11-year-olds who came into secondary schools without the necessary levels of English and Maths sank or swam—and usually sank—on their own. So, although I welcome support from wherever it comes in the House, quite frankly I would not depend on Tories to deliver our shared ambition to provide the best education for every child, wherever they live, whatever their background.

We have been taken back in time by the hon. Member for Havant (Mr. Willetts) and the right hon. and learned Member for Rushcliffe (Mr. Clarke)—back to 1987, back to Margaret Thatcher. Well, there is one thing that can be said about those years: at least then Tories used to vote with the courage of their convictions. Tonight, they will be voting with the courage of our convictions, because the Bill builds on the hard work of staff, governors, school leaders and local authorities throughout the country, backed by Labour Government investment and reform, which has led to the best ever results, more young people staying on and getting on, and fewer failing schools.

For this Government, however, good enough has never been good enough. While there are still seven out of 10 young people on free school meals who do not get five good GCSEs, while too many leave education and training at 16, and while where someone comes from still determines where they will get to, there is more to be done, and only a Labour Government can do it. That is why clause 1 spells out what is at the heart of our reform: ensuring that every child fulfils their educational potential.

My hon. Friend the Member for Eltham (Clive Efford) is right to focus the Government on disadvantage, but that is what the Bill does and what our funding has been doing. The Bill is about more one-to-one and small group tuition, more targeted support for disadvantaged families and more full-time provision for excluded pupils—the sorts of things argued for by my hon. Friend the Member for High Peak (Tom Levitt) as well.

**John Bercow:** Given that children in young offender institutions receive, on average, only eight hours of education a week, but that the Minister says that the Bill is intended to help all children, will she be good enough

to tell me and the House where in the 167 clauses, 18 schedules and 228 pages better provision is made for those children, because I cannot see it?

**Jacqui Smith:** I am sure that the hon. Gentleman will have looked in detail at the Green Paper that we have already published about offender education.

My hon. Friend the Member for Blackpool, South (Mr. Marsden) made the important point about special educational needs and, of course, ensuring the potential of every pupil covers that. I can assure him that all maintained schools, including trust schools, have a duty to admit pupils who have that school named on a statement.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) rightly argues that the extra funding that we are making available for personalised learning should be used to develop collaborative initiatives in Plymouth. My hon. Friend the Member for Stockton, South (Ms Taylor) identified the progress being made for looked-after children in the Bill.

*This is a Bill that gives every child an entitlement to a* choice of new vocational diplomas, rightly highlighted by my hon. Friend the Member for Knowsley South (Mr. O'Hara), whose authority is a pathfinder in taking forward that work. It is a Bill that makes healthy food and drink available throughout the school day. It opens up access to a range of exciting activities after school and in spare time.

Remaining on those issues, I welcome to the Front Bench the hon. Member for Brent, East (Sarah Teather). I hope that when she has been in her job a bit longer she will bring a bit more coherence to the Liberal Democrat position. As it is, I have to say that I am quite looking forward to the next "Focus" leaflet. Alongside the headline, "There's a hole in the road. The Lib Dems are looking into it," will be one saying, "And by the way, we've just voted against support for school discipline, more vocational choice, better school food and youth facilities and a tougher admissions code."

Furthermore, this is a Bill that ensures that teachers can teach and children can learn, free from bullying and the persistent low-level disruption that blights too many classrooms.

Turning to trust schools, I have great respect for the experience, particularly the teaching experience, of my hon. Friends the Members for Warrington, North (Helen Jones) and for Elmet (Colin Burgon), but I think that they are wrong in arguing that there is not a link between what happens in the classroom and the potential of the trust school model. What happens in the classroom fundamentally depends on the leadership of the school, and we can find more ways to support that.

That is why this is a Bill that empowers schools, not to go it alone, but to work with other schools, colleges and external partners to meet the particular needs of their school community. That was the point made so brilliantly by my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett), when he talked about the experience of education action zones and I was reminded why he was such a fantastic Secretary of State for Education and Employment. It was the point made by my hon. Friend the Member for Battersea (Martin Linton), who argued that higher standards in schools are not a zero sum game. Innovation in the system helps to achieve higher standards.

My right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher) suggested that trust schools would mean an irreversible transfer of assets. Let me reassure him that that is not the case. When a trust school wishes to dispose of non-playing field land, it will have to inform the local authority, which will be able to object or claim a share of the proceeds. If a trust is removed, the assets will revert to the governing body or, in the case of school closure, to the local authority.

I turn now to the issues raised by several hon. Members about the role of local authorities. This is a Bill that enshrines the role of local authorities as the champion of parents and pupils, and as the guarantor of standards—my hon. Friend the Member for Erewash (Liz Blackman) rightly challenged hon. Members to look to improving standards in their constituencies. I can assure my hon. Friend the Member for South Derbyshire (Mr. Todd) that the tougher powers *for local authorities to intervene earlier and more* strongly where schools are failing will apply to all schools whatever their status. There is also a key role for local authorities as the strategic leader of local services.

In very thoughtful speeches, my right hon. Friends the Members for Greenwich and Woolwich (Mr. Raynsford) and for Southampton, Itchen (Mr. Denham) rightly argued for the important role that local authorities can play, first, of course, in planning places and particularly in relation to expansion. It has been possible for all categories of school to publish expansion proposals since June 2003, but that is not an unfettered right. What is new is that the Bill provides for the local authority, in its new role as a champion of parents and pupils, to take responsibility for school organisation decisions, rather than the school organisation committee. In reaching any decision, the local authority and the school adjudicator will take into account the impact on overall standards in an area.

My right hon. Friends also argued strongly for local authorities to bring together the elements of their responsibility for children's services and for delivering on our belief that every child matters, alongside their role in commissioning schools. That is a key area of the new strategic role for local authorities, which is why every school will have a duty to pay regard to the children and young people's plan produced by the local authority.

Several of my hon. Friends raised the issue of community schools and local authorities' ability to propose the establishment of such schools. May I reiterate what my right hon. Friend the Secretary of State said this morning? We are content to explore in Committee whether we should set out in legislation—and, if so, how—the factors that the Secretary of State must consider in reaching a decision about whether to allow a community school proposal to proceed. Finally, the Bill guarantees fair access to the system of higher standards that we believe that we can build through its provisions and our reform programme. It will do so not just for people who can afford to move house for it or who can afford to pay for it but for everybody.

*[Jacqui Smith]*

My hon. Friend the Member for Bury, North (Mr. Chaytor), throughout the debate and in a very thoughtful speech this evening, has emphasised the need for fair admissions, and we have included that in our objective. I assure my hon. Friends that we can consider in Committee the detail of the admissions code and the criteria that will apply to it, as my right hon. Friend spelt out. Some hon. Members expressed concern about the way in which the admissions forums will work in their new strengthened role, but we can look at regulations on reforming admissions forums so that they can play that role not only by referring schools to the adjudicator and producing an annual report but by establishing a collective commitment to fair access across a local authority area. Those are all important questions, and I give the House a commitment that we can consider them in Committee.

The Bill is about delivering equity alongside excellence. It is about delivering less selection and more opportunity. Ironically, if Members vote against it this evening *they will vote for weaker admissions* arrangements. It is a decisive move away from the policies previously embraced by the Opposition—a grammar school in every town; a few grant-maintained schools opting out of the local family schools and receiving the differential capital funding available at the time; and a passport out for a few children, rather than the drafting in of support for the many.

**David T.C. Davies** (Monmouth) (Con): We support the Government.

**Jacqui Smith:** I have already welcomed the Opposition's support. While I am glad that they are trying to put their past behind them—*[Interruption.]* There was some uncertainty among Opposition Members about the issue, and some of them have been brought kicking and screaming and flipping and flopping to our door. We should not be in any doubt: this is a Labour Bill. A vote for the Bill today is a vote to build on the work of my right hon. Friend the Member for Sheffield, Brightside, my noble Friend Baroness Morris and my right hon. Friend the Member for Norwich, South (Mr. Clarke). The next stage of reform is built on the foundations created by the Labour Government. A vote for the Bill is a vote for the belief that every child's potential and achievement matters; that every school must be empowered to deliver the transformation of children's lives; and that a job this big needs to draft in all the support that it can to our schools to make the difference. It is a vote for the aspirations of parents and children throughout the country; it is a vote for Labour values; and I commend the Bill to the House.

*Question put,* That the Bill be now read a Second time:—

*The House divided:* Ayes 458, Noes 115.

**Division No. 192]** **[6.59 pm**

**AYES**

Afriyie, Adam
Ainger, Nick
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Amess, Mr. David
Anderson, Mr. David
Anderson, Janet
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barker, Gregory
Barlow, Ms Celia
Baron, Mr. John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benton, Mr. Joe
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Berry, Roger
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brennan, Kevin
Brokenshire, James
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Browning, Angela
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Cameron, rh Mr. David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clappison, Mr. James
Clark, Greg
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Conway, Derek
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Creagh, Mary
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorries, Mrs. Nadine
Dowd, Jim
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Griffith, Nia

Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holloway, Mr. Adam
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Horam, Mr. John
Howarth, rh Mr. George
Howarth, Mr. Gerald
Howells, Dr. Kim
Hughes, rh Beverley
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Iranca-Davies, Huw
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Key, Robert
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Main, Anne
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rt Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Prosser, Gwyn
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Rosindell, Andrew
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shaw, Jonathan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, Mr. Keith
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soames, Mr. Nicholas
Southworth, Helen
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Ms Dari
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Tredinnick, David
Turner, Mr. Andrew
Turner, Mr. Neil
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Whittingdale, Mr. John
Wicks, Malcolm
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Sir Nicholas
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Yeo, Mr. Tim
Young, rh Sir George

**Tellers for the Ayes:**
**Joan Ryan and**
**Mr. Parmjit Dhanda**

**NOES**

Abbott, Ms Diane
Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Bruce, Malcolm
Burgon, Colin
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clegg, Mr. Nick
Clelland, Mr. David
Cohen, Harry
Connarty, Michael
Corbyn, Jeremy
Cruddas, Jon
Davey, Mr. Edward
Davidson, Mr. Ian
Dobbin, Jim
Dobson, rh Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Efford, Clive
Farron, Tim
Featherstone, Lynne
Flynn, Paul
Foster, Mr. Don
Galloway, Mr. George
George, Andrew
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Goldsworthy, Julia
Grogan, Mr. John
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Heyes, David
Holmes, Paul
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Jackson, Glenda
Jones, Helen
Jones, Lynne
Keen, Alan
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kilfoyle, Mr. Peter
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Lloyd, Tony
McDonnell, John
Meacher, rh Mr. Michael
Mitchell, Mr. Austin
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Prentice, Mr. Gordon
Pugh, Dr. John
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Short, rh Clare
Simpson, Alan
Skinner, Mr. Dennis
Smith, Geraldine
Smith, John
Smith, Sir Robert
Stunell, Andrew
Swinson, Jo
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Walley, Joan
Wareing, Mr. Robert N.
Webb, Steve
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike

**Tellers for the Noes:**
**Richard Younger-Ross and Lorely Burt**

*Question accordingly agreed to.*

*Bill read a Second time.*

## EDUCATION AND INSPECTIONS BILL (PROGRAMME)

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the following provisions shall apply to the Education and Inspections Bill:

*Committal*

1. The Bill shall be committed to a Standing Committee.

*Proceedings in Standing Committee*

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 11th May 2006.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on consideration and Third Reading shall be completed in two days.

5. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion two hours before the moment of interruption on the second day of proceedings.

6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

*Other proceedings*

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Mr. Cawsey.]*

*The House divided:* Ayes 300, Noes 290.

**Division No. 193]** **[7.16 pm**

**AYES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fitzpatrick, Jim

Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Iranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Ayes:**
**Joan Ryan and**
**Mr. Parmjit Dhanda**

**NOES**

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burgon, Colin
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Connarty, Michael
Conway, Derek
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Efford, Clive
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne

Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Henderson, Mr. Doug
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Helen
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mudie, Mr. George
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Geraldine
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Trickett, Jon
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Noes:**
**Andrew Rosindell and**
**Mr. Crispin Blunt**

*Question accordingly agreed to.*

## EDUCATION AND INSPECTIONS BILL [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),*

That, for the purposes of any Act resulting from the Education and Inspections Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) expenditure incurred by virtue of the Act by the Office for Standards in Education, Children's Services and Skills or by a Minister of the Crown, and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—*[Mr. Cawsey.]*

*Question agreed to.*

## EDUCATION AND INSPECTIONS BILL [WAYS AND MEANS]

*Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with Bills),*

That, for the purposes of any Act resulting from the Education and Inspections Bill, it is expedient to authorise—

(1) the payment of fees by local authorities to Her Majesty's Chief Inspector of Education, Children's Services and Skills, and

(2) the payment of sums into the Consolidated Fund.—*[Mr. Cawsey.]*

*Question agreed to.*

## CHILDREN AND ADOPTION BILL [*LORDS*] (PROGRAMME) (NO. 2) BILL

*Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),*

That the Order of 2nd March 2006 (Children and Adoption Bill [*Lords*] (Programme)) be varied by the substitution in paragraph 2 (time for conclusion of proceedings in Standing Committee) for the words "Thursday 16th March 2006" of the words "Tuesday 21st March 2006".—*[Mr. Cawsey.]*

*Question agreed to.*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. Will hon. Members leave the Chamber by all possible means if they are not staying for the rest of the proceedings?

## PETITIONS

### Business Rates

7.32 pm

**Mr. John Baron** (Billericay) (Con): This petition is from residents using Billericay high street, who are concerned that further above-inflationary increases in business rates are pushing up prices and will threaten some independent shops with closure.

The petitioners are concerned that those shops could be replaced by theme pubs and supermarkets, as has happened in neighbouring towns. The high street has a good balance between day and night trade at present, and residents and shopkeepers wish to keep it that way. They do not want to see the high street turned into a 'pub alley'.

The petitioners therefore request that the House of Commons urge the Government to give Billericay shopkeepers some respite by halting any planned increases in business rates.

And the petitioners remain, etc.

*To lie upon the Table.*

### Free Residential Care

7.35 pm

**Mr. Nicholas Brown** (Newcastle upon Tyne, East and Wallsend) (Lab): I wish to present the petition of Jean Weatheritt, a constituent of mine living in Oban court, Byker and others. The petition

Declares that free residential care should be made available to all who need it. The Petitioners further declare that the "Barnett formula" should be scrapped in order to ensure that free care is available to all, whether they live in England, Scotland or Wales.

The Petitioners therefore request that the House of Commons urge the Secretary of State for health to respond to the Petitioners concerns.

And the Petitioners remain, etc.

*To lie upon the Table.*

### Asylum Seekers

7.35 pm

**Mr. Mark Oaten** (Winchester) (LD): I wish to present a petition from Winchester Voice for Refugees, which calls on the Government to allow asylum seekers whose claims have failed to work rather than just seeking benefits.

*To lie upon the Table.*

### Pet Crematoria

7.36 pm

**Mark Simmonds** (Boston and Skegness) (Con): I wish to present a petition signed by 3,868 people on behalf of the National Federation of Private Pet Crematoria, which opposes the classification, operation and licensing of pet crematoria as landfill sites.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Environment, Food and Rural Affairs to remove pet crematoria from the category of landfill sites.

And the Petitioners remain, etc.

*To lie upon the Table.*

### Red Diesel Derogation

7.36 pm

**Mr. David Drew** (Stroud) (Lab/Co-op): I am pleased to present a petition on behalf of those calling for derogation for red diesel, signed by 1,015 narrow boat owners. A further 3,000 people asked to be associated with it. I pay particular tribute to the work of John "Stokie" Chard, who collected many of the signatures.

The Petition of narrow boat owners from the canals of the UK and others,

Declares its support for the continuation of the red diesel derogation currently available to marine owners in the UK which is due to expire on 31st December 2006; welcomes the decision announced by the Chancellor of the Exchequer in the pre-budget statement of the intent to negotiate an extension of that derogation and notes that the Financial Secretary needs to take account of the impact any loss of the red diesel derogation would have on narrow boat owners given the technical problems that will result from the inevitable conversion of engines, and the costs of heating living space. At a time when there is a massive increase in activity on Britain's waterways and canals, a direct result of government investment and help, this would be totally counterproductive.

The Petitioners therefore request that the House of Commons urge the Financial Secretary to consult fully with representatives from the Royal Yacht Association and the British Marine Federation and boat owners in general in order to secure this derogation.

And the Petitioners remain, etc.

*To lie upon the Table.*

## Older Drivers

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Alan Campbell.]*

7.38 pm

**Dr. Brian Iddon** (Bolton, South-East) (Lab): Many issues that Members bring to Parliament arise from constituency work, and this is one of them.

Three-year-old Amicie Onyema Nwokeochar was on the footpath outside a chip shop in Highfield road in my constituency at lunchtime on 15 November 2003 when a car mounted the pavement and ploughed into the chip shop. Tragically, Amicie died within one hour of being admitted to hospital as a result of massive chest trauma following a collision with the car. Amicie lived in the constituency of the Secretary of State for Education and Skills, my right hon. Friend the Member for Bolton, West (Ruth Kelly), but he regularly visited his grandma Mrs. Carol Brooks, who lives just around the corner from the chip shop.

The car was driven by a man within a few weeks of his 90th birthday, who started driving before a driving test became compulsory under the Road Traffic Act 1934. He claimed that he had pressed the accelerator of his Honda Concerto car instead of the brake while parking. The driver was convicted on 27 May 2004 of driving without due care and attention, fined £1,000 and banned from driving for two years. A police officer who gave evidence in the coroner's court, which recorded a verdict of accidental death, said that the accident was probably aggravated by the medical condition of the elderly driver, who surrendered his licence voluntarily to the Driver and Vehicle Licensing Agency.

Due to an ongoing heart condition, the driver was unable to attend the coroner's court, so the coroner could not cross-examine him. There is a requirement that all those who have attained the age of 70 submit themselves for a medical examination every three years. Form D45, which is sent out automatically by the DVLA, contains questions about a driver's health. If the DVLA is told of any conditions, it may require that medical evidence be provided before a licence is renewed. However, that is not a rigorous test of ability to drive and Amicie's grandmother, Mrs. Carol Brooks, and the family's solicitor, Mr. Tim Woods of Carl Chapman & Co, whose offices are in my constituency, have requested that I campaign for compulsory cognitive tests to be brought in for older drivers. They believe that, at the very least, form D45 should be completed in the presence of a general practitioner who has known the driver for at least three years, and that the form should include a section enabling the GP to give a statement on the driver's ability to drive. In their opinion, evidence of a recent eyesight test should also be presented to the DVLA.

Mrs. Brooks and Mr. Woods believe that a person's ability to control the car that they actually drive should also be tested in some way. On 25 October 2005, *The Times* reported that too many older drivers in Torquay, a well-known retirement town, were hitting the accelerator rather than the brake and thereby causing accidents. Police Constable Chris Lancaster, Torbay's road safety officer, recommends that older drivers enrol on a roadfit scheme, which allows participants to take part in a one-hour observed driving exercise to check their ability to drive. I am not sure whether this is a local or national scheme, but it sounds like a good idea to me.

Two million people aged 70 or over now hold a driving licence, and that figure is likely to rise to 4.5 million by 2015. The biggest increase in older active licence-holders has been among older women. Between 1965 and 1985, there was a 200 per cent. increase in male drivers aged over 65, but a 600 per cent. increase in female drivers over that age. In 2004, 550 car accidents out of a total of 7,035 involving drivers aged over 70—about 8 per cent.—resulted in the driver being killed or seriously injured. Despite an increase in the number of older drivers, between 1979 and 1996 there was a significant fall—from 10 per cent. to 4.6 per cent.—in the number of male casualties aged 60 to 69. The number of male casualties aged 70 to 79 has also fallen, but there has been a modest increase in the number aged 80 or over.

Older drivers drive less than those in other age groups. The rate of motor vehicle crashes per mile driven is higher for the 70-plus age group than for middle-aged drivers, but only after the age of 85 does it reach or surpass the rate for younger drivers. However, older people are, unsurprisingly, over-represented in accidents involving death because of their increased frailty. They drive more slowly than other drivers and they cannot handle traffic conflict situations very well. The 60 to 69-year-old age group have a higher percentage of accidents at junctions in both rural and urban settings. They drive less at night due to deteriorating eyesight, and they have to be closer to signs to be able to read them.

**Mr. David Drew** (Stroud) (Lab/Co-op): My hon. Friend the Minister has heard me make this point before, but I will do so again now because it is very important. When I talked to my local group representing those who suffer from macular degeneration, which, sadly, is a common problem in older age, I was staggered to learn that, virtually to a person, they had volunteered to give up driving. There was no medical requirement for them so to do, even though they themselves felt unsafe when driving. Does my hon. Friend agree that something needs to be done about that?

**Dr. Iddon:** I certainly do, and that intervention underlines the message that my Adjournment debate is intended to give to my hon. Friend the Minister.

Older drivers are badly affected by the glare from oncoming headlights. The visual field shrinks significantly beyond the age of 75. They suffer commonly from muscle and joint stiffness, which affects their ability to turn their head or body in the car. They are less able to monitor their position in dense traffic, reverse safely or change lanes safely as a result. Reaction times are also slower for older people. Of course, many older drivers are far more experienced than younger drivers. Nevertheless, in their late 60s and 70s, older drivers' impairments seem to outweigh any advantages that they may have accumulated with their years of experience and more cautious behaviour, and combined with their increased frailty, they are beginning to meet more risks on the road. However, many older drivers are

aware of that increased risk and avoid more dangerous situations such as driving at night or in dense traffic.

Older drivers are more likely to take medication that may affect their driving. There is reliable evidence that certain prescribed medicines increase the risk of a road traffic accident, especially for older drivers. Anxiolytics as a class—benzodiazepines, for example—produce up to a fivefold increase in risk. Sedation and drowsiness are associated with pain-killing medicines containing opiates and opioids, including over-the-counter products. How many doctors discuss those increased risks with their older patients? Although some doctors are reluctant to advise their patients on driving, an increase in litigation, in which they are held liable in the event of an accident for not having advised a patient to stop driving, should act as a caution.

Certain diseases, such as epilepsy and diabetes, carry with them an increased risk of accidents on the road. A combination of those risks, which is more likely to occur in an older person, produces a much higher risk. Heart disease, however, is a fairly rare cause of traffic accidents. In a study of 2,000 acute collapses at the wheel while driving that led to a police-reported accident involving personal injury, only 10 per cent. were shown to be caused by a heart attack and 7 per cent. by stroke, the rest being due to epilepsy or diabetic hypoglycaemia. Many older people recover well enough from strokes to enable them to drive again.

A given dose of alcohol results in a higher blood alcohol concentration in an older person because of the reduced water content of the blood compared with a younger person of similar weight and sex. Alcohol can also increase night blindness and sensitivity to glare. The prevalence of dementing disorders is estimated to be as high as 47 per cent. for those aged 85 or older. Individuals with dementia are twice as likely to be involved in an accident as non-demented older people.

Not all older drivers are dangerous, although some clearly are. I am reminded of the case of veteran driver Tom Soulby, who got a lot of publicity last year—his 100th year—when he complained that his GP was insisting that he stop driving, after 82 years. Legislating on the ground of age is discriminatory. Therefore, if we are to deal with the dangers that some older drivers present on the road, we need to ascertain their fitness to drive in a more sensible way than we do now.

There are measures that the Government can encourage to make older drivers safer on the road. The motor industry is beginning to think about the design of motor vehicles with older drivers in mind. Design features include hand-operated braking and acceleration controls, other easily operated controls and easily readable instrument panels, swivelling seats, higher roofs and step-in access with rising seats, sliding doors, intelligent night vision systems and even rear view cameras. We can expect to see advertisements in future aiming cars at the older driver, alongside the racy adverts that are clearly aimed at the younger driver. Some useful changes, such as satellite navigation and sensors in front and rear bumpers are already with us.

We should not forget that older people are more at risk as pedestrians than as drivers. In general, older drivers are a lot safer than younger drivers. In 2004, the number of 16 to 19-year-olds and their passengers killed on Britain's roads increased by 12 per cent., while the annual rate for all drivers fell—I am glad to say—by 8 per cent.

In late 2004, the DVLA commissioned an independent review to assess the effectiveness of the present medical licensing system. It believes, as my constituents do, that the existing rules are outdated and inadequate.Research commissioned by the DVLA has shown that the present system is widely abused, with only 10 per cent. of drivers with a notifiable condition admitting it on the D45 form that they return to the DVLA. Further reports in the early part of this year indicate that the DVLA is about to embark on a public consultation on proposals to require drivers over the age of 75 to take a fitness-to-drive test every five years. It is proposed that those drivers who have reached that age will be required to bear the cost of attending an assessment centre to complete a paper-based test designed to examine their fitness to drive. A draft EU directive may require drivers over the age of 70 to renew their driving licences every five years instead of every three years, as now.

My constituent Mrs. Carol Brooks, and her family's solicitor Mr. Tim Woods, have also asked me to look at the Motability scheme and the safety record of its drivers. This scheme was launched in 1977, following the introduction of the mobility allowance the previous year. Prior to that, only disabled drivers who could drive themselves received help with transport. Most were supplied with a small, blue, single-seat, three-wheeled motorised invalid trike, which was incapable of carrying any passengers.

According to a parliamentary answer of 13 June 2005, more than 30 motor manufacturers supply over 140,000 new vehicles to the scheme annually, thus giving 400,000 disabled people mobility. Of those who benefit from the scheme, 33 per cent. are not actually the drivers of the vehicle, and around 10 per cent. of the drivers who benefit from the scheme require special adaptations to the vehicle to enable them to drive safely and in comfort.

The point has been made to me by Mrs. Brooks that the scheme is extremely generous with respect to the choice of vehicle. In her opinion, a significant number of disabled older drivers are allowed to purchase quite powerful vehicles. Therefore, does my hon. Friend the Minister feel that there is adequate oversight of the scheme to ensure that the purchased vehicle is suited to the capabilities of the older disabled driver?

We cannot discriminate against older drivers, but the fact is that they become an increasing risk to themselves and other road users with advancing age. In my opinion, more can be done to minimise the risk—by the Government, through legislation, regulation and careful planning of the road network and its signage, and by the manufacturers of motor vehicles designed with older people in mind.

The evidence shows that we cannot leave older drivers to assess their own ability. Most are reluctant to give up the convenience of driving their own car, especially after a lifetime of motoring.

I look forward to my hon. Friend's response.

7.52 pm

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** I begin by congratulating my hon. Friend the Member for Bolton, South-East (Dr. Iddon) on securing this debate. This is not his only contribution to road safety: he is a doughty campaigner on road safety in general, and he has bent my ear about this matter for some time. He is quite right to do so; the case of Amicie Nwokeochar is tragic and very sad, and we have to learn from it.

As my hon. Friend said, Amicie's death was the result of an accident caused by a man who was nearly 90 years old and who was subsequently found guilty of careless driving. For obvious reasons, I shall not comment directly on the case, which raises some general matters of which account should be taken.

I agree with my hon. Friend that we should do everything that is reasonably possible to avoid any repetition of such a dreadful accident. That is why the Government take the matter at the heart of this debate, and the issue of road safety in general, so seriously. My hon. Friend was involved in the Second Reading debate of the Road Safety Bill just a few days ago. He will know that it contains various measures designed to help to reduce road traffic casualties. I very much welcomed his contribution to last week's debate.

None of us can avoid the ageing process. The way in which it affects our mobility and fitness to drive will, of course, vary from individual to individual, but it is understandable that many motorists should want to continue to drive for as long as they are physically and mentally able.

The ageing of the population is one of the major structural changes facing the UK. The safety implications of our wish to remain mobile and independent will come increasingly to the fore as life expectancy and the average age of the population rises. Sadly, that will also increase the potential for older drivers to be casualties in road crashes, not necessarily as the cause but as a victim. It is very important, therefore, that we carefully consider not only the safety of older drivers but their relationship with other road users.

The public have every right to be concerned where older drivers have been involved in or have been responsible for accidents. Such incidents are often tragic and the issues they raise must never be forgotten, but, compared with the general picture of road traffic casualties and their causes, they tend to be the exception.

A great deal of research has been conducted into the accident involvement of and casualty causation for older drivers. Studies have shown consistently that older drivers do not pose a significant excess risk of injury to other road users compared with drivers of other ages, particularly young drivers. My hon. Friend is also concerned about the rate of accidents caused by younger drivers.

The indications are that many older drivers tend to regulate themselves by driving lower mileages, and keep within their limitations by avoiding, or reducing their driving at, higher risk times such as rush hours, at night and in the winter. This research has also shown that older drivers, when involved in accidents, are themselves more likely to be injured than others.

In our view, the crucial factor is not age but the physical and mental fitness of the driver to drive competently and safely. Old age alone should not be a bar to driving; my hon. Friend the Member for Bolton, South-East would share that sentiment. A number of statutory requirements currently apply to older drivers. The present driver licensing system recognises that, after the age of 70, there is a greater likelihood that health will deteriorate in ways that might affect driving. Licences expire at that age and must be renewed every three years thereafter. At each renewal, applicants are required to answer questions about their health and eyesight and to certify that they meet the required standards.

There is a further legal requirement for drivers of any age to inform the Driver and Vehicle Licensing Agency if they become aware of the onset or worsening of any health condition that might affect their fitness to drive safely. Failure to do so is a serious offence. When such notification is received, the DVLA will make medical inquiries and reach a decision about future entitlement to drive.

My hon. Friend the Member for Stroud (Mr. Drew), who is concerned about road safety, raised the issue of macular degeneration and related issues. The same rules apply to people suffering from macular degeneration as apply to any other eyesight condition. If it is shown that somebody suffers from macular degeneration, which they ought to indicate to the DVLA, the DVLA will be responsible for making sure that an appropriate eye examination is performed and a judgment is made about fitness to continue to drive.

**Mr. Drew:** The problem is that medical intervention should kick that off. I argue that, very often, doctors will not take the initiative and they leave it up to the individual.

**Dr. Ladyman:** I understand my hon. Friend's concern and I will say in a moment how we might address that. The process of self-declaration and other issues affecting competence to drive are exactly the same for macular degeneration as they are for any other condition that affects a person's eyesight.

In addition to self-declaration, the DVLA frequently receives notification of potentially unfit drivers from third parties, particularly the police, doctors or concerned relatives or friends. If someone wants to inform us confidentially that someone is unfit to drive, we are happy to receive that information.

We also aim to ensure that doctors are well informed about the relevance of certain medical conditions to driving, and they obviously have a role in advising patients whether they should continue to drive. The DVLA issues guidance to all GPs for that purpose, which includes advising people who suffer from macular degeneration. In addition, the General Medical Council has issued guidelines to advise doctors to inform the DVLA about unfit patients who may have failed to declare themselves. In other words, the GMC expects doctors to do what my hon. Friend the Member for Stroud suggests, although doctors are not required to do so by law.

Present driver licensing arrangements are based on the second EU directive on driving licences—91/439/EEC, for those hon. Members who want to dig it out

and read it for themselves—which sets minimum standards of medical fitness for driving, and on the advice of the Secretary of State's six honorary medical advisory panels. The panels comprise eminent medical practitioners and medical scientists who are acknowledged experts in their field.

Eyesight is, of course, a crucial element in medical fitness to drive. All drivers, of whatever age, are required to demonstrate their ability to read a number plate from a distance of 20.5 m and to inform the DVLA if they are no longer able to do so. That long-standing test has been effective in determining whether those who wish to drive have adequate vision. It is easy for the police to conduct and it complies with the current visual standard for driving set out in the second EU directive.

If, after an investigation by the DVLA's medical advisers, a driver is found to be unfit, or if co-operation is withheld, his or her licence may be revoked. In some cases, a driver may also be required to re-sit a driving test. Courts, too, have powers to require someone to take a driving test if, following a motoring offence, they have reason to doubt the individual's competence to drive. Those arrangements have, in general, been found to work satisfactorily.

Although there is no denying the potential danger posed by older drivers where they are unfit on our roads, there is no justification on road safety grounds for depriving older people of the right to drive, providing they can satisfy the DVLA that they are medically fit to do so. From time to time, there will be isolated cases where drivers evade those checks and endanger themselves and others by driving when they should not do so, but it is not clear at present that more stringent measures, such as compulsory medical examinations, eye tests or additional driving tests, would be the best way forward. The Government's overall aim is to maintain a balance between freedom of movement for older drivers and road safety for everyone.

As my hon. Friend the Member for Bolton, South-East said, in 2005 the DVLA appointed consultants to undertake a fundamental review of its medical driver licensing system. The review was commissioned because the current arrangements have been in place since the early 1970s and to take into account significant demographic changes, medical developments and changes in public expectation that have occurred since then. The review looked at all aspects of the process for declaring, evidencing and assessing medical fitness to drive across all age groups. Recommendations for change centred on better identifying those whose fitness to drive needs to be formally assessed by the DVLA and on improved assessment and monitoring of those cases.

In spite of press speculation about the possible introduction of cognitive and eyesight tests for drivers over the age of 75, as my hon. Friend has suggested again today, no decisions have yet been taken on the research findings. I can assure my hon. Friends that we will take account of their comments and views and the tragic case of Amicie when reaching those decisions. My hon. Friend the Member for Bolton, South-East was correct to suggest that we have promised that, when we make those recommendations and decisions, there will be full consultation on them.

It is essential to find ways to help older people to drive safely for as long as they are fit to do so. That is being done in a number of ways, including with research into developing training, information, counselling and driving assessment and support tools for older drivers. The 16 mobility centres in the UK, which make up the Forum of Mobility Centres, provide invaluable advice for elderly and disabled motorists to enable them to make informed decisions about their mobility needs. Such information ranges from advice on car adaptations and vehicle access to the individual assessment of driving ability. The forum, which in England is grant funded by the Department for Transport, includes the Department's own mobility advice and vehicle information service. The mobility centres are also used by the DVLA to carry out assessments to inform medical fitness to drive decisions. I will also take into account the comments of my hon. Friend the Member for Bolton, South-East about the Motability scheme. I assure him that, when people approach the scheme, it gives them advice about whether they need to declare any particular medical condition. However, he makes some interesting suggestions about the range of vehicles that Motability provides.

A number of local authority schemes have been developed to improve older drivers' skills. The Driving Standards Agency's "Arrive Alive Classic" programme, which is aimed at older people's organisations, offers a wide range of relevant information for older drivers. We also encourage the establishment of refresher courses for older drivers who wish to brush up their driving skills.

Most recently, I was pleased to note the announcement by the Institute of Advanced Motorists of its intention to enter this market in 2006. I also welcome the institute's new advisory leaflet for older drivers "Staying Focused on Road Safety", which complements the Department's own "Drive On!" publication. The quality of information and variety of opportunities for assessment and training for older drivers are already quite impressive and expanding. As more drivers reach their later years and demand increases, I am sure that these services will make an even greater contribution to ensuring safe mobility for older drivers and improving road safety for the whole community.

My hon. Friend has raised some important issues that deserve close further examination. He has my assurance that I will ensure that his views are taken into account and that this issue is given the detailed examination that it deserves.

*Question put and agreed to.*

*Adjourned accordingly at six minutes past Eight o'clock.*

# House of Commons

*Thursday 16 March 2006*

*The House met at half-past Ten o'clock*

## PRAYERS

*The unavoidable absence of* MR. SPEAKER *having been announced,* THE CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Oral Answers to Questions

## EDUCATION AND SKILLS

*The Secretary of State was asked—*

### School Transport

1. **Tony Baldry** (Banbury) (Con): Which categories of children attending the proposed trust schools she expects to be entitled to (a) free and (b) subsidised school transport. [58779]

**The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope):** All children attending their nearest suitable maintained school receive free transport if the journey is over three miles, or over two miles for children under the age of eight. In future, primary pupils from low-income families will receive free transport if they live more than two miles from school. Secondary pupils from low-income families will receive free transport to any one of their three nearest suitable schools if the journey is between two and six miles.

**Tony Baldry:** Every day, a number of parents in Bicester exercising parental preference hire a coach to take their children to Marlborough school in Woodstock, which is more than six miles away. In a semi-rural area such as mine, people who wish to express parental preference can do so only if they pay for it, which is unfair for everyone. It is unfair for parents who cannot pay, and it is unfair for parents who have to pay to exercise preference. With respect, the Education and Inspections Bill will not change that situation.

**Phil Hope:** The Bill includes a number of important measures that will help families with transport. The cost of transport is a barrier, particularly for low-income families, which is why the Bill extends the entitlement to free school transport. There is a general duty on local authorities to assess all pupils' travel needs; local authorities' current focus is on 7 per cent. of pupils. When the new travel plans in the Bill—another measure for disadvantaged pupils against which, regrettably, Liberal Democrats voted last night—come into force more families will benefit from the opportunity for their children to attend the school of their choice.

**Jeff Ennis** (Barnsley, East and Mexborough) (Lab): The Minister will know that the top 200 performing state schools have two factors in common: the lowest number of children receiving free school meals and the lowest number of children with statements. The bottom 200 state schools have the highest number of children receiving free school meals and the highest number of children with statements. Does the Minister agree that the grand objective of trust schools is to achieve a better social mix, not just in trust schools but across all schools?

**Phil Hope:** My hon. Friend makes an important point about the nature of social segregation in different schools. He will be pleased that the Bill, which will proceed to Committee in a few days' time, includes new measures to ensure that local admission forums measure free school meal allocations and, indeed, other allocations in schools. The forums and, indeed, the school adjudicator can measure and assess the problems described by my hon. Friend. Indeed, the schools commissioner will produce a report every two years to show what progress has been made in reducing those problems.

### Science

2. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If she will make a statement on the teaching of science in secondary schools. [58780]

3. **Mr. Mark Lancaster** (North-East Milton Keynes) (Con): If she will make a statement on the teaching of science in secondary schools. [58781]

**The Minister for Schools (Jacqui Smith):** The chief inspector's latest annual report shows that the quality of science teaching and learning is good or better in nearly three quarters of secondary schools. We are improving that teaching and learning further by making the school science curriculum more engaging; improving teacher recruitment; providing more and better professional development; and introducing a new statutory entitlement to study science programmes leading to at least two GCSEs.

**Mr. Crabb:** I thank the Minister for her reply. Yesterday, the CBI warned of the erosion of core science and engineering skills in this country, describing the decline in the number of science graduates as a car crash in slow motion. Does the Minister agree that the situation will not be turned around without serious improvement in the quality of science teaching in British schools? When 40 per cent. of all chemistry lessons are taught by non-chemists, is it any wonder that the country is not producing enough 18-year-olds with a love of, or an interest in, science?

**Jacqui Smith:** The hon. Gentleman is quite right, as are the CBI and others, to identify the importance for the economy of high numbers of science understanding and science graduates. That is why, for example, the introduction of specialised diplomas with an emphasis on applied science in areas such as engineering is important and why we need to continue working, as he suggested, on the quality of teachers. It is reassuring

that, whereas in 1997–98 we recruited 2,790 people to teacher training places for science, in 2004–05 the number increased to 3,460.

**Mr. Lancaster:** May I declare an interest, as recorded in the Register of Members' Interests? Given the Minister's previous answer, what message does she think is sent to our sixth-form science students when they discover during national science week that the chemistry department of the five-star Sussex university is to be closed?

**Jacqui Smith:** Like other higher education institutions, the University of Sussex is, rightly, an autonomous organisation. Students in the south-east will be reassured to know not only that the number of home full-time undergraduates studying chemistry has risen by 6 per cent. since 1999 but that the Higher Education Funding Council, working with the surrounding universities, particularly Reading, Southampton and Surrey, has already ensured that the places lost at Sussex will be provided at those other universities.

**Mrs. Claire Curtis-Thomas** (Crosby) (Lab): I, for one, am very grateful for the extensive work that we have done to renew science facilities in schools. However, the reality is that the number of young women who are entering engineering apprenticeships is pitifully low, because we do not have sufficient resources aimed at promoting and taking women into work. What will my right hon. Friend do to address that very low figure and try to improve the number of women going into engineering apprenticeships?

**Jacqui Smith:** My hon. Friend has a strong background in this area and has pushed me on numerous occasions on precisely that issue. There is the work that I know that she supported in respect of women in science and engineering, the task of ensuring that there are role models for young people, the introduction of the specialised engineering diploma that I mentioned previously and the task of ensuring that, as we improve information, advice and guidance for young people, we enable, for example, young women to undertake taster courses in areas such as engineering so that they realise that engineering is not only something for them, but needs their talents.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. Perhaps this is the moment to remind the House that the questions are about science in secondary schools.

**Sarah Teather** (Brent, East) (LD): The Department's own research has pointed to a crisis in specialist physics and chemistry teachers in deprived areas in particular. The Institute of Physics has called on the Government to adopt recruitment targets in the individual sciences rather than science as a whole. Why have they not done that?

**Jacqui Smith:** I refer the hon. Lady to the figures that I gave previously, which show that the Government have made considerable progress in increasing recruitment to initial teacher training of science teachers. I also refer her to the important work—the £51 million project—being carried out jointly by the Government and the Wellcome Trust to develop science learning centres around the country, which are contributing to the continuing professional development of science teachers throughout the country.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): In the science curriculum in mainstream British secondary schools from September, creationism is to be taught alongside Darwin's theory of evolution. Does the Minister welcome that, as students should understand the context in which scientific ideas arise and reinterpretation of empirical evidence can generate scientific controversy?

**Jacqui Smith:** In fact, neither creationism, nor intelligent design are taught as subjects in schools and they are not specified in the programme of study for the science curriculum. In fact the national curriculum for science clearly sets out that pupils should be taught that the fossil record is evidence for evolution and that that is a fact. As my hon. Friend identifies, there will be opportunities, perhaps in RE lessons or in science, to consider scientific controversy and the issue of creationism may come up in that context, but it is not, of course, a factual element of the science curriculum.

**Mr. Nick Gibb** (Bognor Regis and Littlehampton) (Con): In the spirit of the consensus that was developed yesterday, I thought that, together, we might tackle science teaching in our schools. One of the unforeseen consequences of the Conservative Government's making science compulsory was the proliferation of the double science award GCSE, which is now almost universal in the state sector and likely to remain so even with the Minister's reforms. For someone going on to study three sciences at A-level, that means a reduction of a third in the amount of science that he or she studies at GCSE. Does she agree that we need much better science teaching in our comprehensives and far more students studying the three separate sciences at GCSE?

**Jacqui Smith:** I was not so involved in the consensus yesterday that the hon. Gentleman is talking about—*[Interruption.]* I voted for the Second Reading of our Labour Bill, yes—*[Interruption.]* And Conservatives voted for a Labour Bill, as well.

It is important that we ensure, in the way in which science is taught, particularly at key stage 4, that we provide our young people with both the knowledge and the enthusiasm to continue to study science at a later stage. That is why one of the things that we voted for yesterday was an entitlement for every pupil to study at least two science GCSEs. Part of the way in which that entitlement will be represented in schools will include the study of three separate science subjects. I am confident that, whether we are talking about the science and advanced science option, or the three single science options, that will provide young people with the knowledge and enthusiasm to carry on studying science at a later stage in greater numbers.

**Trust Schools**

4. **Mr. Gordon Prentice** (Pendle) (Lab): How many trust schools she expects to be established over the next four years. [58782]

**The Secretary of State for Education and Skills (Ruth Kelly):** There are no targets for the number of trust schools to be established in the next four years. This is about schools making decisions that are right for them and their children in order to raise standards. It will be for individual schools to decide whether they want to acquire a trust, what form that trust should take, and how the trust will help to improve outcomes for pupils.

**Mr. Prentice:** Given that the Conservative party will try to amend the Bill to take it back to its White Paper stage and encourage the development of independent trust schools, is it not as plain as a pikestaff—I say this gently to my right hon. Friend—that this legacy legislation is completely dead in the water?

**Ruth Kelly:** No. I thought for a moment that I was going to agree with my hon. Friend on something, but sadly not. I can assure the House that I will never compel a school to become a trust school, although it should be an option for a local authority, where a school is failing, to look at whether a trust is one way in which it could raise standards. The Labour party does not agree with the Conservative party, which in the minority report of the Education and Skills Committee insisted that all schools should be compelled to become trust schools.

**Mr. Deputy Speaker:** I call Mr. Rob Wilson.

**Hon. Members:** Ah!

**Mr. Rob Wilson** (Reading, East) (Con): I have a slightly different question. As more and more schools become independent trusts with additional freedoms over recruitment and pay, what does the Secretary of State think the implications will be for the teaching trade unions?

**Ruth Kelly:** I did wonder when I read the minority report whether the hon. Gentleman and his friends had really understood the proposals, and now I am confirmed in the fact that they do not. There is nothing in the proposals on trusts, or indeed in the White Paper, that gives trust schools additional freedom or flexibility on teachers' pay. Teachers' pay will still be set in exactly the framework of terms and conditions, set nationally and negotiated with the teacher unions, that community schools follow now.

**Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): May I help my right hon. Friend with the question of what is as plain as a pikestaff? It is as plain as a pikestaff that any incoming Government of a party political complexion different from ours can change whatever they like in education—that is the truth of the matter. Can we just concentrate on the question about the partnerships of trusts that can be of great benefit to schools? There is already a track record of very good relationships with foundations and outside partners that are good for the schools, good for the students and good for the future of education. Can we not nail the myth that partnership is bad and an inward-looking school is good? That is not the case.

**Ruth Kelly:** I completely agree with my hon. Friend that schools should be looking outward to their communities, looking to establish deep and lasting partnerships, both with other schools and indeed with external partners, such as universities, FE colleges and business foundations, where they can make a difference to raising standards for their pupils. That is precisely what the trust school proposal in last night's Education and Inspections Bill was about.

**Mr. David Willetts** (Havant) (Con): There is a slight flavour of the morning after the night before, and I detect that a squabble about paternity has already broken out. May I assure the Secretary of State that we will be very responsible in our approach to raising and encouraging trust schools, which have now been given birth to? I realise that she does not like giving predictions, but will she at least consider offering some encouragement to schools to become trust schools—it is, after all, a policy that has now had widespread support on both sides of the House?

**Ruth Kelly:** The best encouragement for schools to become trust schools is to see what works. To see that, one has only to talk to head teachers, who already work with foundations and trusts, who can explain what difference that makes to pupils and to raising standards in their schools. It is my view that the more schools see that working in practice, the more will be interested in trusts, but it is right to have a voluntary approach because in the end head teachers know best what is in the interests of raising standards.

**Mr. Mark Todd** (South Derbyshire) (Lab): Does my right hon. Friend agree that further work needs to be done on defining the risks that might be encountered by small primary schools in converting alone to a trust model? The evidence of foundation status and, before that, grant-maintained status in my constituency indicates that there are significant risks that governing bodies may not be aware of at the time.

**Ruth Kelly:** I know that my hon. Friend has deep concerns about the matter, and many in the House were scarred by the experience of grant-maintained schools, but I can give him the assurance that the trust school model is the antithesis of the grant-maintained school model, in that trusts remain as local authority-maintained schools, where local authorities are responsible for the financial control and for ensuring adequate financial controls in schools—indeed, they fund the schools and can withdraw the delegated funding where they consider that there is an issue to resolve, as well as being responsible for ensuring adequate standards.

**Trust Schools**

5. **Mr. Andrew Turner** (Isle of Wight) (Con): What discussions she has had with voluntary and charitable organisations on the implementation of her policy on trust schools. [58783]

**The Secretary of State for Education and Skills (Ruth Kelly):** Both the Prime Minister and I have held a number of discussions with a range of stakeholders about the opportunities that trusts can offer. These stakeholders have included schools, local authorities, business foundations, and charitable and voluntary organisations. All these organisations may have much to offer in raising standards and improving outcomes, especially for pupils in our most disadvantaged areas.

**Mr. Turner:** May I assure the Secretary of State that the Conservative-led Isle of Wight council, which inherited from 20 years of Liberal Democrat control an education system that even the Liberal Democrats admitted was failing, is looking with enthusiasm on trust schools as a means of reversing that failure? Will she assure me that the regulation-making powers contained in the Bill, particularly in clauses 7, 8, 12, 17, 19, 22, 24 and 25 will be used with a light touch so as not to put off charities and other organisations offering trust status to schools?

**Ruth Kelly:** The hon. Gentleman makes a valid point. We want a light-touch system. Where a school considers it to be in its interest to acquire a trust, it should have the opportunity to do that. That will help the school deepen its existing partnerships with its specialist schools relationships, and enable schools to build federations and collaboratives of schools working together to raise standards, which is particularly important in the light of our commitment to enable every young person from the age of 14 to study vocational education—yet again, a measure delivered by the Education and Inspections Bill.

**Mr. David Anderson** (Blaydon) (Lab): Will my right hon. Friend clarify the position with regard to schools that choose not to go down the trust route? Can she give us an assurance that they will not be disadvantaged in any way? She said that the private sector would support schools. Will she state that legislation will be drawn up to ensure that that will not be used to privatise schools?

**Ruth Kelly:** I can certainly give my hon. Friend those assurances. It will be laid down in legislation that trusts must be charities operating on a not-for-profit basis and overseen by the Charity Commission, as well as the local authority. In no sense will schools outside the trust school regime be disadvantaged by not being trust schools. They will be funded on exactly the same basis as any other local school, in both revenue and capital terms—yet again, a sharp contrast with the GM school policy operated by the Conservatives when they were in government.

## FE Colleges (Dorset)

6. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): What assessment she has made of the level of staff salaries at colleges of further education in the Dorset area; and if she will make a statement. [58784]

**The Minister for Higher Education and Lifelong Learning (Bill Rammell):** No such assessment has been made. Colleges of further education are autonomous institutions that negotiate pay and conditions with staff and their unions, without Government involvement nationally or locally.

**Mr. Ellwood:** I am grateful for that reply, but not for the answer itself. Colleges are waiting for a response. The Minister is aware of my concerns about education funding in Bournemouth in general. My question is specifically to do with the fact that staff salaries at further education colleges, such as Bournemouth and Poole college, are often significantly lower than those of staff teaching the same subjects in a school. I know that the Government have taken some initiatives, but as long as teachers are receiving £2,000 a year more at a school than at further education colleges, colleges will be unable to compete in recruiting and retaining staff—

**Mr. Deputy Speaker:** Order. That is over-lengthy.

**Bill Rammell:** Let me be clear that negotiations are a matter for colleges and the trade unions. No college in the country would thank the Government for intervening directly on the issue. It all comes back to funding. Since 1997 the Government have increased funding to the further education sector by 48 per cent. in real terms, which compares favourably with the 14 per cent. real-terms cut that took place in the five years running up to 1997. We envisage that with those increased resources, greater flexibility as regards their use and a longer-term funding framework, colleges should be able to address the structural barriers—

**Mr. Ellwood:** That was 14 years ago.

**Bill Rammell:** It was, but we must compare like with like. The calls for higher pay from the Conservatives carry no credibility. They never delivered the resources when they were in power, and they would not do so if they got the chance again.

**Mr. Michael Foster** (Worcester) (Lab): I remind my hon. Friend that FE salaries in Dorset and elsewhere suffered a pay freeze and therefore a real-terms cut during the 1990s. When the funding gap is closed, as he has promised in this House, the issue of staff salary differentials, which the hon. Member for Bournemouth, East (Mr. Ellwood) has described, should be dealt with, too.

**Bill Rammell:** I thank my hon. Friend for his question and know that he takes these issues very seriously. When my right hon. Friend the Secretary of State announced the way in which we are reducing the funding gap between further education colleges and school sixth forms at the Association of Colleges conference back in October, the announcement was widely welcomed by the FE sector. We have made it clear that the gap will be reduced by 5 per cent. in the coming financial year, and it will be reduced by a further 3 per cent. in the following year. [HON. MEMBERS: "Not enough"] I can hear Conservative Members, but if they are committed to cutting public spending, they need to say where they would find the funds.

**Mr. Boris Johnson** (Henley) (Con): I want to restore the glorious outbreak of harmony between Front Benchers on education reform. I agree with both my hon. Friend the Member for Bournemouth, East (Mr. Ellwood) and the Minister that we need to increase academic pay in FE and HE. Does the Minister agree that it is bizarre that the Liberal Democrats should oppose any reform that involves variable fees and yet at the same time support a strike by FE teachers in Dorset and elsewhere, the explicit purpose of which is that academics should have a larger share of the fees? Is not that position completely absurd and due to be overturned?

**Bill Rammell:** Now I am very confused. Conservative Back Benchers are calling for increased pay, but the shadow Minister has said that we should not support increased pay. The one thing that I agree with him on is that Liberal Democrat policy on higher education is completely untenable.

### Special Educational Needs

7. **Dr. Vincent Cable** (Twickenham) (LD): What steps she is taking to reduce the time involved in statementing pupils with special needs in schools. [58785]

**The Minister for Higher Education and Lifelong Learning (Bill Rammell):** Following our 2004 special educational needs strategy—*[Interruption.]*

**Mr. Deputy Speaker:** Order.

**Mr. Dennis Skinner** (Bolsover) (Lab): He did not hear me.

**Mr. Deputy Speaker:** The hon. Gentleman has a reputation for sedentary interventions, but I would appreciate a lower decibel level.

**Bill Rammell:** I take it that my hon. Friend's remark was not directed at me.

Following our 2004 special educational needs strategy, we established a team of SEN advisers. It has been working with local authorities to help them meet their statutory duties and has targeted authorities showing poor performance in getting statements completed on time, which has led to a significant improvement in performance.

**Dr. Cable:** The Minister will be aware of the enormous frustration faced by many parents who are trying to get rapid and satisfactory statementing. What assurances can he give me that the situation will not deteriorate for children statemented into the mainstream sector when schools become more independent and may be less inclined to provide support arrangements for special needs children in the school of their first choice?

**Bill Rammell:** I thank the hon. Gentleman for his question and know that he takes a detailed interest in the issue. I assure him that all maintained schools, including trust schools, are under a duty after being consulted to admit children whose statements name their school, so the policy is clear and categorical. On top of that, the framework includes early intervention and advice through SEN co-ordinators, which has led to a significant improvement in performance—an increase of some 10 percentage points in the proportion of statements that are dealt with within the statutory time limit of 18 weeks in the five years running up to 2005. That is what the parents of children with special educational needs want to see happen, and we are making sure that it does.

**Mr. Bob Blizzard** (Waveney) (Lab): Parents of autistic children are interested in special needs statements, as well as in what provision exists in schools. Will my hon. Friend carry out a national audit of provision for autistic children in our schools, as the situation is very patchy? Will he issue a statement on what LEAs are doing, given that some provide more than others and some provide more in some parts of their area than in others?

**Bill Rammell:** I believe that looking at best practice and seeing how we can spread that right across the country is the way forward. We do, from time to time, receive calls for radical reappraisals and reviews. That would not be the right way forward. We need to ensure that we get it right on the ground by improving early intervention, building the skills base within our schools to deal with special educational needs, bringing special and mainstream schools closer together and, in particular, improving multi-agency working.

**Mrs. Maria Miller** (Basingstoke) (Con): I hear what the Minister says, but there is a great deal of concern about statementing. The system is not working properly at the moment. Only last week, I met a group of parents in my constituency who expressed their concerns about statementing and the inclusion in mainstream schooling of children with autism and Asperger's syndrome. Schools cannot cope, and the parents did not feel that the action being taken was appropriate. Will the Minister share with the House his thoughts on why Government figures show that the number of children with special educational needs, but no statement, has increased? Does he agree that the time has come for a review of how statementing, and indeed inclusion, work to support this important and vulnerable group of children?

**Bill Rammell:** This group of vulnerable children is at the forefront of our thinking as we develop policy. Since we introduced our SEN strategy, "Removing Barriers to Achievement", in 2004, there has been a tangible and significant improvement in performance. On the key criterion of the percentage of statements without exceptions that are drafted within the 18-week target, performance has risen from 82 per cent. to 92 per cent. in the five years running up to 2005. That is significant evidence that we are improving performance.

### Adult Education

9. **Tom Brake** (Carshalton and Wallington) (LD): How many adult education courses have closed at colleges in England in the last 12 months; and if she will make a statement. [58787]

**The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope):** We do not collect details of individual course changes centrally. However, our priorities for adult learning are outlined in the Learning and Skills Council's strategy document, "Priorities for Success". They are: support for adults who lack basic skills; support for adults who lack the level 2 platform of skills for employability; ensuring opportunities for developing level 3 skills; and safeguarding adult opportunities for personal and community development. We expect provision to be realigned to meet those priorities, and colleges, as independent bodies, will decide which courses they choose to run.

**Tom Brake:** The Minister will be aware that the Association of Colleges estimates that some 200,000 courses will be lost by the end of this year. The LSC document to which he refers estimates that by 2008 some 500,000 further education courses will be lost. Does he accept that not only Australian cake decorating courses will be scrapped or have their fees increased, as he suggested, but vital courses for people with severe learning disabilities, as well as people who are seeking to re-skill mid-career?

**Phil Hope:** The hon. Gentleman is wrong on his last point. We expect the amount of funding to support adult participation in learning to remain about the same at some £2.8 billion to £2.9 billion, but we are reprioritising where that money is to go in line with the skills gaps that, for example, Lord Leitch's interim report identified. The number of adult places on courses contributing directly to those priorities might reduce. However, some 274,000 additional level 2 places will be created through our new train to gain programme—a £630 million programme over the next two years to deliver training of the kind that employers need through a demand-led system. I might add that some colleges—for example, City College Brighton and Hove—has expanded participation while increasing its fee income, so it can be done.

**Mr. Brian Jenkins** (Tamworth) (Lab): When my hon. Friend said that we do not collect numbers, does he mean that we have no idea of how many adults take educational courses at FE colleges? If so, I would be amazed, given the benefits to our nation of adults going back to FE colleges. They not only improve their skills, albeit sometimes at a basic level, thus contributing to their reskilling and re-employment, but make a major contribution to the country. I am surprised that we do not have our eye on the ball.

**Phil Hope:** The question was about the number of adult education courses, not adult education learners. We collect figures on learners, as I said in an earlier response. The number of adult education courses is a matter for local colleges to determine. My hon. Friend is right that we have a skills gap that needs to be filled—Lord Leitch spelled that out in his interim report; the full report will be published later this year. Indeed, our FE White Paper, which we shall publish in the near future, spells out the importance of skills for the future success of our economy and the important role that FE plays as one of the economic drivers of social mobility and economic success in this country.

## Trust Schools

10. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What powers new trust schools will have beyond those already available to foundation schools. [58788]

**The Minister for Schools (Jacqui Smith):** Trust schools build on the existing foundation school model and will be empowered to make decisions about their buildings and staff needs. The specific opportunity that trust schools have compared with the majority of foundation schools is the ability to benefit from a lasting relationship with external partners, who will provide new opportunities for collaboration and support for leadership, teaching and learning in the school.

**Mr. Hands:** As was said in yesterday's debate, my constituency has one of the country's fastest growing rates of independent school attendance. Will the Minister view it as one of the key indicators of the success of the new trust schools that the rate of parents who opt out of the system in a constituency such as mine is decreasing rather than increasing?

**Jacqui Smith:** It has never been the Government's objective to get more young people and families to opt out of the state school system. Our objective is to draft in support for state school pupils from wherever we can get it to ensure that we are confident that all children, whatever their background, get the high standard of education that they deserve.

**Anne Snelgrove** (South Swindon) (Lab): Several schools in my constituency have shown an interest in and willingness to look at trust and foundation school status. However, some say that we already have such partnerships and are already venturing into the outside world. I believe that those partnerships are not as deep or extensive as those that trust school status would bring to schools. Such status will offer many more opportunities. What is my right hon. Friend's view on that?

**Jacqui Smith:** My hon. Friend makes an important point. The trust school model is aimed precisely at building on the good experience in our system of the past eight years, such as the contribution that external partners make to the specialist school movement and the way in which schools are beginning to collaborate for the benefit of their pupils. However, as my hon. Friend rightly says, those collaborations are too often dependent on the enthusiasm and commitment of dedicated individuals. If they move on, the collaboration is often unable to continue. The ability to embed such collaboration, make it permanent and bring in external support is one of the key benefits of the trust school model.

**Mr. Mike Hancock** (Portsmouth, South) (LD): Will the Minister confirm that, when a trust school is established, it will be wholly responsible for all the maintenance commitments on the school site? Will the trust have the right to dispose of the school's assets when the local authority currently holds the freehold?

**Hon. Members:** Read the Bill.

**Jacqui Smith:** And read my speech from yesterday, in which I spelled out the provisions for ensuring that,

although the assets of a trust school, like those of foundation schools, will be vested in the trust, there are also considerable provisions governing the disposal of assets. They are aimed at protecting publicly funded assets so that, to dispose of them, the trust would need to inform in advance the local authority, which would be in a position to agree a share of the proceeds or alternative use. If a school broke its link with a trust, the assets would revert to the school or, in the case of closure, the local authority.

### Child Protection

11. **David Tredinnick** (Bosworth) (Con): If she will include paid children's entertainers working in private homes in her list of those barred from working with children following conviction for sexual offences against children. [58789]

**The Minister for Schools (Jacqui Smith):** All those who are on the children's barred list, as defined by the Safeguarding Vulnerable Groups Bill, will be barred from any work that involves frequent teaching, training, supervising, caring for, advising or providing treatment for a child. This will include children's entertainers who are engaged in such activities. Parents will be able to check the barred status of individuals whom they employ to perform those activities.

**David Tredinnick:** I have already presented a petition to the Home Office from thousands of my constituents about the activities of a professional child entertainer who was working in the Hinckley area. He was, and is, on the sex offenders register, but because he goes to people's homes rather than to schools he does not have to be vetted or have a licence. He has subsequently moved to another part of the county following press reports, and I understand that he is now working there, having changed the name of his company. Will the Minister give us an assurance that the measures that she has just described will cover this situation? Does not she think that it is time that such individuals were properly licensed?

**Jacqui Smith:** I have just outlined the strengthened provisions that will come into operation following the enactment of the Safeguarding Vulnerable Groups Bill. Those provisions make it clear that any individual who is involved in frequent teaching, training, supervising, caring for, advising or providing treatment for a child will be able to be monitored under the new scheme. Parents will also be able to check the individual circumstances of the people who are engaged in that work. That represents a strengthening of the present position.

### Child Care

12. **Ms Diana R. Johnson** (Kingston upon Hull, North) (Lab): What range of options the Government expect to be available for child care. [58790]

**The Minister for Children and Families (Beverley Hughes):** The number of child care places has doubled from 600,000 in 1997 to more than 1.2 million in 2005, supported by investment of more than £17 billion of public funding. This enables parents to choose from a wide range of options, including child minders, nursery care, and out-of-school and holiday provision. We are building on this further by offering high quality child care through extended schools and, in disadvantaged areas, through children's centres.

**Ms Johnson:** I am grateful to my right hon. Friend for that response. Will the provisions of the Childcare Bill that place a statutory duty on local authorities to ensure sufficient child care places be matched by the necessary funding arrangements, so that families in my constituency will see the materialisation of extra child care places that they can afford?

**Beverley Hughes:** My hon. Friend is right. The provision in the Childcare Bill of a duty on local authorities to ensure that there is sufficient child care involves not only a sufficient quantity but a sufficient range and flexibility of child care to meet local parents' needs. That will have to be part of a local authority's obligations. Of course, that does not mean that the local authorities themselves will provide that child care, but they will have sufficient resources to stimulate the market and ensure that it responds with the quantity and range of provision that local parents need.

**Mr. Philip Hollobone** (Kettering) (Con): With 100,000 under-threes now in full-time nurseries, is the Minister concerned at the rising number of very young children—some as young as three months old—who spend all week in these full-time institutions, sometimes for up to 60 hours?

**Beverley Hughes:** The hon. Gentleman is being unnecessarily alarmist. There is clear research evidence that high quality early-years experience for three and four-year-old children considerably enhances their development and, in comparison to their peers who do not have that experience, gives them a considerable advantage at the start of their primary school education. Clearly, many parents of younger children will want a range of options. That is why, in addition to stimulating the provision of good quality child care, this Government—unlike the previous Conservative Government—have made it possible for mothers and fathers who are balancing their work and home life to make the decisions that they feel are right about where their very young children should be cared for.

### Youth Facilities (Stoke-on-Trent)

13. **Mr. Robert Flello** (Stoke-on-Trent, South) (Lab): What steps the Government are taking to improve facilities and increase the availability of activities for teenagers in Stoke-on-Trent. [58791]

**The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope):** The current Education and Inspections Bill will require local authorities to secure access for young people to educational and recreational leisure time activities, as proposed in the "Youth Matters" Green Paper and yet another progressive measure that the Liberal Democrats voted against last night. Our next steps document, published this month, also provided extra resources for young

people to put spending power directly into their hands through the youth opportunity and youth capital funds. Those funds will be worth more than £593,000 in Stoke-on-Trent over the next two financial years.

**Mr. Flello:** My hon. Friend will no doubt be aware of the excellent work already done by many local voluntary groups working with young people in my city. One of the best ways in which my hon. Friend could help with that work would be to visit my constituency. Has he any plans to do so in the near future?

**Phil Hope:** I am very grateful for the invitation. Given that the programme motion was passed last night, I will probably have a little more time to do so after 18 May. Empowering young people through offering such resources and facilities is at the heart of our policy on youth matters. What is crucial is that young people have a voice, a chance to be heard and a real influence over the decisions of organisations, voluntary and statutory, that affect their lives.

### Social Behaviour

14. **Mr. Graham Allen** (Nottingham, North) (Lab): If she will bring forward an option for local authorities to give the same priority to teaching social behaviour in primary schools as is given to numeracy and literacy; and if she will make a statement. [58792]

**The Minister for Schools (Jacqui Smith):** Teaching social behaviour helps children learn. That is why we have made the social and emotional aspects of learning programme available to all primary schools. Heads are best placed to decide how that work should be organised in their schools, but they have the flexibility to allocate dedicated time, as part of the recommended whole-curriculum approach.

**Mr. Allen:** Will my right hon. Friend thank her departmental officials and the local education authority team, led by Edwina Grant, in Nottingham, for the innovative work that they are doing on the promotion of social behaviour in the city? Will my right hon. Friend consider the very first amendment to the Education and Inspections Bill, which suggests that local education authorities should have a duty to promote the emotional well-being and pro-social behaviour of every child? I hope that I have got the words right: I should have done, because I tabled the amendment.

**Jacqui Smith:** I will of course look in great detail at my hon. Friend's amendment. I am also happy to praise the work of my officials and of Nottingham local authority, as well as that of my hon. Friend, who has pushed hard the approach to social behaviour as an opportunity for children, young people and families in Nottingham. I am looking with great attention at the way in which that exciting innovation will work in Nottingham and more widely.

**Sir Nicholas Winterton** (Macclesfield) (Con): I am sure that the Minister will agree—she said so, to all intents and purposes, in her answer—that good discipline and good social behaviour can contribute to the ability of young people to learn better in schools. What support do schools get from parents? Does she agree that the support of parents is essential, and what can the Government do to encourage parents to support good social behaviour?

**Jacqui Smith:** The hon. Gentleman is absolutely right. That is why, in the Education and Inspections Bill, we responded to the calls from teacher associations to make clear teachers' unambiguous legal right to discipline. The hon. Gentleman is also correct about parental responsibility, and the Bill will also extend the ability of schools to engage in parenting contracts with parents before the child or young person is excluded from school. Both those factors are important to ensuring that our teachers are able to teach, our children are able to learn, and parents take responsibility for their children's behaviour—all things that the Liberal Democrats voted against yesterday.

### Looked-after Children

15. **Stephen Pound** (Ealing, North) (Lab): What steps the Government are taking to improve the educational attainment of looked-after children. [58793]

**The Minister for Children and Families (Beverley Hughes):** The educational attainment of looked-after children is far from acceptable, and we intend to consult shortly on proposals to transform outcomes for that group of children. Building on the new duty on local authorities to promote the educational attainment of looked-after children, we will also propose, in the Education and Inspections Bill, to help those children to get into the right schools in order to meet their needs. We will enable local authorities to direct school admission authorities to admit looked-after children at any time, not just at the beginning of the school year, and even when the school is already full.

**Stephen Pound:** I am grateful for that answer, and all the more delighted that I voted for the Bill last night.

My right hon. Friend will be aware that nationally only 1 per cent. of looked-after children go to university. In the London borough of Ealing, owing in no small part to the inspirational leadership of Judith Finlay, the figure is 11 per cent. May I seek to tempt my right hon. Friend to visit the London borough of Ealing when, shortly, we are to open a one-stop shop to provide looked-after children with education, social welfare and benefit advice? Sadly, it will be a few metres outside my constituency—

**Mr. Deputy Speaker:** Order. May I seek to tempt the hon. Gentleman to be more concise in his questions? I hope that the same will apply to the Minister's answer.

**Beverley Hughes:** It would be taking a rather dangerous path to succumb to temptation from my hon. Friend, but he is absolutely right. One of the aspects of educational attainment that we want to improve is further and higher education for looked-after children. As my hon. Friend says, Ealing has made considerable progress in supporting young people from care to higher education through subsistence and the drop-in centre to which he referred, and a package of support for those going to university. Those are exactly the kinds of

innovation that we are exploring, and I shall be very pleased if I can go to Ealing and observe them in practice.

## SOLICITOR-GENERAL

*The Solicitor-General was asked—*

### Witness Support

21. **Ms Sally Keeble** (Northampton, North) (Lab): What steps the Crown Prosecution Service takes to support vulnerable witnesses in court proceedings. [58771]

**The Solicitor-General (Mr. Mike O'Brien):** The Crown Prosecution Service can apply to the court to allow vulnerable witnesses to give evidence via a televised link or from behind a screen, or to withhold their personal details. The court may of course refuse the application.

**Ms Keeble:** Hate crimes have been a problem in my area, especially homophobic attacks. If the courts and the CPS cannot establish certainty, vulnerable witnesses may find themselves in a court without a screen, or in a court that is unsafe because of the layout and the furniture. A defendant may discharge his lawyer and, in effect, use the courtroom to continue to harass the vulnerable witness. Will my hon. and learned Friend examine the position, especially in relation to hate crimes?

**The Solicitor-General:** I will certainly do so. However, it is open to the CPS, under section 36 of the Youth Justice and Criminal Evidence Act 1999, to prevent the accused from personally cross-examining a witness. The court must be satisfied that the quality of evidence given by a witness under cross-examination is likely to be diminished if the cross-examination is conducted by the accused, that it may be improved if the accused does not cross-examine the witness, and that it would not be contrary to the interests of justice to restrict cross-examination by the accused.

There are a number of provisions and conditions, but it is possible that the courts have the power to which my hon. Friend refers. As she knows to her cost, however, benches sometimes decide not to use some of the powers that they could use, such as the power to provide screens. It is important for the courts to realise how vulnerable witnesses often feel in such circumstances.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. We have got off to a very slow start. We shall not give hon. Members a chance if we do not have shorter questions and shorter answers.

**Mr. Humfrey Malins** (Woking) (Con): In the courts where I sit, one of the big problems occurs in domestic violence cases when, for one reason or another—fear, perhaps—women do not turn up. Does the Solicitor-General recognise that problem? It costs a good deal of money. Can more be done to strengthen the position of such women?

**The Solicitor-General:** There has been a considerable problem with domestic violence cases. There have been pilot schemes in Caerphilly and Croydon to establish whether non-lawyer advocates can work with domestic violence victims and witnesses, take them through the criminal justice system, and ensure that they are relieved of at least some of the stress of giving evidence—although the experience is always likely to be stressful.

### Crown Prosecution Service

22. **Keith Vaz** (Leicester, East) (Lab): What steps he is taking to improve liaison between victims of crime and the Crown Prosecution Service. [58772]

**The Solicitor-General:** A new code of practice for victims and witnesses is due to come into force on 3 April that sets out responsibilities towards victims, witnesses and bereaved relatives. Breaches of the obligations can, if unresolved through a complaints procedure, be referred to the parliamentary ombudsman. The Attorney-General has also recently published the prosecutors pledge to victims of crime.

**Keith Vaz:** My hon. and learned Friend will know that the first full performance review of the CPS was published on Tuesday. It showed that performance was less than good in more than half of CPS areas and that in most there was a failure to communicate with victims of crime—to tell them that charges had either been dropped or reduced. Those are damning criticisms of the CPS. What steps is my hon. and learned Friend going to take to ensure that the Director of Public Prosecutions is aware of these failings—and what is the CPS going to do to get its act together?

**Mr. Deputy Speaker:** Order. The hon. Gentleman did well to pause at that moment.

**The Solicitor-General:** The overall assessment of the recent analysis was that three CPS areas were "excellent", 16 were "good", 19 were "fair" and four were "poor". So some 45 per cent. of CPS areas are either "excellent" or "good", and 90 per cent. are for the most part complying with relevant standards satisfactorily. The inspectorate also said:

"we are confident that the performance generally across the CPS is improving."

A lot of good work has already been undertaken in the past year through the charging programme, the "No Witness, No Justice" programme and the effective trial management programme. We predict that by December 2007, due to the steps that we are taking, 12,000 more trials will go ahead per year than do so currently.

### Murder

23. **David T.C. Davies** (Monmouth) (Con): What discussions he has had with the Home Secretary on changes to the way murder is prosecuted. [58773]

**The Solicitor-General:** The Law Commission is dealing with the first stage of a review of the law on murder, and the Law Officers have had discussions with the Home Secretary and other Ministers. The Law Commission, which is of course an independent body, has issued a consultation paper containing provisional proposals. The Government will await the final proposals before taking a view on them.

**David T.C. Davies:** Can the Solicitor-General assure us that, whatever the outcome of the review, the most serious forms of murder will continue to carry a mandatory life sentence? Can he further assure us that from now on, a mandatory life sentence will mean that the person in question spends the rest of their life behind bars, rather than spending several years watching Sky television before being set free to continue a campaign of violence against the innocent populace?

**The Solicitor-General:** If the hon. Gentleman had listened when the review was announced, he would know that the Home Secretary made it clear that the mandatory life sentence for murder will indeed remain. The murder principle set out in the Criminal Justice Act 2003 will also remain. The Government passed that Act to ensure effective sentencing principles in dealing with murder cases, which, I have to say—given the way in which the hon. Gentleman asked his question—his party singularly failed to do when in power.

**Simon Hughes** (North Southwark and Bermondsey) (LD): Does the Solicitor-General agree that it is far better to respond to the Law Commission's proposals in the rational and measured way that it made them, than in the histrionic manner that we just heard from the hon. Member for Monmouth (David T.C. Davies)? The Law Commission has made it clear that the law is in a mess, that it is not saying and doing what the public think it is, and that it needs reform. The best way to get reform is to have a rational debate and to build consensus. Will the Solicitor-General commend the Law Commission's very sensible proposals?

**The Solicitor-General:** The proposals are out for consultation and will remain so for only a few more weeks, so I suggest that the hon. Gentleman and the hon. Member for Monmouth (David T.C. Davies)—who asked the "histrionic" question, as the hon. Gentleman put it—respond to that consultation and make their respective views known. The proposals, provisional as they are, are very important and will doubtless change the law on murder in due course, although we have yet to take a final view. It is important that Members take the opportunity to make their views known to that independent body.

**Mr. Dominic Grieve** (Beaconsfield) (Con): The Solicitor-General will be aware that the Law Commission proposes that, although first-degree murder would continue to carry the mandatory life sentence, second-degree murder—which could involve killing a person when the intent is to commit grievous bodily harm of the most serious kind—would not. Does the Minister think that it might be useful for the review also to look at how fixed-term sentences are passed, and at the disparity between what the judge says in court and the sentence that is in fact served? The public need greater reassurance that fixed-term sentences mean what they say and approximate to the period that a person might serve in prison. Would it not be possible to provide that reassurance by making it clear that the mandatory sentence was not always necessary? People latch on to the mandatory sentence because they do not have confidence in the current sentencing system.

**The Solicitor-General:** I suspect that the hon. Member for Monmouth (David T.C. Davies) and other Back-Bench Opposition Members may take that inquiry as something of a rebuke for the way he asked his original question. The hon. Member for Beaconsfield (Mr. Grieve) is right that it is important that we consider these matters with a degree of calm and ensure that the public have confidence in the sentences that are passed. The Law Commission is looking at how such matters should be dealt with. We must await the outcome of that, but the Government are discussing how to ensure that people understand better precisely what a sentence passed by a judge will mean in practice for each defendant. There are ways to achieve that, but we must approach the matter through a process of consultation and not by making announcements here. However, I take on board the point that the hon. Gentleman makes.

## Identity Theft

24. **Miss Anne McIntosh** (Vale of York) (Con): Pursuant to his oral answer of 9 February 2006, *Official Report*, column 1003, on identity theft, what response he has received from Home Office Ministers. [58774]

**The Solicitor-General:** I understand that the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham), who deals with policy on identity fraud, has written to the hon. Lady on this matter. I have seen the letter, and I have also further discussed with him my concerns about the case that she raises. He has agreed to meet her and her constituent to discuss the matter.

**Miss McIntosh:** It is a very simple question: under what circumstances will identity fraud be investigated and prosecuted? Does the Solicitor-General agree that data protection should not be used an excuse for not conducting an investigation?

**The Solicitor-General:** The hon. Lady needs to raise this issue with my hon. Friend at the Home Office and, in due course, with Royal Mail. I share some of her concerns about how Royal Mail has decided to deal with this matter. The appropriate method for reporting abuse is via the Royal Mail security team, which then liaises with the police investigation, but it is also important that we ensure that a person whose mail is diverted is able to get to the bottom of what on earth went on. That is why I have had a conversation with my hon. Friend at the Home Office, and I hope that the hon. Lady will be able to take those discussions further.

## Business of the House

11.33 am

**Mrs. Theresa May** (Maidenhead) (Con): Will the Leader of the House give us the business for the coming weeks?

**The Leader of the House of Commons (Mr. Geoffrey Hoon):** I have previously announced the business for next week, but I hope that it will be helpful if I give the House a little more detail. The forthcoming business is as follows:

MONDAY 20 MARCH—Estimates [2nd Allotted Day]. There will be a debate on the costs of peacekeeping in Iraq and Afghanistan, followed by a debate on deficits in the NHS. Full details will be given in the *Official Report*.

Followed by proceedings on the Consolidated Fund (Appropriation) (No. 2) Bill. At 10 pm the House will be asked to agree all outstanding estimates.

TUESDAY 21 MARCH—A motion to approve a money resolution on the Armed Forces Bill, followed by, if necessary, consideration of Lords amendments, followed by consideration of Lords amendments to the London Olympic Games and Paralympic Games Bill, followed by a debate on "a points-based system for managed migration" on a motion for the Adjournment of the House.

The House may also be asked to consider any Lord messages which may by then be received.

WEDNESDAY 22 MARCH—My right hon. Friend the Chancellor of the Exchequer will open his Budget statement.

THURSDAY 23 MARCH—Continuation of the Budget debate.

FRIDAY 24 MARCH—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 27 MARCH—Continuation of the Budget debate.

TUESDAY 28 MARCH—Conclusion of the Budget debate.

WEDNESDAY 29 MARCH—Consideration of Lords amendments.

THURSDAY 30 MARCH—Motion on the Easter recess Adjournment.

FRIDAY 31 MARCH—The House will not be sitting.

*[The following is the information: The Estimate is to be considered in so far as it relates to the costs of peacekeeping in Iraq and Afghanistan (Resolution of 16th March). Relevant documents: Fourth Report from the Defence Committee, Session 2005–06 (HC 980) on costs of peacekeeping in Iraq and Afghanistan; Spring Supplementary Estimate 2005–06; and Ministry of Defence Annual Report and Accounts 2004–05 (HC 464).*

*Uncorrected oral and written evidence taken by the Health Committee on 1 and 6 December 2005 (HC 736–i, –ii and –iii) on Public Expenditure Health and Social Services 2005.]*

I should also like to inform the House that the business in Westminster Hall for the 30 March will be:

THURSDAY 30 MARCH—A debate on the report from the Constitutional Affairs Committee on the courts and small claims.

The House may wish to be reminded that we will rise for the Easter recess at the end of business on Thursday 30 March and return on Tuesday 18 April.

**Mrs. May:** I suspect that not all Members will be aware that this morning it has been announced in a written statement that due to chaos in the Rural Payments Agency, which is responsible for the single farm payment, the chief executive has been replaced—I assume that means sacked. May we have an oral statement on Monday from the Secretary of State for Environment, Food and Rural Affairs so that Members can question Ministers and raise farmers' concerns about the failure of that agency?

I appreciate that there will be a statement today by the Secretary of State for Work and Pensions on the Government's response to the parliamentary ombudsman's report, "Trusting in the pensions promise". However, the Government's initial attempt to dismiss the ombudsman's findings called into question her role and her ability to act on the referrals that she receives from hon. Members. Constituents assume that the ombudsman is the last line of defence against possible maladministration by the Government. The ombudsman serves this House. Will the right hon. Gentleman arrange for a debate on the role and powers of the parliamentary ombudsman?

The latest annual study by the Association of Directors of Social Services shows that council social services departments have a funding shortfall of £1.76 billion, some of which is due to deficits in the health service. Crucially, that means that councils are cutting the provision of services to elderly and other vulnerable people. May we have a statement on joint funding and working between health and social services and a debate on the provision of social care?

In business questions recently, I, and other hon. Members, asked for a debate on the withdrawal of the Post Office card account and the possible resultant closure of 10,000 post offices. The right hon. Gentleman dismissed those concerns. Last week, in reply to the hon. Member for Leeds, East (Mr. Mudie) he said:

> "No one is suggesting that people should be forced to use the banks. Indeed, I have been at great pains to emphasise that there is a range of accounts available at the post office".—[*Official Report*, 9 March 2006; Vol. 443, c. 955.]

I have checked the Post Office website. There are indeed accounts that can be used at the post office. They are accounts that are held at Abbey, Alliance & Leicester, Bank of Ireland, Bank of Scotland, Barclays, Clydesdale Bank, the Co-operative Bank, First Trust Bank—the list goes on. Unless I am mistaken—and the names do rather give it away—those are all banks, although there is one building society, the Nationwide. Will the right hon. Gentleman explain to the House what accounts the Post Office provides as an alternative to the card account? I ask him again for a debate on the future of the Post Office.

Finally, may we have a debate on standards of financial management? I am sure that the right hon. Gentleman was concerned that the treasurer of the

*[Mrs. May]*

Labour party did not know that the party had received a loan of £1.5 million. I wonder what account the money went into if the treasurer did not know about it. Should we assume that the money went into a hedge fund? The Labour party treasurer is married to the Minister of State, Department for Constitutional Affairs, the right hon. and learned Member for Camberwell and Peckham (Ms Harman) who speaks for the Government on the funding of political parties. Indeed, in a debate in Westminster Hall on 8 November last year, the right hon. and learned Lady said:

"We do not have any millionaires in Peckham, and we probably do not have any people who would donate £5,000".

She went on to say in reference to local party members:

"If they think that donations are entirely the remit of millionaires, they will feel that they themselves do not matter".—[*Official Report, Westminster Hall*, 8 November 2005; Vol. 439, c. 20WH.]

Could she not have helped her husband out on this matter, or is this yet another Labour household where financial matters are not discussed over the breakfast table?

**Dr. Julian Lewis** (New Forest, East) (Con): Try not to smile, Geoff.

**Mr. Hoon:** I will certainly give it a try.

The House has clearly been concerned for some time about rural payments. Business questions have been asked routinely about the difficulties faced by farmers who have not received appropriate payments, so I would have thought that the right hon. Member for Maidenhead (Mrs. May) would congratulate my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs on dealing with the matter. Where there are problems, it is obviously right that the Government and accountable Ministers should take the action necessary to bring about an improvement in the situation. I can assure the House that that is precisely what my right hon. Friend has done through her decision.

On pensions, I can assure the House that no one is dismissing the report of the parliamentary ombudsman. Indeed, after business questions, my right hon. Friend the Secretary of State for Work and Pensions will make a statement to the House about the report, as is appropriate. As the House is aware, it has a proper process for dealing with reports from the parliamentary ombudsman and, as I understand it, that proper process will be pursued by the Select Committee on Work and Pensions, which again is as it should be.

The responsible Minister at the Department of Health is looking at any shortfalls that may arise in social services. I have made clear to the House before the importance of health service bodies being able to deal with deficits and having appropriate procedures and accountancy standards to deal with them. I am sure that all Members want the huge amount of extra money that the Government have put into the health service to be spent wisely and effectively on continuing to improve health care both for the elderly, in conjunction with social services across the country, and for all other users of the service.

I look forward to the right hon. Member for Maidenhead telling the House about the evidence on which she relied when suggesting, in rather emotive terms, that 10,000 rural post offices will be closing. I have seen that in headlines and in newspapers and although there is a tendency for the Opposition to believe all they read in the *Daily Mail*, it is not necessarily the best source for research or advice. Nevertheless, I take seriously the future of the Post Office—the Government take it extremely seriously. I have previously set out the position on Post Office accounts and accounts that can be used at the post office. It is important that pensioners and others get the best return on their savings and their money. I have generally assumed that the Conservative party supports financial improvement for pensioners, so I am a little surprised that week in, week out Opposition Members continue to suggest that pensioners should not get the best return on their savings and their accounts. That is the implication of the right hon. Lady's suggestion.

The Government have introduced clear standards of transparency on financial management in respect of donations—*[Laughter.]* Quite why that should cause the Opposition so much entertainment is difficult to understand. Without those arrangements we would not be aware of the range of contributions that have been made to the Conservative party over the years. The Government have no difficulty about discussing such matters and I am surprised that Opposition Members are not a little more embarrassed about the history of the arrangements in their party.

**Mr. David Heath** (Somerton and Frome) (LD): The evidence on which the right hon. Member for Maidenhead (Mrs. May) might have been relying was the words of Adam Crozier, the chief executive of the Post Office, who might be expected to know about the Post Office system.

The Leader of the House cannot just sweep aside an issue that the treasurer of the Labour party calls impropriety. Is the right hon. Gentleman not at all ashamed that there should be even a suspicion that in this country people can buy a place in Parliament? There is nothing wrong with loans to political parties, if they are transparent and if they do not buy preference, but should not we have a debate on removing patronage altogether from Parliament and stopping millionaires from payrolling parties the money they need to go about their business?

I note that the Leader of the House has arranged for a debate on the costs of the actions in Iraq and Afghanistan, which I welcome. But is there not a need for a wider foreign affairs debate, dealing with not only what is now acknowledged by the Secretary of State for Defence as a prospective civil war in Iraq and the continuing situation in Afghanistan, but also the crisis in Palestine? We need an opportunity to debate the British position on these matters more fully than the time available for the statement would permit.

Lastly, I wonder whether we ought to have a debate on the teaching of English in universities, because I am very concerned that the Home Secretary, who went to Cambridge—which some say is a reputable university—appears to think that a scheme that is compulsory for everybody who drives a car and for everybody who wants to go on holiday is somehow voluntary. For nine

out of 10 people in this country it will be compulsory, so I do think that perhaps we need a debate on English comprehension.

**Mr. Hoon:** Well, as someone who has suffered at the same institution as my right hon. Friend the Home Secretary, I am confident that we both understand English and that we can both explain it with the same ability. I recognise that in the recent past the hon. Gentleman has had some difficulty understanding my replies. I will do my best to make them clearer to him, not least because he has at least accepted the House's advice in relation to his political ambitions—I see that he is planning to become the deputy leader of the Liberal Democrats. We all congratulate him on that, and if I were to get a vote, I would be voting for him.

On the question of political patronage, I assure the hon. Gentleman that in any event, rightly, it is against the law for honours to be sold—a law that I think was passed by the House as a result of the activities of a previous Liberal Democrat Prime Minister. *[Interruption.]* I am sorry; I should correct that—Liberal Prime Minister.

**Mr. Heath:** He published the prices.

**Mr. Hoon:** I have no knowledge of that. But in any event it is something that is clearly thoroughly disapproved of, and something that I assure the House does not happen.

On the question of a wider foreign affairs debate, we have regularly scheduled such debates. I am sure that it will be possible to have such a debate in the future. This week we had Foreign and Commonwealth Office questions, where I know that my right hon. Friend the Foreign Secretary went out of his way to provide as much detail as he could at the time in relation to recent and very troubling events in Palestine. That is a subject that I am sure the House will want to return to, and certainly we will look at the possibility of arranging such a debate.

**Dr. Gavin Strang** (Edinburgh, East) (Lab): Does my right hon. Friend agree that Labour Members are justly proud of the fact that it was a Labour Government, after returning to power in 1997, who introduced and enacted the Political Parties, Elections and Referendums Act 2000, which, yes, brought a real transparency to the funding of political parties? *[Interruption.]* Hon. Members should read the thing. Yes, it brought transparency covering donations; but I hope that some Opposition Members will read it, and agree that we need and want a debate to discuss how quickly we can introduce amending legislation to cover loans as well as donations. It is as simple at that.

**Mr. Hoon:** My right hon. Friend has made his point extremely well, and certainly no one on this side of the House would be in any way concerned about such a debate.

**Mr. Andrew Mackay** (Bracknell) (Con): After my criticism last week, I thank the Leader of the House for coming here today in a much better mood, which is much appreciated. Let me try and ensure that he stays in that mood, and suggest to him that his right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) does have a serious potential conflict of interest, as her husband is treasurer of the Labour party. Would it be wise for her to come to the House next week and tell us that this particular part of her many responsibilities has been divested to another Minister within the Department?

**Mr. Hoon:** I can tell the House that, yesterday, my right hon. and learned Friend the Minister of State, Department for Constitutional Affairs asked to be relieved of her responsibility for electoral administration. My noble Friend the Lord Chancellor has accepted that request and has strengthened my right hon. and learned Friend's portfolio by adding legal aid and family justice. She will now deal with the central planks of the Department's portfolio on justice, including the courts and legal aid.

**Mr. David Winnick** (Walsall, North) (Lab): May I also refer to political donations, which, I believe, I was the only Member to raise at Business questions last week? Like my right hon. Friend the Member for Edinburgh, East (Dr. Strang), I recognise the changes that have come about in terms of transparency since we were elected, but I wish to restate the need for a statement in view of the controversy. Given all the circumstances, perhaps it would be wise for all the latest nominations for peerages from the three parties to be withdrawn. At long last, after all these years—this issue goes back a long time indeed—is it not essential that we separate the connection between donating large sums of money and getting a peerage? We need to clean up the whole act.

**Mr. Hoon:** I assure my hon. Friend that those matters are entirely separate. Indeed, as I indicated in agreeing with my right hon. Friend the Member for Edinburgh, East (Dr. Strang), the Government have done more to introduce transparency in such matters than any previous Government in history. That is why we are proud of that record and why we will continue to be willing to debate it on any and every occasion.

**Grant Shapps** (Welwyn Hatfield) (Con): The Leader of the House will be aware that students are rightly exempt from paying council tax, but the Government grant formula is supposed to ensure that local residents in large university towns, such as Hatfield, do not lose out by having to make up the shortfall. However, it has come to light that, because of an error in the way that the Office of the Deputy Prime calculates the number of students in an area, 6.5 million people are spending £82.5 million too much on their council tax. If I send him the proof of that, may we have a debate to discuss it?

**Mr. Hoon:** If the hon. Gentleman sends me the details, I will certainly refer them to my right hon. Friend the Deputy Prime Minister.

**Mr. Fraser Kemp** (Houghton and Washington, East) (Lab): Will the Leader of the House consider early-day motion 998, which is in my name and those of 20 other hon. Members from both sides of the House and congratulates Nissan Motor Manufacturing on its decision to build a new model in Europe's most efficient

*[Mr. Fraser Kemp]*

car plant—a record that it has held for the past seven years—especially in the light of the fact that the Nissan's chief executive officer will be visiting my constituency to see the new model come off the production line tomorrow?

*[That this House congratulates the Nissan car company on its decision to build the new Note model and the compact Qashqai car at its Washington plant; further congratulates the workforce on being the most productive car plant in Europe for seven years consecutively and for winning the right to build the new model in the face of stiff internal competition; notes that the Nissan car plant in Washington is the biggest car plant in the United Kingdom with a production capacity of more than 300,000 vehicles a year employing 4,100 people and has just announced a further 200 jobs will be created; further notes that sales of Almera and Primera cars in Russia manufactured in Washington were up 61 per cent. in September, the eighth consecutive month of growth in demand; and further congratulates Nissan for selling more than 1.8 million cars in the first six months of its financial year, up 15 per cent. on last year.]*

Does the Leader of the House not feel that that is a great tribute to the work force and British manufacturing in general? Does he not agree that Government procurement agencies should consider that car as an ideal model for Ministers and others?

**Mr. Hoon:** My hon. Friend has made his point, and I am pleased to agree with him, not least because, given the history of difficulty with the British car industry, companies such as Nissan are responsible for exporting about 75 per cent. of their production. Not only are they providing important sources of high-value employment in areas such as the north-east, but they contribute significantly to the success of the British economy abroad.

**Mr. Desmond Swayne** (New Forest, West) (Con): The Leader of the House expressed incredulity that Opposition Members keep raising, week after week, the Post Office card account? Can he not just take us at our word? We want a debate. There are 9,000 account holders in the New Forest. They are anxious and angry about the proposals to abolish their accounts. They expect both my hon. Friend the Member for New Forest, East (Dr. Lewis) and me to raise that issue, ask Ministers questions and demand to scrutinise the Government's proposals.

**Mr. Hoon:** I am not at all suggesting that the hon. Gentleman and other hon. Members should not raise those issues as and when appropriate, and they have done so regularly. Perhaps my only slight scepticism stems from the fact that hon. Members do not listen to the replies. Given our concern about education, I realise that there are still some Opposition Members who perhaps have not benefited from the excellent state education that the Government provide and continue to improve. However, in those circumstances, I assure the hon. Gentleman that the Government take very seriously the Post Office card account and the future of rural post office services, but we believe that, equally, pensioners who use the Post Office card account have an interest in moving to accounts that, for example, pay them rather better interest than they earn currently.

**Anne Moffat** (East Lothian) (Lab): Will my right hon. Friend consider holding a debate on foreign workers? We should be welcoming foreign workers into the country, but we have a problem in my constituency with Monaghan's mushroom farm, which encourages indigenous workers to be squeezed out by paying foreign workers less and giving them reduced conditions of employment. That is a serious matter: it causes racial rumblings in communities that want no part in that type of behaviour.

**Mr. Hoon:** I am grateful to my hon. Friend for raising that issue, which is important in her constituency, as in other constituencies, and she is right to highlight it. Of course, there will be an opportunity for her to contribute to the debate next Tuesday, when there will be a chance to discuss the Government's new proposals on a points-based system for managed migration. I am sure that, if she catches the Deputy Speaker's eye on that occasion, she will be able to make her points again.

**Dr. William McCrea** (South Antrim) (DUP): Will the Leader of the House find time to debate the lack of adequate education provision for young people with severe physical disabilities and profound learning difficulties who are in the 19-plus age group in Northern Ireland?

**Mr. Hoon:** I am sorry to learn that the hon. Gentleman believes that that is the position in Northern Ireland. I am sure that that matter can be looked into if he lets me have appropriate details or provides them to my right hon. Friend the Secretary of State for Northern Ireland.

**Kali Mountford** (Colne Valley) (Lab): May I tell my right hon. Friend that thousands of my constituents suffered from a loss of gas supply in sub-zero temperatures last week? Although the community and those involved with the emergency plan pulled together marvellously—many people are to be congratulated on ensuring that those who were vulnerable were warm and fed—many important matters now arise, not least with the compensation system, which is over-complex. Will he find time for the House to consider how the regulator is responding to requests from my constituents, who have to wait until the gas supplier receives the money from the gas network before it can be passed on to my constituents?

**Mr. Hoon:** I am pleased to hear from my hon. Friend that the response by those responsible was effective and minimised the time that people spent without an adequate gas supply. I equally recognise that it is important that we reduce unnecessary bureaucracy in dealing with any compensation payments, and I am sure that my right hon. Friend the Secretary of State for Trade and Industry will be considering that issue.

**John Bercow** (Buckingham) (Con): May we please have a debate in Government time on prison education? Given that children in young offenders institutions on

average receive only eight hours education a week and that the operation of the churn means that thousands of young people are constantly shunted from one institution to another before they have had the chance to finish their education or training and to acquire the qualifications that they seek, would not a debate allow right hon. and hon. Members to explore what is being done by both the Home Office and the Department for Education and Skills to tackle that phenomenon and to give those young people the chance to reform and constructively to contribute to our society?

**Mr. Hoon:** I heard the hon. Gentleman raise that important issue on a previous occasion, and he is right to suggest that it is a matter of great concern that those young people, who perhaps need education more than most, should have that opportunity. It is something that my right hon. Friend the Secretary of State for the Home Department equally takes very seriously, and it is something that the Government have at the forefront of their mind.

**Jim Sheridan** (Paisley and Renfrewshire, North) (Lab): Does my right hon. Friend agree that it is wrong for politicians and political parties to play fast and loose with the constitution and integrity of the House? He may be aware that the Scottish National party voted on the Education and Inspections Bill last night, despite claiming publicly and in early-day motions that SNP Members do not vote on matters not relevant to Scotland. May I ask my right hon. Friend to use his good offices to reassure the House that that kind of hokey-cokey politics will not be tolerated?

**Mr. Hoon:** I am grateful to my hon. Friend for raising this issue. We have got used to the inconsistency of the Scottish National party over the years. He has simply highlighted another aspect of that.

**Philip Davies** (Shipley) (Con): The Leader of the House may not be aware of the case of Stephen Ayre, a convicted murderer who was let out of prison early and who then abducted and raped a young boy in my constituency. Given that 7,000 crimes have been committed by people out of prison on tags and that 1,600 crimes have been committed since 1997 by people out on parole, will the Leader of the House provide time for a debate on sentencing? Many people in my constituency are angry that people sent to prison are let out early to commit crimes such as the one that I have described. People want prisoners to serve their sentences in full. May we have debate on this issue?

**Mr. Hoon:** This issue is regularly discussed when Home Office affairs are dealt with on the Floor of the House. As someone responsible for managing the Government's legislative programme, I know that we have the opportunity in the House very frequently to discuss Home Office matters as part of the significant programme of legislation that my right hon. Friend the Home Secretary has brought forward in this Session and, I anticipate, will do in future Sessions.

It is easy to talk about the problems that arise when prisoners are released early. Leaving aside the individual case that clearly we all must look at very seriously, I would be more understanding of the hon. Gentleman's concern if he were able to place his criticism in the context of what he believes should be an appropriate solution to the problem. Simply highlighting the particular case does not help to take the debate forward.

**Mr. Gordon Prentice** (Pendle) (Lab): The House will know that there has been just a single prosecution under the Honours (Prevention of Abuses) Act 1925, and that was way back in 1933. Given the swirl of allegations about cash for honours, is there not—I say this seriously—a compelling reason for an early statement by a Minister from the Cabinet Office or perhaps even the Prime Minister himself in the House next week?

**Mr. Hoon:** I do not believe that that is the case at all. I do not believe that there has been any impropriety; there has been no evidence of that. I accept that there is a swirl of allegations, but I do not believe that any of those allegations have foundation.

**Mrs. Maria Miller** (Basingstoke) (Con): My constituent, Miss Izzo, has been waiting eight months for an answer to a complaint that she made about the medical treatment that her mother received shortly before her tragic death. Currently, more than 1,500 complaints are waiting more than six months for the Healthcare Commission to resolve, and it is now more than a year since the health care ombudsman issued her own damning report into the system. Does the Leader of House not agree that there is an urgent need for a debate on the national health service complaints system and that it is in crisis? Such a debate is long overdue.

**Mr. Hoon:** Obviously, I do not have the details of the particular case, but if the hon. Lady would like to let me have them, I will certainly draw them to the attention of my right hon. Friend the Secretary of State for Health.

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): In a written statement, the Minister with responsibility for disabled people advised Parliament of her intention to engage consultants to conduct a strategic review of the future business options for Remploy. Does my right hon. Friend agree that that provides a very good opportunity for people who work in Remploy, the board of Remploy and those of us who represent constituencies with Remploy bases in them to make the case for the recommendation in the National Audit Office report, "Gaining and retaining a job: the Department for Work and Pensions' support for disabled people", that said that we should find ways of re-engineering the profile of Remploy? Does he know of any forthcoming debates that there may be on the support that the Department for Work and Pensions gives to help the 2.6 million disabled people who are of working age to look for work when we might talk about the strengths of Remploy—

**Mr. Deputy Speaker (Sir Alan Haselhurst):** Order. I think the hon. Lady has got her point across to the Leader of the House.

**Mr. Hoon:** I am grateful to my hon. Friend. I have had the opportunity in the past of visiting more than one Remploy factory, and I know what a tremendous

*[Mr. Hoon]*

contribution it makes in improving employment opportunities for disabled people. As I am sure she is aware, our recently published Green Paper on welfare reform set out the Government's intention to continue to do more to provide employment opportunities for disabled people. We believe that Remploy has a key role to play in helping us to achieve that goal.

**Mr. Alex Salmond** (Banff and Buchan) (SNP): When I asked for a debate on the cash-for-honours scandal last week, the Leader of the House told me that his political antennae had not detected any groundswell of concern on the issue. How are his political antennae this week now that the scandal is threatening to engulf the entire Labour party? If political honours are not for sale in this country—and this Prime Minister has appointed 290 peers when Lloyd George managed 26—why is it that 80p of every pound of individual donations to the Labour party has come from people who were either knighted or ennobled by this Prime Minister?

**Mr. Hoon:** I have made it clear that political honours are not for sale in this country. I stand by the remarks that I made last week. It may well be the case that there is a swirl—to use the word of my hon. Friend the Member for Pendle (Mr. Prentice)—of speculation and debate about this matter, but the Government have set out in legislation a process that provides transparency in these arrangements. That is something that no previous Government have done and is something of which Labour Members can rightly be proud.

**Mrs. Claire Curtis-Thomas** (Crosby) (Lab): My right hon. Friend will be aware of the invidious position of Port of Liverpool police with regard to their employment rights. I have tried to determine which Department is responsible for the employment rights of Port of Liverpool police and I have failed dismally. Some Department must be responsible, so would my right hon. Friend be kind enough to let me know which?

**Mr. Hoon:** When I find out, I will.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): I would like to inform the Leader of the House that more than 50 Members have now joined my all-party parliamentary group for dairy farmers. That shows the extent of passion and feeling that many MPs on both sides of the House feel about the state of the dairy industry. Will he provide time for us to discuss the plight that dairy farmers are facing, so that we can compel supermarkets to treat them in a more appropriate manner?

**Mr. Hoon:** I know that the issue has been raised on more than one occasion with my right hon. Friend the Prime Minister. He has made clear the Government's concern to ensure that there should be fair treatment not only of dairy farmers but of farmers in general. That is why the Government are taking such urgent action to improve the present arrangements for rural payments.

**Mr. Jim Devine** (Livingston) (Lab): I know that my right hon. Friend is aware of the sad death this week of Jimmy Johnstone, the former Celtic and Scotland winger. Height wise he was, as we say in Scotland, five foot nothing but, in terms of skill, ability, personality and humility, he was a giant of a man. He played many memorable games for both Celtic and Scotland, and was—

**Mr. Deputy Speaker:** Order. I understand why the hon. Gentleman wishes to refer to this matter, but we need a question relating to next week's business.

**Mr. Devine:** Thank you, Mr. Deputy Speaker. Will my right hon. Friend support early-day motion 1807?

*[That this House notes with sadness the passing of Celtic and Scotland legend Jimmy Johnstone and offers his family its condolences at this difficult time.]*

It is in my name and the names of 113 other hon. Members on both sides of the House, and extends our condolences to his wife Agnes and to his friends and family.

**Mr. Hoon:** I would like to join my hon. Friend in paying tribute to a great footballer. This country has lost a number of very talented footballers in recent times, and I know how strongly those north of the border feel that Jimmy Johnstone was never recognised as he should have been south of the border in his playing career. I certainly join my hon. Friend in paying tribute to him.

**Mike Penning** (Hemel Hempstead) (Con): Can the Leader of the House arrange for a debate in Government time on the role of the Health and Safety Executive? It is responsible for the safety of industrial work in this country as well as for investigating disasters such as the one that took place at Buncefield. However, it could end up prosecuting itself, because it is the prosecuting authority as well. Its inquiries are carried out behind closed doors, so could we have a debate on the Floor of the House into its future role in dealing with disasters such as that at Buncefield?

**Mr. Hoon:** I believe that health and safety standards in this country are among the very highest in the world and that that in no small part is the result of the work of the Health and Safety Executive. If the hon. Gentleman has specific concerns about the way in which it operates, I will have them investigated if he lets me have them.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): I congratulate the Leader of the House on referring to the considerable successes that we have had since 1997 in the national health service and in many aspects of its work. However, did he see earlier this week the announcement by Laing, the midwife of many private finance initiative projects, that the book value of its contracts had quintupled and that its profits had increased by 43 per cent? That stands in stark contrast with the acute problems that one or two acute hospital trusts face. May we have a debate on PFI, which is increasingly seen as prohibitive in cost, flawed in concept and intolerable in consequences for taxpayers, patients and clinical staff in the UK?

**Mr. Hoon:** I do not accept that argument. A huge amount of extra money has been put into the national

health service by the Government but, at the same time, extra money has come from the private sector which would not otherwise have been available, providing, for example, significant additional capital projects, including the construction of new hospitals, wards and facilities that contribute directly to the NHS and to in-patient care. I urge my hon. Friend to look carefully at those schemes, which are an excellent illustration of the way in which the public and private sectors can work together for mutual benefit.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): May we have a debate on domestic violence victims who do not have any recourse to public funds? I pay tribute to good work of the MK Lighthouse project, but overseas nationals who are married to British and EU nationals face a stark choice if they are victims of domestic violence. Either they leave the home and face destitution, because they do not have recourse to public funds, or they stay in the violent home. The Government have acknowledged that problem by giving funds to Women's Aid, but those funds have now run out.

**Mr. Hoon:** That is an important and difficult issue. The Government have recognised the dilemma particularly of women in that position, and it is something that we will keep under review.

**Mr. Tom Harris** (Glasgow, South) (Lab): The Leader of the Opposition told the House yesterday

"We believe in parliamentary scrutiny".—[*Official Report*, 15 March 2006; Vol. 443, c. 1452.]

This morning, however, when I attended the Ninth Standing Committee on Delegated Legislation to consider the Civil Proceedings Fees (Amendment) Order 2005, not a single member of the Conservative and Liberal Democrat parties bothered to turn up. We were bereft in particular of the hon. Members for Huntingdon (Mr. Djanogly) and for North Southwark and Bermondsey (Simon Hughes). May we have an early debate, but not too early in the morning, on the subject of alarm clocks and the Government distribution thereof to Opposition members?

**Mr. Hoon:** I have discovered in the course of my responsibilities that I am expected to deal with a range of different institutions and answer questions on their behalf. I have not previously been asked to be responsible for the organisation of the Opposition Whips Office, but I am always willing to give it the benefit of my advice.

**Mr. Gregory Campbell** (East Londonderry) (DUP): Will the Leader of the House consider holding a debate on male health? I have tabled early-day motion 1639, which has already been signed by more than 55 Members.

*[That this House notes the statistics contained in the Northern Ireland Cancer Registry showing that in the last 10 years the number of men diagnosed with prostate cancer has increased by almost 50 per cent.; recognises that hospitals and clinics dealing with this type of cancer are doing so against a traditional reluctance among males to use their services; and calls upon all hon. Members to offer assistance in promotional activities that demonstrate the utter folly of such attitudes regarding male health.]*

A debate would help us to try to dispel men's traditional reluctance to go to hospital, and ensure that there is a reduction in the number of men diagnosed with prostate cancer.

**Mr. Hoon:** I congratulate the hon. Gentleman on raising that important issue—the more publicity that is given to the question, the better—and he is right to do so on the Floor of the House. I join him in urging people to support that campaign.

**Mr. Jim McGovern** (Dundee, West) (Lab): I apologise for my late attendance in the House—I was at a meeting with a Tesco representative. Last Saturday, I was delighted to attend an event at the Tesco superstore in my constituency to promote its involvement in Fair Trade fortnight. I was therefore outraged to find out on Monday in the local press that Tesco is shedding more than 400 jobs in my constituency, without any prior consultation with the local council, the local chamber of commerce or me. May we have a debate in the House to discuss employment relations to ensure that employers such as Tesco do not behave in such a cavalier fashion?

**Mr. Hoon:** My hon. Friend has made his point. It is clearly important that major employers, particularly when contemplating significant reductions in their work force, ensure that Members of Parliament and others affected by such matters are given as much warning as possible.

**Bob Spink** (Castle Point) (Con): Will the Secretary of State for Health come to the House and make a statement about the impending redundancies of NHS dentists, which are an unintended consequence of the new dental contract? Strategic health authorities and primary care trusts must be told by the Department of Health to stop the loss of NHS dental care, including from the excellent practice of Foreman in my constituency and other practices in south Essex.

**Mr. Hoon:** I will certainly ensure that my right hon. Friend writes to the hon. Gentleman, but I doubt that any dentist will be out of work for long, given the significant demand for their services.

**Dr. Julian Lewis** (New Forest, East) (Con): On 16 February, the Leader of the House dismissed my request for a debate on honesty in sentencing, and today he was equally dismissive of the same request from my hon. Friend the Member for Shipley (Philip Davies), saying that he had focused on one case. John Monckton was murdered in his own home by someone who was released five years early from his sentence, and yesterday we read about Robert Symons, who was murdered in his own home by someone who was released nearly three years early from his third sentence for burglary. Is it not the case that people are being killed because there is a policy to get offenders out of prison when they ought to remain there? Is not the solution to supply enough capacity in prisons to keep them there?

**Mr. Hoon:** I am not in any way dismissing perfectly proper concern and anger about that case, which no one would take lightly. I am not suggesting for a moment

*[Mr. Hoon]*

that anyone has done so. However, this is not a new issue or a recent problem for the penal system. The Government have adjusted the rules significantly to provide more clarity about the length of sentence that is actually served. Leaving that aside, the hon. Gentleman must set out to the House more clearly his proposed solution. If he is suggesting that everyone should serve precisely the term set out by the judge at the time of sentencing, he should say so.

**Hon. Members:** Yes!

**Dr. Andrew Murrison** (Westbury) (Con): Would the Leader of the House find time for a debate on why the council tax misery of people living outside metropolitan areas has been compounded by unrestrained hikes in town council precepts, such as a remarkable 48 per cent. by Trowbridge town council in my constituency?

**Mr. Hoon:** The calculation of council tax is a matter primarily for local decision making, which, in Trowbridge, is the responsibility of the town council. I expect that it is 48 per cent. of a fairly modest figure, given town councils' responsibilities, but nevertheless all councils should apply modest increases, because they affect those who have to pay them.

**Mr. Brooks Newmark** (Braintree) (Con): Does the Minister share the concern of the Royal Society of Chemistry and myself about the proposed closure of the chemistry department at Sussex university? There is something deeply wrong with funding mechanisms if they result in the closure of a five-star-rated chemistry department. Developing countries such as India and China produce 3 million scientists a year, including more than 100,000 chemists, but we are starving centres of excellence of funding. Will the Minister consider allowing a debate on strategic science provision in English universities?

**Mr. Hoon:** It may be a five-star institution, but the hon. Gentleman will be aware that the number of chemistry students at Sussex has declined for a considerable number of years. It is not inappropriate for universities to decide which courses to offer and to reorganise their provision accordingly. I would not want him to leave the House with the impression that there is a shortfall in the number of people studying chemistry, as chemistry course applications and acceptances through the Universities and Colleges Admissions Service rose by more than 12 per cent. last year, compared with a national average increase of 7 per cent. More chemistry students are therefore being educated at our universities, which we should all welcome.

**Mr. Nigel Dodds** (Belfast, North) (DUP): May we have an early debate in Government time on the work of the Assets Recovery Agency, which is one of the main weapons in the fight against crime and criminals, particularly in Northern Ireland, where paramilitary organisations are steeped in crime? Such a debate could focus on the issue of powers for the agency so that it can do more to fight people who evade tax, thus providing it with a main weapon against paramilitary organisations in particular.

**Mr. Hoon:** The hon. Gentleman has raised the work of that agency before, and I have joined him in congratulating it on its efforts. It is important that it should continue to succeed in removing criminality from society in Northern Ireland.

**Mr. Charles Walker** (Broxbourne) (Con): Will the Leader of the House find time for an urgent debate into the future funding of Hertfordshire mental health services? In the next financial year, the service faces a £5.5 million cut, which will put many of the most vulnerable in my constituency and across Hertfordshire at risk. I know that money is tight, but those cuts will hit the most vulnerable in the county.

**Mr. Hoon:** What is important is that the Government continue, as they have done, to provide extra funding and resources for the important facilities that the hon. Gentleman rightly recognises are being made available. The Government continue to provide more money for mental health services and other aspects of the health service than any Government in history. Clearly, that money is not unlimited; it has to come from taxpayers' pockets. However, the Government are proud of their record in that area and of the health service in general.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. We have an important statement to come. May I ask for brevity on the part of hon. Members who are still seeking to catch my eye?

**Miss Anne McIntosh** (Vale of York) (Con): In lending my support to a debate on single farm payments, I ask the Leader of the House to ensure that it takes place before the Easter recess. Will he visit auction marts such as that in Thirsk in the Vale of York to see the distortion caused by Scottish farmers being paid the single farm payments in full and North Yorkshire farmers not being paid a penny?

**Mr. Hoon:** The urgency with which the Government view the situation was made clear by the decision recently taken by my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs. That matter is important for farmers up and down the country. There are farmers in my constituency who will be concerned about those payments. The Government take the matter seriously, as they should.

**Mr. Peter Bone** (Wellingborough) (Con): Last Saturday, Mrs. Cutting came to my weekly surgery. She has been admitted four times to hospital with a heart condition. She saw a consultant in September 2005. Her ECG appointment was made for the 8 November—but it was 8 November 2006. Will the Leader of the House arrange for the Secretary of State for Health to come to the House and explain the situation with waiting times?

**Mr. Hoon:** If the hon. Gentleman lets me have the details of that case, I will ensure that they go to my right hon. Friend and she will write to him directly.

**James Brokenshire** (Hornchurch) (Con): Will the Leader of the House find Government time to debate the recent changes to the home oxygen service? One of my constituents contacted me about the problems that he was having in obtaining cylinders for his terminally ill wife. He said:

"You would not have treated an animal the way that my wife and others are being treated."

Last week, the Minister of State, Department of Health, the right hon. Member for Liverpool, Wavertree (Jane Kennedy) said that she had not blamed anyone for the shambles. When can we have a debate to find out who is responsible for the shambles and what lessons can be learned to ensure that the same thing does not happen again?

**Mr. Hoon:** I am well aware that there have been some difficulties in different parts of the country and that the issue has been raised before on the Floor of the House at Health questions. The Government are addressing the issue and we need to resolve it. I assure the hon. Gentleman that my right hon. Friend is considering the matter with some urgency.

**Mr. Andrew Turner** (Isle of Wight) (Con): I am sure that we all welcome the example set to her ministerial colleagues by the right hon. and learned Member for Camberwell and Peckham (Ms Harman), although we might wonder when she discovered that her husband was treasurer of the Labour party. May we have a debate on the ministerial code and the Register of Members' Interests, and how they treat the interests of spouses and quasi-spouses?

**Mr. Hoon:** The ministerial code is set out for the House and is available for anyone to see. Obviously, from time to time, changes are made to the code, but, again, they are published. The Register of Members' Interests is a matter for the House. I see no need for a debate on that question at present.

## Occupational Pensions

12.23 pm

**The Secretary of State for Work and Pensions (Mr. John Hutton):** With permission, I should like to make a statement on the ombudsman's report on the security of final salary occupational pensions published yesterday. The parliamentary commissioner's report is a detailed piece of work and, of course, deserves a proper, full and formal response. It is my intention to publish such a response in the next few weeks. However, I would like today to set out the reasons why, after very careful consideration, we have reached the view that we cannot accept any of the findings of maladministration and why we have therefore decided to reject all but one of her recommendations.

The ombudsman's report concludes that between 1996 and 2002, both this Government and the Conservative Government were guilty of maladministration in three principal areas. I would like to take each of those findings in turn. I make no apology for the detailed response that I am about to give. To offer anything less comprehensive would not properly reflect the importance of the report and the seriousness with which we treat the findings that the ombudsman has made against this Government and the Conservative Government. I should stress, in that context, my Department has co-operated fully with the ombudsman and her office during the preparation of the report. It has provided detailed information and documentation on request and it has commented extensively on the specific findings that the ombudsman had indicated that she intended to make. Those responses are set out in the report, included in a lengthy annexe to it.

Turning to the individual findings: first, the ombudsman found that official information about the security that members of final salary occupational pension schemes could expect from the minimum funding requirement, introduced in the Pensions Act 1995, was sometimes inaccurate, incomplete, inconsistent and therefore potentially misleading, and that that constituted maladministration. We do not accept that the Department's leaflets were inaccurate, incomplete, inconsistent or misleading. It is true that some were more detailed than others, but that was because they were designed for different audiences. All the leaflets covered by the report carried very specific statements that they were not a full explanation of the law and were for general guidance only. The leaflets themselves make that clear.

Perhaps I could illustrate those points by taking some of the key documents referred to in the report, in order. In 1996, the then Government published a guide to the 1995 Pensions Act—leaflet PEC3—which described the intention of the various measures in the Act, including the minimum funding requirement, or MFR, and how they were expected to operate. The leaflet also said:

"This leaflet is a brief summary of the changes. If you need advice about your occupational pension, speak to the trustees or managers of the scheme . . . This leaflet gives general guidance only and should not be treated as a complete and authoritative statement of the law."

That was very much the pattern.

*[Mr. John Hutton]*

In July 1997, the Occupational Pensions Regulatory Authority—OPRA—guide for pension scheme trustees summarised what the minimum funding requirement was. The guide also said:

"You"—

that is, trustees—

"will need to take advice from professional advisers so that you can use your powers and fulfil your duties properly. Please note that this guide should not be taken as a definitive statement of the law."

In May 2002, the Department issued leaflet PM3: "Occupational Pensions—your guide". Although the guide did not discuss the risk of schemes winding up underfunded, it did say:

"this guide . . . looks at some of the questions you may need to think about and it tells you where you can find more information . . . Read any pension information your employer gives you . . . This leaflet is for guidance only. It is not a complete statement of the law."

The Government do not consider that any of the leaflets or quoted statements relied on by the ombudsman could have formed a proper basis for scheme members, still less trustees who were professionally advised, to assess the security of their individual pension schemes. But, even more importantly, the Government also believe that the report fails to demonstrate that decisions taken by individual scheme members were influenced by the information that the Government did, or did not, make available. In other words, the report simply does not establish that the wording of the leaflets led to the losses suffered by individuals.

I now turn to the second finding of maladministration. The ombudsman says that the failure by the Department for Work and Pensions to review its existing information leaflets, when informed that scheme members and member trustees did not know the risks to their accrued pension rights, constituted maladministration. The Government do not believe that the information given to the Department by the actuarial profession during this time should have instigated a review of its publications.

Those recommendations concerned how trustees—not the Government—should communicate with their members about the funding of their schemes. The Department invited views on that issue in the consultation document that it issued in September 2000 on the future of the minimum funding requirement. The response to that consultation led ultimately to proposals, which were then implemented, for the replacement of the minimum funding requirement. I want to say more about that replacement later. But so far as we are aware, no respondents suggested that departmental publications were causing confusion. They were not advising that the content of these leaflets concerning the purpose or intent of the minimum funding requirement was misleading or inaccurate. Ministers cannot fairly be criticised for failing to do something that was simply not proposed.

Moreover, trustees had access to advice from their own scheme actuary, who would have been well aware of the operation of the minimum funding requirement. In addition each MFR certificate included a statement that meeting the minimum funding requirement did not equate to full buy-out. All of this information was available to scheme members. We do not believe that it would have been reasonable for trustees to have relied on publications issued by the DWP which were brief and general in nature, rather than the professional advice they had access to and were under an obligation to consult. Trustees were required to give all scheme members basic information about their scheme, and many trustees produced fairly detailed information booklets. We have seen no evidence from the report that the ombudsman has considered what information trustees supplied to their scheme members and what, if any, impact this information might have had.

Thirdly, the ombudsman has said that the decision in 2002 by the Department for Work and Pensions to approve a change to the basis of the MFR was taken with maladministration. The Government believe that we acted wholly responsibly in implementing the recommendation of the actuarial profession, which had received the backing of the independent Government Actuary's Department. The ombudsman has not allowed us to see the full actuarial advice on which some of her comments were based. The Government Actuary advised the ombudsman that, if this advice was not disclosed, it made it impossible for anyone to understand the basis on which she reached her conclusion that the Government were guilty of maladministration. As a result, we have not been able to see or challenge how she arrived at some of her conclusions on the 2002 change.

The change in 2002 was intended to bring the MFR back to its original strength. Adjustments to the MFR were always on the principle of maintaining its 1997 level. This was the principle on which the actuarial profession kept the basis of the MFR under review and made recommendations to the Department. It was also the basis on which the Government Actuary's Department advised my Department. The report published yesterday contains a letter from the Government Actuary, referring to the decision criticised by the ombudsman, and I want to quote from it. It says that

"the evidence base"

for the DWP's decision

"was not insufficient since it was based on strong advice from the actuarial profession, which had been developed by a committee containing leading technical experts from most of the major firms of actuaries, and supplemented by GAD as a further independent source of advice. The evidence base for this decision was in fact extremely strong and much stronger than for many (perhaps most) of the decisions that have to be taken by Government."

The ombudsman acknowledges in her report that the 2002 change did not affect the degree of knowledge which scheme members had.

Against this background, the Government have considered carefully the ombudsman's first four recommendations, which involve considering whether to restore the lost pension rights of affected scheme members, making consolatory payments and apologising to scheme trustees. As I have already made clear, the Government are unable to accept the findings on which those recommendations are based. We do not believe that the findings of maladministration can be supported by the facts. It simply cannot be right that the losses from the schemes that have collapsed should be met by the taxpayer without establishing any causal

connection between the actions criticised in the ombudsman's report and the losses that people have incurred. The report fails to establish that connection.

Indeed, in respect of the ombudsman's fourth recommendation, relating to schemes that began to wind up between April 2004 and April 2005, the report itself acknowledges that the individuals concerned could be said to have had the opportunity to take whatever action they could to mitigate their potential loss. I do not consider that it would be in the wider public interest for Government to accept that very substantial liability on behalf of taxpayers. We calculate that liability as being in the range of £13 billion and £17 billion in cash terms over the next 60 years. We estimate that the administration costs would be in the region of a further £20 million each year. We do not therefore intend to take the actions recommended by the ombudsman. The taxpayer cannot be asked to accept the responsibility for effectively underwriting the value of private investments in the way the report suggests.

The Government do, however, accept the ombudsman's fifth recommendation with regard to reviewing the time that it takes to wind up a defined benefit pension scheme. Work is already under way in this area, and we will set out our proposals for how we intend to proceed when that work is completed.

I would like to finish by making two things absolutely clear. First, this Government have been the first to accept the moral and social obligation to make sure that as many as possible of those who have suffered hardship and distress in these circumstances receive financial support. That is why this Government have set up the financial assistance scheme, with £400 million of public money. The scheme is designed to provide help to those who have lost the most and who are in the greatest need—those closest to retirement and who are therefore least able to make alternative provision. The scheme will currently help up to 15,000 people who have faced significant occupational pension losses. *[Interruption.]*

**Mr. Deputy Speaker (Sir Michael Lord):** Order. It is customary to hear statements of this kind in silence. Hon. Members will have their own opportunities to respond in due course.

**Mr. Hutton:** The financial assistance scheme will top up those people's pensions with financial support, to give a maximum income of up to £12,000 a year. The Government are prepared to look again at all aspects of the scheme as part of the current spending review, and my right hon. Friend the Prime Minister yesterday made it clear that

"we will expedite that review and do it as quickly as we possibly can".—[*Official Report*, 15 March 2006; Vol. 443, c. 1450.]

Secondly, this Government have led the way in providing greater levels of security for the future. We have replaced the MFR, which is of course a large part of the subject of this report, with new scheme funding arrangements that are more flexible and fit for purpose. The Pension Protection Fund and the new pensions regulator will transform security for members of defined benefit schemes.

We do not underestimate the importance of this issue for those people who have been affected by pension scheme closures, particularly when employers are insolvent and cannot make up any deficiency in scheme funding. We will continue to do what we can to help them. That is the fair and sensible way for us to proceed.

**Mr. Philip Hammond** (Runnymede and Weybridge) (Con): May I start with the bit that the Secretary of State missed out? On behalf of Opposition Members, I should like to express my sympathy for the 85,000 people who have lost their pensions through occupational pension scheme failures. Those are decent people who set out to do the right thing to try to ensure a decent retirement for themselves, and they have seen their dreams of a comfortable and secure retirement cruelly shattered. Their plight is not only a series of personal tragedies, but a tragedy for the cause of increased pension saving as confidence in the system is further undermined.

The ombudsman's report specifically addresses misleading information by Government, but let us not forget the context. In spite of any amount of dodgy information, the problem would never have arisen if the pension funds in question had not failed. The Government must accept their share of responsibility for those failures, as well as for the information that misled people about the consequences. It was this Government who reduced the minimum funding requirement for occupational pension schemes. It was this Government and the present Chancellor who raided pension funds and are still raiding pension funds, to the tune of £5 billion a year with his pension stealth tax, equivalent to £120 billion of capital value wiped off pension funds.

So the Government stand accused not only of misleading about the consequences of the failure of occupational pension funds, but of helping to precipitate that failure. On the first count the ombudsman, an official of Parliament charged with the task of reporting to Parliament on claims of maladministration, has investigated and found that maladministration has occurred. What is the Government's response? It is a direct challenge to the authority of Parliament. The accused in the dock has decided that he will be judge and jury in his own case. He has just spent 10 minutes of his 15-minute statement going over the case again and telling us that the ombudsman, an Officer of the House, got her findings wrong.

The ombudsman rightly replies to the right hon. Gentleman that

"Parliament has decided that it is my role—and not that of any party to a complaint—to determine what constitutes maladministration."

The House must insist that the Government bow to the decision arrived at by the due process which the House put in place in respect of the factual finding of maladministration by the ombudsman. While they are at it, the Government could also comply with the ombudsman's recommendation that they apologise. I do not know whether the right hon. Gentleman's mother ever taught him this, but my mother always taught me that an apology costs nothing.

The real problem for the Government is that the right hon. Member for Edinburgh, South-West (Mr. Darling), then Secretary of State for Social Security, and the present Secretary of State for Transport, has already committed the Government to

*[Mr. Philip Hammond]*

the principle of redress. In March 2000 he told the House that:

"As a matter of principle, we believe that when someone loses out because they were given the wrong information by a Department, they are entitled to redress."—[*Official Report*, 15 March 2000; Vol. 346, c. 308.]

The Secretary of State has sold the pass, leaving Ministers in the ridiculous position of trying to deny the ombudsman's findings of maladministration because that would-be Chancellor of the Exchequer has already committed them to providing redress in those circumstances.

Surprisingly, yesterday at Prime Minister's questions, the Prime Minister was rather more honest about the situation. He did not say the ombudsman was wrong. He did not question her findings of maladministration. He simply told the House that the Government could not pay what he claimed would be a £15 billion bill.

However, the ombudsman's principal recommendation was that the Government should consider whether they should make arrangements for the restoration of the pensions and other benefits of those who had lost out, in her words

"by whichever means is most appropriate".

The Prime Minister said yesterday that the Government

"have to look for another way of dealing with the issue"—[*Official Report*, 15 March 2006; Vol. 443, c. 1456.]

The obvious way, to which the Secretary of State alluded, is the financial assistance scheme, which was put in place to help people who lost their pensions or suffered diminished pensions because their pension funds had failed. I welcome what the right hon. Gentleman said about his willingness to look again at the way the financial assistance scheme works. At present, it does not work. It is limited to people who are already retired or who are within three years of retirement age when the scheme fails. It is slow and cumbersome. Only 27 people have received payments from the scheme, out of 85,000 people who have lost their pensions or suffered diminution of their pensions. The fund is clearly underfunded for its stated purpose, having only £20 million a year at its disposal.

Will the Secretary of State as a matter of urgency look at how the financial assistance scheme can be reconstructed to help a much wider group of people who have suffered loss of pension rights through no fault of their own? He said in his statement that it would be wrong for the whole burden to fall on the taxpayer. With that thought in mind, will he consider the possible use of unclaimed assets, in particular unclaimed pension and insurance assets, to see whether those could be used to support an expanded financial assistance scheme?

When we proposed that last year, the Chancellor said that those assets did not exist, but since the general election he has discovered them and earmarked some of them for one of his own pet schemes. It would be a more appropriate use of unclaimed assets in the pension and insurance sector to use them to fund failures in that sector. I urge the right hon. Gentleman to ask his colleagues at the Treasury to embark upon a serious piece of work to identify the extent and scope of those assets, to see whether they could contribute towards a remedy of the situation.

When the Secretary of State is talking to his right hon. Friend the Chancellor about additional funding for the financial assistance scheme, will he remind him of the £45 billion that he has had so far from pension funds with his pension stealth tax, and the £5 billion a year that he continues to levy on those pension funds, even as the system is collapsing about his ears? Will he remind the Chancellor of the pension fund failures and the misery suffered by tens of thousands of individual stakeholders in consequence?

Both the Prime Minister and the Secretary of State have used the figure of £15 billion. The Secretary of State today spoke of £13 billion to £17 billion. That is a cash figure and it is meaningless. Will he make a commitment today to put in the Library for the benefit of all Members a properly worked out net present value figure for the cost of making good the pension funds, so that Members can understand what the real figure is, not the hyped-up figure that he and the Prime Minister have been using?

The Government must accept without further delay the ombudsman's factual finding of maladministration. If they do not, the authority of Parliament and the credibility of the ombudsman's office will be critically undermined. The right hon. Member for Edinburgh, South-West had already committed them to the principle of redress in these circumstances, but the ombudsman's recommendations leave scope for examining various ways to deliver that redress—through the financial assistance scheme, or perhaps by revisiting the use of unclaimed assets, as I suggested. The commitment to redress, in whichever form, has already been made by the right hon. Gentleman on behalf of the Government, so Ministers cannot duck it by refusing to accept the ombudsman's finding of fact. It is for the Government to deliver on that commitment, and a great deal is at stake. With national pensions day ahead of us this Saturday, and the Government's response to the Turner report eagerly awaited in the spring, if the Government get this wrong and send the wrong signal about the security and safety of pension funds to the British public, there is a real danger that efforts to address Britain's pension crisis by promoting pension saving will be fatally undermined before they even get off the starting blocks.

**Mr. Hutton:** I agree, in some respects, with the hon. Gentleman. It is important that we establish proper arrangements for confirming the security and confidence that people have in their pension investments and pension savings. We have taken action to try to strengthen those arrangements, and I am confident that we have succeeded.

I also welcome the hon. Gentleman's support for what I have said about the financial assistance scheme, which is the right way to see what further help, if any, we can provide for pensioners who are caught in that particularly difficult situation. I have listened to his expressions of concern and sympathy, which we all feel, but many people in the country will regard that as crocodile tears. *[Interruption.]* It is important to make that point because his party had plenty of opportunities to devise a similar compensation or assistance scheme, which it completely failed to do. It is all well and good for him to express his concern, but no financial assistance scheme was previously available. *[Interruption.]* He

referred to when pension schemes started failing, but he clearly knows nothing about the issue, because it is utterly ridiculous to suggest that pension schemes suddenly started to collapse in 1997. We have implemented the necessary provisions and are examining further help.

The hon. Gentleman referred to unclaimed assets, which are obviously a matter for my right hon. Friend the Chancellor, and the £5 billion figure. Since 1997, there have been two significant impacts on pension funds: first, rising life expectancy has increased the costs of UK pension funds by some £250 billion; and, secondly, the fall in world stock markets at the end of the 1990s had a similar impact. *[Interruption.]* Conservative Members do not like it because they do not like the facts of the matter and are not prepared to listen.

**Mr. Deputy Speaker:** Order. This is a very serious matter that affects many thousands of people outside this House. I think that we should conduct our affairs seriously and, if we can, politely, this afternoon. Hon. Members must listen to the Secretary of State's answers.

**Mr. Hutton:** Recent research shows that the figure was never £5 billion. The sum was accompanied by tax cuts for business, and it may well be not much more than half of the widely quoted figure.

Finally, the hon. Gentleman argued that Governments must always accept the findings of the Parliamentary Commissioner, but that was certainly not the way in which the previous Tory Government used to respond. I simply draw his attention to his party's rejection of the Barlow Clowes report. If he wants to be credible, he must be consistent, but he has no consistency whatsoever.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. Before I call the next speaker, the Front-Bench statement and response have taken almost half an hour, and I want as many hon. Members as possible to get in this afternoon. May we have brisk questions and, hopefully, brisk responses, too?

**Mr. Terry Rooney** (Bradford, North) (Lab): I congratulate my right hon. Friend on the clarity that he has brought to the situation. Will he confirm that there should always be a correlation between the evidence and the verdict? The FAS was set up to cover the current comprehensive spending period, and we need early action before the start of next year's period. Will he indicate the time scale of any review of the scope, extent and financing of the FAS?

**Mr. Hutton:** I am grateful to my hon. Friend for his support. My right hon. Friend the Prime Minister made it clear yesterday that we are looking to expedite the review of the FAS, and I hope that we can do so in the near future.

**Mr. David Laws** (Yeovil) (LD): I am grateful to the Secretary of State for advance sight of his statement, but I fear that his response to the ombudsman's report will have created even greater anger and an even greater sense of betrayal among those people who have lost their pensions. As I understand it, the essence of his statement is that he believes that the Government have got more or less everything right and that the ombudsman has got more or less everything wrong. With respect, his Department has had a chance to put those points to the ombudsman over the past few months, and I remind him of her conclusion:

"I have found that maladministration was a significant contributory factor in the creation of financial loss . . . Nothing in the DWP's submissions persuades me otherwise."

As the hon. Member for Runnymede and Weybridge (Mr. Hammond) pointed out, paragraph 7.26 of the ombudsman's report states:

"Parliament has decided that it is my role—and not that of any party to a complaint—to determine what constitutes maladministration".

If the Government are going to trample over the ombudsman's report, what is the point in having a parliamentary ombudsman and giving her those responsibilities? I hope that Committees of this House, including the Public Administration Committee, will take up the way in which the DWP has dealt with the report.

Does the Secretary of State agree that those people who have lost their pensions will now feel doubly betrayed, not only because of what originally happened, but because of the way in which the Government have dealt with the report, which comprehensively condemns the Government and states that they provided information that was

"inaccurate, incomplete, unclear and inconsistent"?

Is the defence in the DWP response to the ombudsman's report—that many people will not have bothered to read those leaflets or that those who have read them will not have paid any attention to them—good enough? One wonders why the Government bother to distribute such leaflets, if people are not supposed to read them or pay attention to them. The Secretary of State's statement was peppered with the excuse that people should have read the small print in the leaflets, but that is the approach of a dodgy second-hand car dealer, which one would not expect from a Secretary of State charged with regulating such matters.

On cost, I share the concern expressed by the hon. Member for Runnymede and Weybridge about the £15 billion figure that the Prime Minister has been waving around, and I want a clear commitment that the Secretary of State will put an explanation in the Library. I also want a clear commitment that the Secretary of State is not going to fob off people with a token increase in the FAS, when a more substantive measure, such as extending the protections in the pension protection fund to people who are currently losing out in relation to the ombudsman's report and the existing FAS, is clearly needed. Will he tell us the cost of such action? Is that not precisely the type of expenditure that should fall to the contingency reserve? Given that this Government can find billions of pounds to fund an unjustified war in Iraq, surely they can find the money out of the reserve to fund such compensation.

As a Minister told the House of Commons in 2000:

"We are aware of the importance of protecting members' rights . . . If we cannot do that, they have no one else to look to".—[*Official Report*, 3 April 2000; Vol. 366, c. 765.]

*[Mr. David Laws]*

What has changed? Why do Ministers now say that they are not responsible for protecting those rights and that members must look only to employers or trustees? Surely that approach not only betrays those people who have lost their pensions, but undermines the Government strategy to encourage millions more people to take up second pensions. The ombudsman, who obviously has a sense of irony, has entitled her report, "Trusting in the Pensions Promise". Does the Secretary of State understand that if he deals with the ombudsman's report in that way, people will not trust this Government's pensions policy?

**Mr. Hutton:** I can agree with some of the hon. Gentleman's points, but I am afraid that I am unable to agree with his fundamental analysis of our response to the parliamentary commissioner's report or to the arguments that I have advanced today. It is important—indeed, it is our responsibility—to place on the record why we disagree so strongly with the ombudsman's findings. In particular, in relation to the second of her findings of maladministration, there is very strong evidence that the Government acted on the basis of proper professional advice and followed that advice at every stage of the decision-making process. That is not just my view, but that of the Government Actuary's Department. In those circumstances, particularly given that we have not seen her actuarial advice, it is right and proper for me to put that on the record.

I can confirm to the hon. Gentleman, as I should have done to the hon. Member for Runnymede and Weybridge (Mr. Hammond), that we will set out the details of our costings when we produce our fuller response.

It is simply untrue to say that the Government are not seeking to provide financial assistance and support for people who are caught up in these circumstances, terrible as they are. We are looking to see what more we can do. As I said in response to the hon. Member for Runnymede and Weybridge, that is the right and proper way for us to proceed.

**Derek Wyatt** (Sittingbourne and Sheppey) (Lab): Does my right hon. Friend agree that it is time that the parliamentary ombudsman was brought within the Freedom of Information Act 2000? When I, as an individual, tried to find out information on the report, I was denied it because the ombudsman is not subject to the Information Commissioner.

I first raised this matter in the House in July 2002. Like my right hon. Friend the Member for Birkenhead (Mr. Field) and my hon. Friend the Member for Cardiff, West (Kevin Brennan), I did so because of what has happened at ASW Sheerness and ASW Cardiff. We are most concerned, as regards the financial assistance scheme, that £400 million is not enough. Will my right hon. Friend put into the Library the amount that he considers to be enough? How much money will need to be put into the fund, overall, over the next 20 years?

**Mr. Hutton:** I think that I had better steer clear of the first part of my hon. Friend's question, because it is not my responsibility to comment on that.

In relation to my hon. Friend's important points about the financial assistance scheme, let me be clear that I am very happy to meet Members, from both sides of the House, over the next few weeks to talk about the future of the financial assistance scheme as we expedite the review of the scheme and look to the future, to the extent that we are able to, to provide more support for people caught up in these terrible circumstances. That is an open invitation to Members on both sides of the House to express to me their views about what further support we should be providing. We will listen very carefully to all those points.

**Mr. Iain Duncan Smith** (Chingford and Woodford Green) (Con): The Secretary of State's statement is shameful. It is an outrage to come to the House and systematically attack an independent arbiter who was set up by this House independently to investigate accusations of difficulties. His defence that those people had a let-out clause at the bottom of their advice is utter nonsense. Does he not realise that when lawmakers offer advice, it is categorically different from advice offered by second-hand car dealers who then opt out by saying, "You didn't read the small print."? Surely he should accept that his responsibility now is to shoulder the burden of the difficulties that have happened as a result of his advice and deal with it instead of attacking the messenger.

**Mr. Hutton:** I absolutely reject what lies behind the right hon. Gentleman's comments. They are not accurate and they are not a proper reflection of my statement. We are making it clear—I am surprised that the right hon. Gentleman has not heard me saying this, because it is the seventh time that I have done so—that we are looking to expedite the financial assistance scheme review to see what further help and support we might be able to give.

**Sandra Osborne** (Ayr, Carrick and Cumnock) (Lab): I welcome the fact that the Secretary of State will look at the financial assistance scheme again. I can inform the House that my constituents are not looking for sympathy, as suggested by the hon. Member for Runnymede and Weybridge (Mr. Hammond); they want their pensions back—the pensions that they have paid for. I am sorry to disagree with the Secretary of State, but they took out an occupational pension on Government advice in the belief that it would provide them with a guaranteed income in retirement. I am therefore disappointed that the ombudsman's recommendations are not being accepted by the Government.

It was my right hon. Friend the Member for Birkenhead (Mr. Field), not the Conservatives, who first mooted the idea of using unclaimed assets to try to provide restoration. Will my right hon. Friend speak to the Chancellor about that to see if it is one way in which restoration can be given?

**Mr. Hutton:** I fully respect the views that my hon. Friend has expressed. As it happens, I am meeting my right hon. Friend the Chancellor later this afternoon, and I promise her that I will relay to him the very strong views that she expressed.

**Miss Julie Kirkbride** (Bromsgrove) (Con): Whatever the reasons for his announcement, does the Secretary of State accept that all this is a bitter blow to the public's confidence in saving for a private pension for their retirement? Does he recognise that the £15 billion price tag that he has put on this compensation deal is regarded by many as an excuse by the Government not to pay up? When he publishes the information requested by my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond), will he also give an assessment of the likely benefit that might accrue to people who have lost their pension scheme so that the House can make a proper assessment of the true compensation package that the taxpayer should be considering?

**Mr. Hutton:** Yes.

**Mr. John Denham** (Southampton, Itchen) (Lab): My right hon. Friend talked about extending the financial assistance scheme. When he does that, will he bear it in mind that there is a group of schemes, including the APW scheme in Hampshire, in which the employer is still solvent, but the trustees were effectively forced into compromise with no option, with the loss of a significant part of individuals' pensions? So far, the Government have set their face against extending the financial assistance scheme to schemes such as APW. Will he give me an assurance that in the review he will look afresh at that group of schemes to see whether assistance can be offered, because those people have suffered just as much as anybody else, and through no fault of their own?

**Mr. Hutton:** I fully accept what my right hon. Friend says. This is a very difficult group of cases, and I pay tribute to the work that he has done in drawing our attention to them. We will need to have another look at it as part of the review, but I am afraid that I am not holding out any promise to him that we will be able to make progress. However, I assure him that we will take another look at it and see what further help, if any, we are able to give.

**Mr. Roger Gale** (North Thanet) (Con): I believe that the Secretary of State is an honourable and a decent man, but it saddens me that he has had to read out a squalid attempt to justify the unjustifiable. He knows, as we do, that each and every one of those 85,000 cases represents an individual, and a personal tragedy for somebody in retirement. Some of those cases include steelworkers from ASW in Kent, who are my constituents. They were looking to the guardian of the people—the parliamentary ombudsman—to come up with a fair answer. What are we supposed to say to them now that the Government have decided to overturn the findings of the judge?

**Mr. Hutton:** I am grateful to the hon. Gentleman for his opening remarks.

The essence of our argument is that we strongly dispute the findings of maladministration, and I have tried to explain to the House why that is so. That is an entirely proper and sensible thing for any Minister to do, particularly when significant amounts of taxpayers' money are involved. I suspect that a Conservative Minister would have done exactly the same. What we have to do now—this is where I agree with the hon. Gentleman—is see whether there is scope for doing more to help more people. I have confirmed today that we are doing that.

I want to return to an important issue that goes to the heart of this argument. I hear every Conservative Member saying that we should pay out in full for everyone covered by the ombudsman's report, even when the ombudsman herself indicated, in relation to some of the scheme failures, that individuals had the opportunity to mitigate their loss. I am slightly confused by the hon. Gentleman's suggestion that, even in those cases, the taxpayer should be required to pay out to meet the losses, given that the evidence that links the alleged maladministration with the loss is not substantiated in her report.

**Miss Anne Begg** (Aberdeen, South) (Lab): We can bandy accusations all afternoon as to who is to blame for the collapse of occupational pension schemes, but that does not help the large number of my constituents who have lost some, if not all, of their pension savings following the collapse of the Richards pension scheme. Will my right hon. Friend take this opportunity to reiterate that the Government will stand behind those individuals who have lost large amounts of money and savings? The Government are the only body who can reimburse them for their loss, whether through the financial assistance scheme or any other mechanism. I am looking to the Secretary of State to reiterate that these people will be reimbursed in future.

**Mr. Hutton:** That is why the financial assistance scheme was established: to provide financial assistance and support for people who find themselves in those terrible circumstances. As I keep saying, we are re-examining the scheme to ascertain what further scope there might be for providing additional help. That is at the heart of my announcement and I want every hon. Member to appreciate that the Government are saying that.

**Mr. Mike Weir** (Angus) (SNP): In the statement, the Secretary of State said that the financial assistance scheme would help up to 15,000 people. However, yesterday, only 27 people had registered for it. Does not that suggest that the scheme is barely scratching the surface of the problem? When the right hon. Gentleman attends one of the national pensions day events on Saturday, what arguments will he deploy to persuade people to take the Government's advice to invest in new occupational pension schemes? The Government are obviously not prepared to take responsibility for the failure of past advice to do so.

**Mr. Hutton:** I have made it clear that no Government can take responsibility for underwriting the total value of people's private savings. That is impossible and untenable. The pension protection fund and the new powers of the pensions regulator mean that we have a much stronger regulatory environment to deal with the point that Conservative and Liberal Democrat Front

*[Mr. Hutton]*

Benchers made about securing confidence in the future. That is essential, and the Government are determined to do that.

**Kali Mountford** (Colne Valley) (Lab): In my view, ordinary people's typical behaviour when making what they perceive as an ordinary decision in ordinary circumstances is at the heart of the matter. Will my right hon. Friend therefore further consider how those people can be quickly supported through the financial assistance scheme, so that those who are retiring imminently or fairly soon have some assurance about their immediate future? Will he also consider the advice that ordinary people are given in what they perceive to be ordinary circumstances? Will he examine how advice is published—I have asked for that on previous occasions—so that such situations can be avoided in future?

**Mr. Hutton:** Yes, I agree with my hon. Friend and I can give her that assurance. As part of the review of the financial assistance scheme, we will have to examine the way in which it currently operates—the time it takes to process applications and the interim financial payments that we can make. I am not satisfied that, so far, only 27 people have received payments. My hon. Friend the Minister for Pensions Reform and I are working together to ascertain how we can improve the current administration of the scheme.

**Mr. Nigel Dodds** (Belfast, North) (DUP): There are many examples of great human tragedy and hardship among the hundreds of people affected by the closure of the company scheme at the Richardson's IFI factory in my constituency. Joe Blair, who was one of the people in the four cases that were taken to the ombudsman, feels that he has been doubly robbed. He lost his pension and now the Government have rejected and attacked the ombudsman's report in a cavalier way. What does the Secretary of State say to Joe Blair and the many others whose health and families have been affected, and who look to the future with despair as a result of what has happened to them?

**Mr. Hutton:** We have considered the ombudsman's report carefully. It is the first time in more than 40 years that my Department has taken such a view of an ombudsman's report. We have not done that lightly or in a cavalier way, as the hon. Gentleman suggested. I can only reiterate the points that I have tried to make repeatedly about the existence of the financial assistance scheme, the reasons for setting it up and the group of people whom we wanted it to help at the beginning of its operations—those in the greatest need and closest to retirement who cannot make alternative financial arrangements. I have made it repeatedly clear that we are taking a further longer look at the financial assistance scheme and I hope to present proposals as soon as possible.

**Richard Burden** (Birmingham, Northfield) (Lab): I welcome my right hon. Friend's restatement of his willingness to review the financial assistance scheme. For my constituents who are workers or former workers at Kalamazoo, time is of the essence. Given the current timetable for the comprehensive spending review, it may leave many people in appalling positions. Will he therefore say a little more about the possibility of expediting the review? Given that the situation requires substantial amounts of money, will he speak to appropriate firms and bodies in the financial sector to ascertain whether, even at this late stage, there may be mileage in considering not purchasing annuities and pooling the schemes' assets to ensure that money can be front-loaded and the cost spread over the maximum period?

**Mr. Hutton:** On the first point, I do not want to sound repetitive, but we recognise that time is of the essence. That is why my right hon. Friend the Prime Minister announced yesterday that we would expedite the review of the financial assistance scheme. I hope to present proposals as soon as that work has been completed.

My hon. Friend's last point is important and many of the delegations that I have met have raised it with me. If we took his advice—

**Mr. Deputy Speaker:** Order. It would help if the Secretary of State addressed the House or, at least, his microphone, partly through courtesy but also because not doing so makes it difficult for others to hear.

**Mr. Hutton:** My apologies, Mr. Deputy Speaker. Everyone is probably fed up to the back teeth with hearing from me this afternoon.

There is a significant problem with taking my hon. Friend's advice about dropping the requirement to purchase an annuity. If we dropped it, there is clearly the potential for creating problems further on because it is inevitable that the remaining pension schemes would rapidly run out of resources. It is neither fair nor reasonable for us to do that. That is why the requirements are what they are.

**Steve Webb** (Northavon) (LD): The Secretary of State appears to say one of two things: either the ombudsman is ill informed and has not done a proper job, or she is well informed but her views are irrelevant. Which is it?

**Mr. Hutton:** The ombudsman has prepared a thorough report and reached conclusions. We disagree with them.

**Mr. Jim Cunningham** (Coventry, South) (Lab): May I reinforce the point that the Secretary of State should examine the position with some urgency to help people, some of whom are in serious predicaments? People from, for example, Federal-Mogul in Coventry, are waiting for the outcome. So far, we have discussed the ombudsman's report, but should we not hold a proper inquiry into where the money that was invested went and who spent it?

**Mr. Hutton:** I agree with my hon. Friend. It is important to expedite the review of the financial assistance scheme and I look forward to discussing that with him.

**Mr. Paul Goodman** (Wycombe) (Con): Since 1995, public sector pensions, including ours and Ministers'

pensions, have become relatively more secure, but private sector pensions—partly because of the £45 billion tax on pension funds—have got relatively less secure. Given that context, does not the Secretary of State acknowledge that my constituents and others will greet with incredulity the Government's overriding the judge's verdict on maladministration?

**Mr. Hutton:** I have already made it clear that the £45 billion figure is rubbish. On the hon. Gentleman's point about the security of defined benefit schemes, I remind him of the Pensions Act 2004, which will significantly improve matters in ways that I am sure he would like.

**Mr. Frank Doran** (Aberdeen, North) (Lab): I welcome my right hon. Friend's statement and especially his commitment to reviewing the financial assistance scheme. In my constituency, nearly 1,000 members of the Richards pension fund managed to be admitted to the scheme, but that has not removed the deep uncertainty, which has been with them for a long time—since the first rumours circulated about the state of the pension fund through to its closure, and then the fears about whether they would get into the scheme. It will be several years before my constituents will be without uncertainty. I hope that my right hon. Friend views that as a matter of urgency and will thus bring not only clarity but certainty to the thousands of pensioners who are affected.

**Mr. Hutton:** I fully understand my hon. Friend's concerns and those of his constituents. That is precisely why we are expediting the review of the financial assistance scheme.

**Mr. Richard Shepherd** (Aldridge-Brownhills) (Con): As the Secretary of State knows, based on a recommendation by the Government Actuary, the national insurance fund is required to retain a balance that is equivalent to one sixth of annual expenditure. That would equate to £9.5 billion in 2004. The balance actually held amounted to £29 billion. The Government Actuary reported that that balance will reach £60 billion by 2010—an average increase of between £5 billion and £6 billion a year. The funds are available to meet the ombudsman's recommendations and it is an important point of principle that the Government should consider fulfilling in full the obligations that she set out.

**Mr. Hutton:** I can only say to the hon. Gentleman, for whom I have a great deal of respect, that it is impossible for Governments to guarantee the value of private savings in the way that he suggests. We all need to think very carefully about that.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Among the 85,000 personal tragedies are the 572 deferred pensioners involved in the fund collapse in October 2000 at British United Shoe Machinery in Leicestershire. Will the Secretary of State tell us whether the £15 billion that he has cited—giving an average £176,000 to each of the 85,000 people involved—includes any assessment of the ombudsman's second recommendation in relation to consolatory payments for the inconvenience, distress and uncertainty that she believes these people have had to endure? Has any assessment been made of the cost of such payments? Do they lie outside the £15 billion?

**Mr. Hutton:** I think that those payments are included. We will set out the full details of the costings when we produce our report.

**Mr. Henry Bellingham** (North-West Norfolk) (Con): Is the Secretary of State aware that there is a large number of former employees of the Albert Fisher Group in my constituency whose pensions have been decimated and whose lives have been ruined? They will certainly be feeling no better after his lacklustre performance this afternoon. He has mentioned the figure of £15 billion. My constituents tell me that the capital required to give 100 per cent. relief to the 85,000 scheme members across the country is only £2.8 billion. If indexed, that would go up to £5.5 billion. Will the Secretary of State ensure that the correct figures are put in the Library?

**Mr. Hutton:** Yes, we will put our figures in the full response to the ombudsman's report.

**Dr. Julian Lewis** (New Forest, East) (Con): I warmly welcome the glimmer of hope that the Secretary of State has given for the first time to APW Electronics employees, in his answer to the right hon. Member for Southampton, Itchen (Mr. Denham). May I ask him to focus, however, on the health warning that was attached to the leaflets? When I read something that says, "This advice is for guidance only", it makes me think that I should be guided by it. People who are encouraged to invest are told, in a forthright way in many advertisements, that the value of their investment can go down as well as up. Will the Secretary of State at least consider ruling that, in future, all such guidance will be phrased in much stronger and less ambiguous terms?

**Mr. Hutton:** The information to which the hon. Gentleman refers is the information that successive Governments have used to describe these matters. Conservative Members have simply not acknowledged that fact today.

**Mr. Michael Wills** (North Swindon) (Lab): May I add my plea to that of my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) that the Secretary of State look again at assistance for those who have suffered under schemes wound up by solvent companies? Will he also look again at tightening up measures such as contribution notices, to dissuade companies from taking such action in future?

**Mr. Hutton:** There is no question but that the issue of solvent employers is probably the most difficult issue that we need to consider as part of the review. As I said to my right hon. Friend, I do not want to raise false expectations in this regard, but we will have another look at this.

**Adam Price** (Carmarthen, East and Dinefwr) (PC): Will the Secretary of State confirm that the European Commission has conducted its own study of these matters and that its interim findings have already concluded that successive British Governments have

*[Adam Price]*

failed to meet their responsibilities? Is the Secretary of State as dismissive of the views of the Commission as he has been today of those of the ombudsman?

**Mr. Hutton:** With great respect to the hon. Gentleman, that legal case is still continuing, and I do not want to comment on current legal proceedings.

**Mr. Charles Walker** (Broxbourne) (Con): Does the Secretary of State accept that the Government's stewardship of our pensions over the past nine years has been less than stellar? In fact, it has been a complete and utter disaster. Does he accept that, every time he comes to the House, it is to tell hon. Members another horror story?

**Mr. Hutton:** No.

**Mike Penning** (Hemel Hempstead) (Con): In good faith, I took a delegation of the 700 Dexion workers who had had their pensions stolen from them to see the Secretary of State. I have spoken to members of the delegation this morning, and they feel betrayed. At no time during the meeting did the Secretary of State indicate that the Government would ignore the advice of the ombudsman. This is a bad day for Parliament. If that kind of advice is ignored, how can people have any faith in what goes on in this House?

**Mr. Hutton:** It was clearly not appropriate for me to say at that meeting, before the ombudsman's report had been published, that I was going to reject it.

**Paul Holmes** (Chesterfield) (LD): I have been raising this issue in the House since shortly after I was first elected to Parliament in 2001, on behalf of my constituents who work for Dema Glass, Coalite and Chesterfield Cylinders, who have been robbed of their occupational pensions. Some of those people, including a Labour councillor, have saved into the schemes for more than 40 years, but now they will have to live in poverty in retirement. Will the Minister undertake to meet some of my constituents, and others, to explain in person why he is rejecting the independent expert opinion of the ombudsman and why, despite repeated Government assurances, those pensions were not safe and not guaranteed?

**Mr. Hutton:** Yes, I am always willing to meet the constituents of hon. Members in such circumstances; I have done so repeatedly. All that I can say to the hon. Gentleman is that we have set out our arguments again today, and it is for others to judge them. We are determined to provide help and support for those in the greatest need when their pension schemes collapse. We are absolutely determined to continue to do that.

**Mr. Andrew Turner** (Isle of Wight) (Con): I usually feel sympathy for the monkey when it is clearly the organ grinder who has messed up. I would feel a great deal more sympathy for the Secretary of State if he had started out by expressing sympathy with those who had lost their pensions, and if he had then not behaved like a desiccated calculating machine and compounded his error by questioning the good faith of my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond). The Secretary of State knows that many people have lost out as a result of these problems, but even the £2.5 billion a year stolen by the Chancellor from pension schemes would be enough to pay for the losses that those people have suffered. Will the Secretary of State tell me why Government spokesmen were rubbishing the ombudsman's report before it was published?

**Mr. Hutton:** We have set out clearly, today and yesterday, why we do not agree with the ombudsman in her principal findings of maladministration, and I have set out those arguments again today.

**Mr. David Gauke** (South-West Hertfordshire) (Con): The Secretary of State has given the impression today that not only was there no Government maladministration, but that there seems to be no recognition of the scale of the problem faced by many people, including my constituents and those of my hon. Friend the Member for Hemel Hempstead (Mike Penning), who used to work at Dexion. Does the Secretary of State accept that the stance that the Government are taking will damage confidence in occupational pensions and weaken the parliamentary ombudsman, and that it gives the impression that the Government are out of touch, arrogant and uncaring?

**Mr. Hutton:** No, I do not accept any of those allegations. We are the first Government to accept that there is a responsibility to make financial provision in these circumstances. In the context of the facts—the facts will always speak louder than the hon. Gentleman's words—people will come to their own views on these matters.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. We must now move on to the main business.

## Points of Order

1.28 pm

**Mr. Peter Ainsworth** (East Surrey) (Con): On a point of order, Mr. Deputy Speaker. You will be aware that, following the question put to the Prime Minister by my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) yesterday, the Secretary of State for Environment, Food and Rural Affairs has today issued a written statement admitting fundamental problems with the Rural Payments Agency and announcing the dismissal of its chief executive. This is extremely serious news for the thousands of farm businesses that already face a difficult financial future. In her statement today, the Secretary of State says that she has asked the new acting chief executive to report to her by Tuesday on the immediate steps needed to get the payments back on track. What indication have you received that the Secretary of State will come to the House to make an oral statement as soon as she has received that report?

**Mr. Deputy Speaker (Sir Michael Lord):** I understand the seriousness of the matter that the hon. Gentleman raises, but I have no knowledge at this time of any plans that the Secretary of State might have to make such a statement. However, she will no doubt have noted the points that the hon. Gentleman has made, which are now on the record, and will decide accordingly.

**Mr. David Heath** (Somerton and Frome) (LD): On a point of order, Mr. Deputy Speaker. I understand that we are not now to proceed with Lords amendments to the Immigration, Asylum and Nationality Bill this afternoon. Will you confirm that that is the case and tell us whether you have been notified of any reason for the delay? Given that we were informed of the business of the House for the next two weeks just two hours ago, without any alternative date being given, may we assume that those Lords amendments will now be taken after the Easter recess?

**Mr. Deputy Speaker:** All I can tell the hon. Gentleman is that I understand that his supposition is correct, but I also understand that the Minister will deal with the matters he has raised when we reach them during the debate later today.

### Estimates

*Motion made, and Question put forthwith, pursuant to Standing Order No. 145 (Liaison Committee),*

That this House agrees with the Report this day of the Liaison Committee.—*[Mr. Watson.]*

*Question agreed to.*

**Mr. Heath:** On a point of order, Mr. Deputy Speaker. I am most grateful for your earlier guidance, but will we actually reach the matter in the debate if it is not to be proceeded with? You said that the Minister would give an indication on the matter when we reached it in the debate, but if it is to be withdrawn we will never reach that point. I wonder whether you could give me some further guidance.

**Mr. Deputy Speaker:** I am advised that the hon. Gentleman should pursue the matter through the usual channels. I also understand that when we reach the matter during the debate it will be dealt with then. The Minister will either move or not move the items that the hon. Gentleman has raised.

# Orders of the Day

## Identity Cards Bill

*Lords reasons for insisting on amendments and disagreeing to Commons amendments, considered.*

*Lords reasons:* 16C and 22D

1.30 pm

**The Secretary of State for the Home Department (Mr. Charles Clarke):** I beg to move, That this House insists on its disagreement with the Lords in their amendments Nos. 16 and 22, and proposes the Government amendments (a) and (b) in lieu thereof.

The amendments are technical amendments to clause 8, making it clear that an application for an identity card must include or accompany one to be entered on the national identity register. We have already had one debate on the Lords amendments this week, on Monday 13 March, when the House rejected them for the second time. However, their lordships have again insisted on their amendments to remove the requirement for anyone obtaining a designated document such as a passport to register and be issued with an identity card.

Yesterday, in the other place, the mover of the main Lords amendment, Lord Phillips of Sudbury, rebuked me in his summation in the following terms:

"The other thing worth saying is that last Monday, the Home Secretary . . . in levelling his defence against our proposal to make the scheme voluntary, did not in any sense call upon the constitutional justification of the Commons' position that has been the mainstay of the noble Baroness's closing speech"

—he was referring to Baroness Scotland of Asthal—

"and has been the subject of speeches from various noble Lords. Mr Clarke attempted to justify the Government's case according to the issues that he raised in the other place—none of them were constitutional issues; they related to the merits and demerits of this Bill.—[*Official Report, House of Lords*, 15 March 2006; Vol. 679, c. 1248–49.]

I intend to remedy that defect in my presentation today. Let me start with what was said by Lord Strathclyde, the leader of the main Opposition party in the Lords. He spoke very wisely, as befits a graduate of the University of East Anglia. He said:

"This House should always proceed with caution when it is trying to defeat the Government, even when it is asking the House of Commons to think again on a Bill it has passed. Generally speaking, we do that. I think we always do that. What is so unusual about this aspect is that the Government have already been defeated on two occasions, and therefore this is the third occasion on which we are dealing with this matter.

In this context, perhaps I may make three points. First, I think the House should proceed with caution and should deal with matters as controversial as this only when they are very few in number. This is the first time in this Session that we have come to an issue of this kind. Secondly, we should proceed only on an issue where there is a good deal of public support for what this House is doing. Thirdly, we should not proceed if there are issues to do with the Salisbury convention. My noble Friend and the Government may disagree about the use of the Salisbury convention; I am entirely satisfied that there are no Salisbury convention implications if the House were to return this small point back to another place."

I shall deal with each of those three points. The first was that the House of Lords should proceed with caution. I think that Lord Strathclyde was quite right about that, and he should take his own advice. The fact is that the amendment is not a small point. It constitutes a major and deliberate effort by the Opposition parties to sabotage the whole of a Bill that has been agreed by this House, and that was set out to the public during the general election campaign. I hope that the Lords will indeed proceed with caution, and will not adopt a strategy that is designed to undermine the entire Bill.

Secondly, Lord Strathclyde said that the other place

"should proceed only on an issue where there is a good deal of public support for what this House is doing."

I remind the House—and perhaps, via this House, the other place—of the facts about public support. There is not such support for what the House of Lords is doing. Even the result of the latest opinion poll sponsored by the NO2ID campaign shows that 52 per cent. of the public are in favour, while Home Office research shows that 70 per cent. are in favour.

Lord Strathclyde said that the other place

"should proceed only on an issue where there is a good deal of public support for what this House is doing."

According to the NO2ID campaign, 52 per cent. of people are in favour of the identity cards and against what the other place is doing; and, as I have said, Home Office research shows that 70 per cent. are in favour.

The Conservative election manifesto was entirely silent on the matter, although the then leader of the party was a known supporter of identity cards. However, the findings of an opinion poll published by ICM before the election, in December 2004, show that some 80 per cent. of the public were then in favour of the introduction of identity cards, with 88 per cent. of Conservative supporters, 81 per cent. of Labour supporters and 72 per cent. of Liberal Democrat supporters in favour. So the answer to Lord Strathclyde's second point—that the Lords should block the will of this elected Chamber only if there is clear public support—is that there is not.

**Tony Baldry** (Banbury) (Con): Surely the point is that it was not put to the people who were polled that the system would be compulsory. I am sure that there would be huge support for voluntary identity cards. The issue that the House of Lords and this House are having to consider is the whole issue of voluntary versus compulsory. I suspect that if those people had been asked, "Should it be a criminal offence not to carry an identity card?" or, "Should it be compulsory to carry an identity card?", the answer would have been very different.

**Mr. Clarke:** We have already agreed, in response to proposals from the other place, that before the stage was reached of making identity cards compulsory there would be further primary legislation. The Bill explicitly excludes a requirement for anyone to carry an identity card, so what the hon. Gentleman has said is completely incorrect.

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): May I add to the effective point made by my hon. Friend the Member for Banbury (Tony Baldry)? There would be more consensus, not only in the House but among the public, if we could see the final price tag. Can the Home Secretary tell us how much the whole project will cost the taxpayer?

**Mr. Clarke:** The hon. Gentleman may have made my point for me. We have debated costs with the House of Lords, and we accepted an amendment on the subject tabled by my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson), in the spirit of seeking agreement.

As for the point made by the hon. Member for Banbury (Tony Baldry), the NO2ID poll explicitly asked whether the card should be issued with a passport, which is what we are dealing with here.

**Mr. William Cash** (Stone) (Con): Would the Home Secretary continue to take the line that he is taking in the context of what the Information Commissioner has said on the subject—that the Bill would cause a sea change in the relationship between the individual and the state? Has he spoken to the Information Commissioner recently, and has he any reason to suppose that the Information Commissioner has changed his view?

**Mr. Clarke:** I have not spoken to the Information Commissioner recently but, as I have said, there has been considerable debate on the substance of the Bill. The hon. Gentleman speaks of the relationship between the individual and the state. A general election is a pretty important part of the relationship between the individual and the state. That is why I think that the hon. Gentleman's noble Friend Lord Strathclyde was right to say yesterday that in his view—not mine—the House of Lords should proceed only on an issue on which there was a good deal of public support for what that House was doing. My point is that there is not.

**Mr. Andrew Love** (Edmonton) (Lab/Co-op): Is my right hon. Friend at all concerned about the apparent drift away from the high levels of support for identity cards in the past? Does he recognise that if the identity card is introduced with a designated document, for a number of years people will be charged for an identity card without receiving any of the benefits, which will further undermine the system?

**Mr. Clarke:** I accept the first point, but not the second. Because of the debate about these issues and because the precise questions are different in different polling data, there is an issue concerning public support that needs to be addressed. That is a major part of the proposal, and my hon. Friend is right to raise it. Lord Strathclyde's second point was narrow, but important. It is: is there

"a good deal of public support"

for the House of Lords to overturn the elected House consistently on these matters? I contend that there is not.

**Mr. David Heath** (Somerton and Frome) (LD): Will the Home Secretary give way?

**Mr. Clarke:** No, I will not; I want to deal first with Lord Strathclyde's third point. He said that the House of Lords

should not proceed if there are issues to do with the Salisbury convention."—[*Official Report, House of Lords*, 15 March 2006; Vol.679, c. 1244–45.]

That is a very important point and it is worth recalling what the position is. First, it is absolutely clear that the introduction of ID cards is a manifesto commitment that has been approved twice by the elected House. I remind Members of the view of the Salisbury convention taken in January 2000 by the royal commission on the reform of the House of Lords. It was chaired by Lord Wakeham, who is not a notable Government toady, except when the Conservatives were in government. Recommendation 7 of the commission's report states:

"The principles underlying the 'Salisbury Convention' remain valid and should be maintained. A version of the 'mandate' doctrine should continue to be observed; where the electorate has chosen a party to form a Government, the elements of that party's general election manifesto should be respected by the second chamber. More generally"—

**Several hon. Members** *rose—*

**Mr. Clarke:** I will complete the quotation:

"More generally, the second chamber should be cautious about challenging the clearly expressed views of the House of Commons on any public policy issue. It is not possible to reduce this to a simple formula, particularly one based on manifesto commitments."

I argue, therefore, that that doctrine exists and that it addresses the point made by Lord Strathclyde.

**Several hon. Members** *rose—*

**Mr. Clarke:** I shall give way one or two times.

**Mr. Heath:** I am most grateful to the Home Secretary for giving way; we are familiar with his semantic acrobatics on this issue. Given that this scheme will not, if he has his way, be anything other than compulsory for anybody who wants to drive a car or to go abroad on holiday—probably nine out of 10 of the population—is not this the primary legislation to which he refers, on which we should have a proper debate on whether the scheme is compulsory or voluntary? It clearly is compulsory.

**Mr. Clarke:** The hon. Gentleman is completely wrong, but I regard it as characteristic for the Liberal Democrats to say explicitly that they do not care about the outcome of general elections. His colleagues in the other place have made it clear that they do not accept that the result of the election was right. Indeed, the hon. Member for North Southwark and Bermondsey (Simon Hughes) came very close to saying that explicitly when we debated this issue the other day. The Liberal Democrats must answer to the public for their contempt for them in respect of this issue.

**Kali Mountford** (Colne Valley) (Lab): Does the Home Secretary recall that when the Chief Secretary to the Treasury was a Home Office Minister he told this House that it was absolutely clear that ID cards would start on a voluntary basis, leading to compulsion? Indeed, such statements were made before the general election and therefore must be taken into account as part of the manifesto. Does that not make this House's position absolutely clear?

**Mr. Clarke:** My hon. Friend is entirely correct. Documents published in 2002 and 2003, documents and debates published in 2004, and the 2005 general election manifesto are entirely consistent and clear on this issue.

**Anne Snelgrove** (South Swindon) (Lab): As my right hon. Friend knows, I was vice-chair of the Labour

*[Anne Snelgrove]*

party's national policy forum in the run-up to last year's general election, and as such I took a close interest in the manifesto's development. I am pleased to remind him, and ask him to confirm, that that manifesto said that we

"would introduce ID cards, including biometric data like fingerprints, backed up by a national register and rolling out initially on a voluntary basis as people renewed their passports".

So it is in our manifesto.

**Mr. Clarke:** I am very grateful for my hon. Friend's contribution. She played a major part in developing the policy, and it is clear that the position is exactly as she sets out. Indeed, as my hon. Friend the Member for Colne Valley (Kali Mountford) said a moment or two ago, the position has been clear for some time.

**Mr. John Redwood** (Wokingham) (Con): The hon. Member for South Swindon (Anne Snelgrove) has let the cat out of the bag—the manifesto clearly states "on a voluntary basis". Why does the Home Secretary not amend the Bill, so that people obtaining passports and driving licences who do not share his confidence in ID cards do not have to have one forced on them? Then, we would all be happy.

**Mr. Clarke:** I shall deal with that point in a moment, but the basic fact is that the biometric data being collected for passports on this basis are broadly the same as those that will be collected for the ID card system. It is absurd, not to mention costly, to have the double process that the Lords want.

1.45 pm

**Martin Linton** (Battersea) (Lab): Will my right hon. Friend confirm that name, date and place of birth, address and nationality are the only personal information required on the national identity register? All that information and more is already required for the passport application, so does he agree that the House of Lords is fighting on what is a very narrow point? The issue is simply whether identical information collected for the passport office register can or cannot be transferred to a national identity register.

**Mr. Clarke:** My hon. Friend is entirely right and I completely accept his main point. This is not, as Lord Strathclyde suggested, a minor issue; it is a major one and the intention is to destroy the whole scheme.

**Mr. Edward Garnier** (Harborough) (Con) *rose—*

**Mr. Clarke:** That is also the intention of the hon. and learned Member for Harborough (Mr. Garnier), who will now set out why he wants to destroy the ID card system as a whole and break the conventions of Parliament.

**Mr. Garnier:** I am very grateful to the Home Secretary for giving way because it enables me to prevent him from carrying on unwittingly misleading this House. He insists on repeating the canard that the biometric passport obligation has something to do with the national identity register system that he wishes to set up. The obligation under the biometric passport system is to provide a system whereby passport officers can read biometrics at the port of entry; it has nothing whatever to do with the entry into the national identity register system that this Government are trying to achieve by stealth. If only they would come clean, they would have a much more sympathetic audience.

**Mr. Clarke:** That is entirely wrong. We discussed this issue earlier this week and we will continue to do so.

**Simon Hughes** (North Southwark and Bermondsey) (LD): Will the Home Secretary give way?

**Mr. Clarke:** I shall not give way any more at this stage.

I return to what Lord Strathclyde said in the other place yesterday, because it is important. I believe that I have addressed each of the three points that he made. As I said earlier, he made it clear that the Lords should not proceed if there are issues to do with the Salisbury convention. He said that if the Government were not prepared to back down or to find a compromise, the only option was for the unelected House to force the Government to use the Parliament Act procedure to ensure that the will of the elected House prevails.

The Parliament Act has been used four times since 1949, and Lord Strathclyde is not right to suggest that we have reached the point where that option should be invoked. For the three reasons that he himself gives in columns 1244 and 1245 of the *Official Report* of yesterday's Lords debate, the other place should indeed think again, just as this place should decide to insist on its own position.

**Simon Hughes:** Will the Home Secretary give way on that point?

**Mr. Clarke:** In a moment. My fourth point is that the Lords amendments would impose an additional burden and cost on the plans for the introduction of ID cards that were approved by this House. It cannot be right for the constituents whom we represent to be denied by those whom they did not elect and cannot remove the most cost-effective option in implementing a scheme. In effect, the Lords voted for the establishment of two parallel biometric databases, with all the cost, inconvenience, confusion and insecurity that that approach involves. That raises the question of whether the unelected House has the right directly to place such burdens on our constituents.

The remaining issue is, essentially, a constitutional one: whether it is right for the other place to keep insisting on amendments that have been rejected here twice already, and that will be rejected again today.

**Steve McCabe** (Birmingham, Hall Green) (Lab): Such a scheme would not only impose additional costs, which is an issue that clearly exercised the hon. Member for Bournemouth, East (Mr. Ellwood) earlier; we would also end up with two databases, one unprotected and the other protected by the national identity scheme commissioner. Is that not what the Lords are advocating?

**Mr. Clarke:** That is completely right. The effect of the Lords amendment would be precisely as my hon. Friend says. If it were passed, the protections that this Bill provides for the national identity register would not be available for the biometric passport register.

**Simon Hughes:** The Home Secretary referred to our exchange on Monday. If Lord Strathclyde is right to say that the Lords should act only when there is a significant amount of public support, may I remind the right hon. Gentleman that the latest poll that he cited shows that public support for the position taken by the Lords is 10 per cent. higher than was the support for his party at the general election? The numbers in respect of the share of those who voted are about the same, so he surely cannot argue that the Government are justified on this issue, and that the House of Lords is not?

**The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty):** That does not make sense.

**Mr. Clarke:** My right hon. Friend is right about the Liberal Democrat arithmetic. The situation is very simple. I repeat that Lord Strathclyde made it clear that the Lords should frustrate the will of the Commons only when there is a "good deal" of public support for what the Lords was doing. The NO2ID campaign is opposed to our policy, but that organisation set the questions in the poll, in which more than half the country said that it did not support the campaign.

I studied yesterday's Divisions in the Lords carefully, to establish how opinion had moved between the votes on 6 and 15 March. There was almost no change in the position of those peers who are whipped by the Conservative, Liberal Democrat and Labour parties. On 6 March, 190 peers—principally Tories and Liberal Democrats—were against the Government position. Yesterday, that number rose to 194—almost no change.

The peers who are not whipped—the Cross Benchers and the bishops—voted on 6 March by 37 to 12 against the Government position, but yesterday a majority was clearly in favour of supporting and not frustrating the Commons' position. *[Interruption.]* In answer to the hilarity among Opposition Members, I have to add in fairness that there were only four bishops in the total of more than 50 Cross-Bench peers. They were not significant in the arithmetic, although their significance may lie in the guidance that they get from yet another place.

My point is that it was the whipped Conservative and Liberal Democrat peers who voted to frustrate the elected House and overthrow the Government's position. That was what happened, and I urge my colleagues to sustain the Government's position. I also urge the Opposition to stop trying to frustrate the will of the people.

**David Davis** (Haltemprice and Howden) (Con): The Home Secretary wants to represent the process in which we are engaged today as a clash between the House of Lords and the democratic will of the people, as represented by the Government. Hon. Members should put to one side the fact that this House of Lords is, after eight years, effectively the Government's creation, and that the opposition to this aspect of the Bill is driven by a belief in the ancient liberties of the British people. The right hon. Gentleman gave us some numbers, but they demonstrate that that belief transcends party. It drives an opposition that encompasses all parties, including Cross Benchers—

**Mr. Charles Clarke:** No.

**David Davis:** Yes: the Home Secretary said that a majority of peers—Cross Benchers, Liberal, Labour and Conservative peers—were against the proposal, not that all of them were. That is another factor that we must put to one side. To justify his stance as the representative of the people, the right hon. Gentleman is forced to pretend that the Bill exactly reflects the Labour party manifesto, but that point was destroyed by the hon. Member for South Swindon (Anne Snelgrove), who was such a senior person in the Labour party during the election.

The words of the Labour manifesto are clear.

**Anne Snelgrove:** Will the right hon. Gentleman give way?

**David Davis:** I will in a moment, as I have referred to the hon. Lady. I did not know that Labour Members were so sensitive these days, but there we are.

The words of the Labour manifesto are clear. It states that ID cards will be

"rolling out on a voluntary basis as people renew their passports".

The key word is "voluntary", and we shall return to it time and again in the next five or 10 minutes. The Home Secretary has been forced to declare that the ID card is effectively voluntary.

**Anne Snelgrove:** Will the right hon. Gentleman give way?

**David Davis:** I will in a moment, the hon. Lady need not worry. To do that, the right hon. Gentleman is forced to the ludicrous assertion that passports are somehow voluntary, too. He said that, in terms, the other day.

Later this year, the World cup tournament will be held in Germany. When I travel there to support the England team, and I tell the German immigration office, "I've not brought my passport because the Home Secretary tells me it's voluntary", I am sure that that officer will be very understanding.

**The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham):** It is voluntary to go.

**David Davis:** We will come back to that in a minute. I am getting heckled by the Under-Secretary of State for the Home Department, the hon. Member for Leigh (Andy Burnham), and I shall give way to him in a moment, when he will learn about heckling. I am sure that I will be treated very sympathetically by the German immigration service. When I am eventually let out of prison and I return to Britain, I am sure that I shall have no trouble getting back in without a passport.

*[David Davis]*

It is, of course, ridiculous to assert that passports are voluntary. Perhaps what the Home Secretary means is that foreign travel is voluntary, which is what the Under-Secretary said from a sedentary position. I think that that is what the Government are trying to say.

I suppose that we can also put to one side the disgraceful idea that British citizens, of all people, can leave their own country only if they agree to let the Government intrude on their privacy, on a scale unprecedented in British history. However, does he really believe that foreign travel is voluntary for business men whose customers are all abroad? Does he think that travel is voluntary for people whose parents or children live abroad, as is increasingly the case today? Does he think that foreign travel is voluntary for people whose children get in trouble abroad—something that we have read about too often in the past few months and years? *[Interruption.]* Does the Under-Secretary of State want to intervene? If so, I shall give way.

**Andy Burnham** *indicated dissent.*

**David Davis:** I see that he does not want to intervene. Does the Home Secretary think that foreign travel is voluntary for diplomats, soldiers and other Crown servants and their families?

**Mr. Charles Clarke:** It is not compulsory.

**David Davis:** The Home Secretary says that foreign travel is not compulsory. Oh, yes it is: I am afraid that people cannot be Foreign Office employees without going abroad. The idea is clearly ridiculous. Under this Bill, ID cards are clearly not voluntary; they are clearly compulsory.

**Anne Snelgrove:** I thank the right hon. Gentleman for giving way, but either he has cloth ears or he has problems with semantics. I used to be an English teacher, so I shall give him an English lesson if that is what he wants. In our manifesto, we understood that ID cards would be

"rolling out on a voluntary basis as people renewed their passports".

We know what that means. If the right hon. Gentleman does not, that is his problem. The House of Lords should implement our proposals and allow the Bill to go through. Does he agree?

**David Davis:** The answer to that question is clearly no. The hon. Lady will be aware, as I am, that at least one Home Office Minister recommended that the word "voluntary" should not be used in the manifesto, but the Government insisted on it.

**Mr. Heath:** I am grateful to the hon. Gentleman for giving way. He is making a very important point, but I want to add a small one. When he goes to the World cup, he will not manage to get as far as Germany. Civil aviation regulations mean that it is compulsory for people to have passports before they get on a plane.

**David Davis:** I thank the hon. Gentleman for that.

**Tony Baldry:** I am grateful to my right hon. Friend for giving way. It is disgraceful for the Government to try to pretend that they are rewriting the manifesto. Did we not all hear the Home Secretary on Monday try to defend this proposal with his reference to free will? He said:

"That is the free will that people may exercise in deciding whether or not they wish to have a passport . . . That is the free will over what they can do and how they can operate. That is what the wording means."—[*Official Report*, 13 March 2006; Vol. 443, c. 1261.]

In other words, the Home Secretary seems to suggest that we have a voluntary choice as to whether we have a passport. That is what he said, in terms, on Monday, so the Government cannot come to the House on Thursday and try to rewrite completely what they said then.

**David Davis:** My hon. Friend is right, and I suspect that the Home Secretary designed his speech today to try to drive away the memory of his second intervention on Monday, which was a ridiculous disgrace.

**John Bercow** (Buckingham) (Con): I am grateful to my right hon. Friend for giving way. He will have noted, as the House will have done, that the hon. Member for South Swindon (Anne Snelgrove) a few moments ago used the word "understood" in respect of the Labour manifesto. Does he accept that the hon. Lady has invented a new constitutional doctrine: that the purpose of a manifesto is not to communicate a clear message to the electorate, but to communicate internally to party colleagues in the doublespeak that only they understand? Will he confirm that establishing what proportion of the electorate thought that the return of a Labour Government would mean compulsory ID cards would require several noughts after the decimal point before one reached a positive figure?

2 pm

**David Davis:** My hon. Friend is right in all except one respect. This doctrine is not entirely novel; it first saw the light of day in "Alice's Adventures in Wonderland".

**Mr. Desmond Swayne** (New Forest, West) (Con): When I was mobilised to serve in Iraq, which was not a voluntary process, I was required to produce a passport in order to travel—*[Interruption.]* It was scrutinised at Brize Norton. That again was not a voluntary process. Other officers and soldiers had to acquire a passport in order to comply. I suppose, ultimately, the decision to join the armed forces was voluntary. Was that what the Government meant?

**David Davis:** My hon. Friend makes his point perfectly. He was heckled from a sedentary position by a Labour Member who said that he had military ID, but if my hon. Friend was taking members of his family, they would not have military ID. Indeed, I see no exemption in the Bill to allow people not to be put on the national identity register because they are soldiers, Crown servants, Foreign Office employees or the like.

**Chris Bryant** (Rhondda) (Lab): Will the right hon. Gentleman give way?

**David Davis:** No, I shall not. I must make some progress. I may give way to the hon. Gentleman in a moment, but I am not sure.

We can see that the Government's proposal is clearly in breach of their own manifesto, unless one takes the attitude that the manifesto did not mean to say that or that that is not what they understood it to mean—but the words mean what they mean. This part of the Bill is not the exercise of a democratic mandate. The best that can be said of it is that it is an exercise in elected dictatorship, full stop. So the Lords are right to amend it and they are entirely within their rights. That point destroys the entire speech that the Home Secretary just made.

We have continually been treated by the Home Secretary and his Ministers—sometimes from a sedentary position, but mostly on the "Today" programme—to new reasons for this legislation, be they terrorism, welfare reform, immigration or fraud. One Minister puts up a reason for the idea; only for another honest Minister to admit that the Government have overstated their case. That has happened several times in the course of argument over the Bill. That is followed by another Minister coming up with another argument, which is also overstated. That has been most obviously the case on terrorism.

The Government love to portray everybody except themselves as soft on terrorism. It is their favourite tactic with all of their illiberal legislation. Time and again, impositions are placed on the British people, which they have not faced for centuries, on the basis of arguments that are designed to make other people, the Government think, look soft on terrorism. That has applied most obviously to this Bill. I want the House to listen to the words of Baroness Park of Monmouth. The House should remember that Daphne Park has worked in the defence of our country in some of the most dangerous postings in the world. She has taken more risks in the defence of our country than the Home Secretary has had hot dinners, and that is a pretty high hurdle. I would trust her judgment on the defence of the realm way beyond that of the Prime Minister or, indeed, any Minister. Yesterday she said:

> "The very creation of such an enormous national identity register will be a present to terrorists; it will be a splendid thing for them to disrupt . . . . It will also provide valuable information to organised crime and to the intelligence services of unfriendly countries".—[*Official Report, House of Lords*, 15 March 2006; Vol. 679, c. 1234.]

So much for our national security.

**Mr. Redwood:** My right hon. Friend is making a powerful case, as always. Could he speculate on why so few peers support the Government on this, given how many new peers have been invited into the House of Lords under this Administration with this very generous Prime Minister? Could it be because they think that the Government have a lousy case?

**David Davis:** Of course they think that the Government have a lousy case. As I said before, there is opposition to the Bill across all parties. Some Labour Members who have severe worries about the Bill are bravely resisting it. I have made the hon. Member for Rhondda (Chris Bryant) wait for some time, so I shall give way to him.

**Chris Bryant:** I am grateful to the right hon. Gentleman because he said "No", then "Yes", then "Maybe", but now he says "Yes".

**David Davis** *rose—*

**Chris Bryant:** I am deeply grateful to the right hon. Gentleman. He said earlier that he thought it was a gross infringement on the ancient liberties of the British people for the state to insist on somebody carrying an ID card. But, as I understand it, he believes that it is entirely appropriate for the state to insist that people should carry a passport when they fly into or out of the country. Why does he not see that there is a paradox there?

**David Davis:** There is no paradox; however, the point is interesting because I did not say what the hon. Gentleman said I said. Throughout this process, I have always argued—this is an extremely serious point and I am taking the hon. Gentleman's comment seriously—that the problem is not the piece of plastic, such as the type of card that I am holding up, which we all carry for a specific purpose. It is what is behind it. The database is the serious issue. I am entirely in favour of biometrics on passports, but we do not need to have a national identity register, which is what is proposed.

**Andy Burnham:** Will the right hon. Gentleman give way?

**David Davis:** Certainly not. The Under-Secretary, who sits and heckles, gets it all wrong and will not take part in the debate, now wants to take part on an à la carte basis. This is a table d'hôte proposal by the Government and they are going to get a table d'hôte response from me. The latest argument is the ludicrous—I use that word advisedly—assertion by the Home Secretary that having an ID card will limit the intrusions of the state upon the person. That is an extraordinary argument.

If that were not daft enough, the Home Secretary tells us that citizens will find having an ID card useful, and even valuable. The technology director of Microsoft, no less, pointed out that the identity register will be a honeypot for hackers, fraudsters, thieves and terrorists. It will worsen the risk of identity theft. Far from being an infallible security system, we hear this week that the Government intend to rely on chip and pin technology to protect the card—the same technology that we have used for years in the common, everyday Visa card. So much for improving our personal security.

**Simon Hughes:** Is not the answer to the hon. Member for Rhondda (Chris Bryant) that until today we have never required this document, a passport, to travel in our country?

**Mr. Deputy Speaker (Sir Michael Lord):** Order. Visual aids are strongly discouraged, not least because the reporters of the *Official Report* find it very difficult to understand what the hon. Gentleman is talking about.

**Simon Hughes:** Will the right hon. Member for Haltemprice and Howden (David Davis) accept that we

*[Simon Hughes]*

have never required a passport to travel in our own country and, even if the Government were to implement their proposal, we would not be required to carry one?

**David Davis:** The hon. Gentleman is right. It is one of the distinctions of our country that we are not required to identify ourselves at every turn. We are not required to live in a society that requires us to produce a pass of any sort. That is one of the things that has distinguished us as a country over many years, indeed, centuries.

**Andy Burnham:** Will the right hon. Gentleman give way?

**David Davis:** No, I will not. The hon. Gentleman had his chance, and he missed it.

**Kali Mountford:** Will the right hon. Gentleman give way?

**David Davis:** I want to come to a close on this.

If an ID card were really valuable to the citizen, as the Home Secretary claims, presumably ordinary citizens would want them; everybody would want them if they were as valuable as the Home Secretary claims. So why are the Government not willing to leave citizens to make decisions for themselves? If cards are going to be popular, if they are going to make people happy, if they are going to do things for them, then they will take them up of their own accord. What we are talking about today is the compulsion issue—they will not need to be compelled to have an ID card. Of course, the Government do not believe their own argument. That became clear in the Home Secretary's view of this amendment.

**Laura Moffatt** (Crawley) (Lab): Will the right hon. Gentleman give way?

**David Davis:** No.

The Government believe that unless they force a majority of the population to have an ID card by covert compulsion, they will never win the vote to make it compulsory in the final analysis. They know that if the card is not compulsory, it will not just be ineffective against terrorism, fraud, illegal immigration and crime; it will be completely useless.

Listening to the Home Secretary go on about the extra costs arising from the scheme, I was almost dumbstruck. The Opposition are not imposing £20 billion on the public for no virtue—we are not doing that, but that is what will happen.

Covert compulsion has become necessary to the Government's ill-starred strategy, which is incompetent in design, ineffective in execution and deceitful in delivery; but that does not mean that it is not dangerous. The proposal will completely invert the relationship between the citizen and the state. As we saw from the statement that preceded the debate, the Government too often forget that they are the servant of the people, not the other way round. The right to my identity is held by me, not by the state. My right to my citizenship is my birthright, not the gift of the Government, and our right as British citizens to our liberty and privacy should not be carelessly thrown away. That is why I ask everyone in the House to support the Lords in their defence of the rights of individual British citizens against unnecessary intrusion into their lives by an over-meddlesome Government, apparently bent on creating a surveillance state.

**Mark Fisher** (Stoke-on-Trent, Central) (Lab): The debate and the disagreement between the other place and our House turn on whether the scheme is compulsory or voluntary. The Home Secretary is right to remind us that we should need primary legislation if the scheme were to be completely compulsory, but the Bill establishes, by the back door, a halfway house to compulsion. Why?

I suspect that the real reason is that the Home Secretary is not confident. When we eventually reach the stage of introducing primary legislation to make the scheme compulsory, he wants to be able to tell the House and the public, "Sixty per cent. of people in the UK already have an ID card. What are you worried about?" However, the only reason that 60 per cent. of people will have a card will be as a result of this back-door way of compelling them to have a card if they want a passport or a driving licence.

It is perfectly respectable for the Home Secretary to want a universal card, but as the shadow Home Secretary, the right hon. Member for Haltemprice and Howden (David Davis) said, the proposed scheme will not be effective; the card certainly will not achieve any of the things that the Government hope for it against terrorism, international fraud and so on, unless it is universal. The idea that it could be semi-universal actually denies the whole purpose of an ID card, certainly in terms of its practical effectiveness.

It is not unreasonable for the Home Secretary to want a universal card, but he does not want to legislate for it now because he knows that he would not get the measure through—*[Interruption.]* No, he is not legislating for a compulsory card. If he did that now, he knows that the Government would have to pay the full costs for such a card. He could not compel people to have a card and to pay £90 for it. He knows that a compulsory card would have to be financed by the Government and the Chancellor does not want to do that, so we have this rather dishonest and disingenuous halfway scheme.

If the Government and the Home Secretary were really confident about the proposed card, they would trust the British people. If the Home Secretary feels that he can make an overwhelming case for the importance of an identity card—as he undoubtedly does; I think that he is entirely sincere—he should trust his judgment and make that case to the British people. He should say, "Believe me, we will benefit from the card so volunteer for it", but he cannot introduce the scheme by compulsion. In proceeding by compulsion, he does not trust the British people. He certainly does not trust the people when he proposes this semi, rather false voluntary scheme, which is in effect compulsory.

2.15 pm

**Kate Hoey** (Vauxhall) (Lab): I agree with my hon. Friend's line of thought. Does he agree that many of our constituents, who were deeply opposed to ID cards,

gave the Government the benefit of the doubt because they thought that at least the scheme would not be compulsory? Now that a compulsory scheme is being brought in by the back door, does my hon. Friend fear that the next step will be a provision brought in by the back door that people have to carry their identity card?

**Mark Fisher:** As always, my hon. Friend makes good sense. She goes to the essence of the matter. This is not a proper voluntary scheme; it is compulsory, which is the only way it can work.

Will the Home Secretary listen to the other place, and to the public, and trust his own judgment? If, as he believes, he can convince the public of the importance of identity cards, he should trust them and let them volunteer for the scheme. The Bill does not trust the public; in effect, it asks them to be compelled to sign up for the cards.

**Mr. Nick Clegg** (Sheffield, Hallam) (LD): The simple facts are that the Government say that ID cards will be introduced voluntarily, yet the 80 to 85 per cent. of the British population who possess passports will, if the Bill is passed, have an ID card foisted on them in coming years whether they like it or not.

By refusing to acknowledge the blindingly obvious—that a measure applied by stealth compulsion on the vast majority of the British people could never be described as voluntary by any known use of the English language—the Government seem to have turned their back on the most elementary terms of rational debate. The Home Secretary seems to inhabit a curious back-to-front world, worthy of C.S. Lewis, where words simply do not mean what they used to—

**Tony Baldry:** Lewis Carroll.

**Mr. Clegg:** I stand corrected. The House must forgive me. As an Alice in Wonderland allusion was used earlier, I deleted mine from my notes and clearly made an error in my replacement.

As it appears fruitless to continue to ask the Government to use the same dictionary definitions as the rest of the English-speaking world, I shall take a slightly different line of inquiry. If, according to the Government, the scheme will be voluntary, will British citizens be able to withdraw their data from the ID database voluntarily? I know of no database in operation to which individuals can voluntarily enter their data, and from which they are not equally free to remove that information at a time of their own choosing. The Data Protection Act 1998, which sets out the core data protection principles, is clear. It states:

> "It must be recognised that even when consent has been given it will not necessarily endure forever . . . Data controllers should recognise that . . . the individual may be able to withdraw consent."

Just this once, I shall take at face value the Home Secretary's insistence that the scheme is voluntary. If it is voluntary to enter, based on individual consent, will he confirm that it will also be voluntary to leave it?

I am also struck by the breakneck urgency with which the Government seem to want to roll out ID cards by surreptitious compulsion. This week, we mark the 10th anniversary of the tragic shootings in Dunblane. The Firearms (Amendment) Act 1997 included a provision for a national firearms database, yet almost 10 years later nothing has happened. This week, Ministers told us that the decade-long delay was due to difficulties with the IT systems required for the firearms register. Apparently, at long last, a pilot register will start in May, with a view to rolling it out in fully fledged form a little later.

The contrast between the woeful delay in establishing a comparatively small database, agreed 10 years ago after the harrowing loss of life in Dunblane, and the headlong rush towards a vast uncosted, untested and unjustified national ID database speaks volumes.

**Chris Bryant:** The hon. Gentleman refers to the anniversary of Dunblane. Last Saturday was the second anniversary of the Atocha bombings in Madrid. He knows perfectly well that possession of an ID card is mandatory in Spain in order to have a mobile phone, which enabled the Spanish authorities to secure prosecutions.

**Mr. Clegg:** The point is, why should the Government be so keen through compulsion to roll out an untested, uncosted and vast ID database and seem incapable for a decade to develop the IT systems for a much smaller one? It hardly confers confidence in the Government's ability to deliver. The Government drag their feet on something that is urgently needed and justified, yet rush ahead on something that is neither needed nor justified.

**Martin Linton:** The hon. Gentleman has not answered what I may call the Rhondda paradox. If he regards the passport as compulsory, surely a passport is just as much an infringement of civil liberties as the national identity card. If he regards it as voluntary, then there is no problem. What is his answer?

**Mr. Clegg:** The key point is the distortion of the English language: saying that the ID card will be introduced voluntarily and yet doing it through compulsion. As to whether the hon. Member for Rhondda (Chris Bryant) is a paradox, I leave that for the hon. Member for Battersea (Martin Linton) to judge.

**Stewart Hosie** (Dundee, East) (SNP): Will the hon. Gentleman give way?

**Mr. Clegg:** I should like to make some progress since time is short.

Ramming through illiberal legislation to no obvious end, while failing to honour pledges made to the families of victims of murder over 10 years ago, reveals the extent to which the Government appear to have lost any sense of proportion or any clear sense of priorities, on this as on so many areas of public policy. I urge those in all parts of the House, and those following this debate in the other place, to reject the Government's motion to disagree with the excellent Lords' amendment.

**Mr. George Howarth** (Knowsley, North and Sefton, East) (Lab): The right hon. Member for Haltemprice and Howden (David Davis) concluded several points in his speech by saying, "put that to one side", so I intend

*[Mr. George Howarth]*

to do that. But he did make two points that ought to be addressed. First, by virtue of the fact that some people have good reason to travel abroad, and therefore need to have a passport for that purpose, he argued that linking the identity card with the passport was in some way introducing an element of compulsion.

By even the greatest stretch of the imagination, that argument is based on pure sophistry. The fact is that whether people have good reason or not—

**Mr. Garnier:** Will the right hon. Gentleman give way?

**Mr. Howarth:** I will give way in a minute if the hon. and learned Gentleman will allow me to finish the point that I am making. The fact that some people do choose to go abroad for very good reasons—

**Jeremy Corbyn** (Islington, North) (Lab): Will my right hon. Friend give way?

**Mr. Howarth:** No. I have said that I will give way in a moment.

The fact that some people do choose to go abroad for very good reasons does not make it any the less a voluntary activity. For the right hon. Member for Haltemprice and Howden to pretend otherwise is to mislead not only the House but those who are following his arguments at home.

**Mr. Garnier:** If the passport system is voluntary and the link between the passport and the giving of information for the national identity register is voluntary, why are the Government proposing to fine people for not providing that information?

**Mr. Howarth:** For the very obvious reason that, as far as I understand it, they were moving over to biometric-based information for passports anyway, so that process was already in hand and, unrelated to the Bill, that would have happened anyway.

**Jeremy Corbyn:** Will my right hon. Friend give way?

**Mr. Howarth:** No, I will not give way to my hon. Friend. There is very little time left and if I give way someone else will not be able to speak.

The right hon. Member for Haltemprice and Howden raised a second, more general point against identity cards on the grounds that having such a biometric database would effectively open up the way for fraudsters, terrorists and anyone else to access the system.

**David Davis** *indicated assent.*

**Mr. Howarth:** I see that the right hon. Gentleman nods, so that is part of his argument. But he is urging us to agree with the Lords in an amendment that would effectively create two databases of that kind. In other words, if his argument were correct—I do not necessarily accept it, but in his own terms—he is arguing for two separate opportunities for those breaches of security that he fears. The right hon. Gentleman has not in the least persuaded me with his arguments.

Finally, it has been well established during the course of this debate, not least by one of my hon. Friends who was responsible for drafting the Labour party manifesto, that it was quite clear what was intended. It was absolutely clear at that time and it has been made even clearer in our subsequent debates on the subject. Frankly, for the House of Lords to reject this one more time would be in breach—

**David Davis** *rose—*

**Mr. Howarth:** Let me finish this point and I will give way to the right hon. Gentleman. It would in fact be in breach of the Salisbury convention and it would be an outrageous abuse of the Lords' powers and privileges.

**David Davis:** I was not going to make this point, but, since the hon. Gentleman appeared to accuse me of misleading the House, I will. It is clear that the manifesto was intended to mislead. It was intended to be capable of being interpreted in two different ways.

**Mr. Howarth:** I did not actually accuse the right hon. Gentleman of misleading the House; I accused him of sophistry, and he has compounded that in the intervention that he just made.

It would be outrageous if the House of Lords were to reject the Government's proposals in the Bill one more time, and frankly, it would be playing into the hands of people such as me who believe that it should be abolished anyway.

**Tony Baldry:** The right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) knows jolly well and full well that if the Labour manifesto had said in terms that the Government were going to introduce compulsory ID cards, they would have got a raspberry. We all know from our constituency postbags and from conversations on the doorstep that the people of this country are resolutely opposed to compulsory ID cards, and that was why the Labour party manifesto was drafted as it was. No amount of sophistry by the hon. Member for South Swindon (Anne Snelgrove) will change the fact that the manifesto made it very clear that this is intended to be a voluntary measure.

The hon. Member for Stoke-on-Trent, Central (Mark Fisher) made an excellent contribution today, as he did on Monday, and he summarised this debate neatly on Monday when he said:

> "If we believe in a voluntary scheme, as the Home Secretary and the manifesto say that we do, there is no way that we can reject the Lords amendments. By rejecting the amendments, the Government will be opting for compulsion."

What the Government are seeking to do is simply that—opting for compulsion.

But even today the Home Secretary keeps trying. He abandoned his attempts on Monday. On Monday he tried to persuade the House that it was not compulsion—that somehow it was voluntary as to whether or not we actually went and applied for a

passport. So when we decided to go overseas, we got this ludicrous Alice in Wonderland description by the Home Secretary:

"That is the free will that people may exercise in deciding whether or not they wish to have a passport—*[Interruption.]* That is the free will over what they can do and how they can operate. That is what the wording means."—[*Official Report*, 13 March 2006, Vol. 443, c. 1260–1.]

It is completely crazy.

**Mr. Peter Bone** (Wellingborough) (Con): Does my hon. Friend agree that what the Lords amendments actually do is to bring the Bill in line with what the Labour party manifesto said at the last general election?

**Tony Baldry:** What the Lords amendments do, and what Opposition Members want to do, is very simple: we want it to be voluntary; those on the Labour Benches want it to be compulsory.

**Chris Bryant:** Will the hon. Gentleman give way?

**Tony Baldry:** No.

As the House of Lords Select Committee on the Constitution said,

"we continue to believe that the constitutional significance of the Bill is that it adjusts the fundamental relationship between the individual and the State."

If one is going to adjust the fundamental relationship between the individual and the state—an issue of some importance—one would have thought that that would be clearly set out in the manifesto. If the Government want to introduce compulsory ID cards, let them come to the House with a Bill to do so, and let them not do so through the back door, as they are seeking to do.

**Laura Moffatt:** I suspect that many of my constituents—I do not choose to speak on behalf of other hon. Members' constituents, as has been done in the House—consider the debate with absolute dismay, as those of us who engaged with our constituents and surveyed and invited comments know. The numbers in my constituency were overwhelmingly in favour of an identity card, and they continue to be so. My constituents will know, having had an opportunity to see the debate, that there is another motive behind the Opposition supporting the other House in its attempt.

The reason I absolutely depart from some of the spurious arguments on why the Bill should not proceed is that I hear the same Opposition Members who argue for clarity in databases and say that we must have a single database—I cite child protection and many other issues that are before the House—using an entirely separate argument in this case.

*It being one hour after the commencement of proceedings* MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [13 February 2006].*

*Question put,* That this House insists on its disagreement with the Lords in their amendments Nos. 16 and 22, but does not insist on its amendment No. 22C and proposes amendments (a) and (b) in lieu thereof.

*The House divided:* Ayes 292, Noes 241.

**Division No. 194]** **[2.30 pm**

**AYES**

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.

Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Ayes:**
**Mr. John Heppell and Mr. Dave Watts**

**NOES**

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian

Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robertson, Angus
Robertson, Hugh
Rogerson, Mr. Dan
Roseindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Strang, rh Dr. Gavin
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wareing, Mr. Robert N.
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Noes:**
**Andrew Selous and**
**Mr. Tobias Ellwood**

*Question accordingly agreed to.*

*Lords amendments Nos. 16 and 22 disagreed to.*

*Amendments (a) and (b) agreed to.*

## Terrorism Bill

*Lords reasons for insisting on amendments and disagreeing to Commons amendments, considered.*

*Lords reasons*: 5A, 11A, 31A and 34C

*Motion made, and Question proposed,*

That this House insists on its disagreement with the Lords in their Amendments 5, 11, 31 and 34 and insists on its Amendment 34B but does not insist on its disagreement with the Lords in their Amendment 28 and proposes the following Amendment in lieu:—

No (a), in page 6, line 24, at end insert—'(8A) The reference in subsection (8) to something that is likely to be understood as an indirect encouragement to the commission or preparation of acts of terrorism or Convention offences includes anything which is likely to be understood as—

(a) the glorification of the commission or preparation (whether in the past, in the future or generally) of such acts or such offences; and

(b) a suggestion that what is being glorified is being glorified as conduct that should be emulated in existing circumstances.'. —*[Mr. Charles Clarke.]*

2.45 pm

**Madam Deputy Speaker (Sylvia Heal):** With this we will consider the following: leave out from "following" to the end and insert in lieu amendment (b), in page 2, line 1, leave out subsection (4) and insert—

'( ) for the purposes of this section, "indirect encouragement" comprises the making of a statement referring to terrorism in such a way that the listener, reader or viewer would infer that he should emulate it.'.

Amendment (c), in page 6, line 24, at end insert—

'(8A) The reference in subsection (8) to something that is capable of being understood as an indirect encouragement to the commission or preparation of acts of terrorism or Convention offences comprises the making of a statement referring to terrorism in such a way that the listener, reader or viewer would infer that he should emulate it.'.

**The Secretary of State for the Home Department (Mr. Charles Clarke):** The effect of my motion is simple. It effectively reinstates the wording that this House has previously decided on and rejects the attempts of the other place to remove all references to glorification from the Bill. I can be brief in my remarks because I set out in detail what was wrong with the amendments made by another place when we last discussed the issue on 15 February, and I do not intend to return to that debate.

I am pleased to say that one objection to those amendments has been removed. The hon. Member for Beaconsfield (Mr. Grieve) has perhaps realised that his assertion that he was

"not wholly persuaded by the argument that listening cannot encompass reading."—[*Official Report*, 15 February 2006; Vol. 442, c. 1435.]

is not really sustainable. I accept that today's amendments from the Opposition parties do at least seek to remedy the weakness that we reflected in the debate that we had last time, but the reference solely to "listener" was not the only thing that was wrong with the amendments.

The amendments from the other place are defective because instead of containing an exemplary description of what "indirect encouragement" could be, they provide an exhaustive description. In other words, the

*[Mr. Charles Clarke]*

offence is limited so that it is committed by making available to the public a statement directly encouraging terrorism, or a statement indirectly encouraging it but only by actually describing it in such a way that the listener will infer that he should emulate it. To put that simply, the use of the word "describing" in the Lords amendments means that the Bill would not catch, as the original wording would, glorification, praise or celebration of an act of terrorism that does not actually describe the act. Although the amendments that have now been tabled by the Opposition parties do not rely on the word "describing", the same type of objection still applies to them. The use of the word "comprises" makes them exhaustive.

**Mr. Dominic Grieve** (Beaconsfield) (Con): Instead of using the word "describe" our amendment uses the phrase "referring to terrorism". Can the Home Secretary give me an example of when glorifying terrorism would not have to make a reference to it as an activity?

**Mr. Clarke:** The point that I was making is that the amendment seeks to provide an exhaustive description, which, in my opinion, does not meet the original position put forward by the House. That is precisely why we think that the amendments made in the other place and the amendments tabled by the Opposition should not be accepted here.

The removal of the reference to glorification, which appears to be the purpose of the amendments made in the other place, appears to be the position of the official Opposition, although it is difficult to be sure. On Tuesday, the official Opposition tabled amendments jointly with the Liberal Democrats that included the word "glorifying", but by yesterday those amendments had been replaced by Conservative amendments that do not make reference to glorification. In the other place, those on the Conservative Front Bench urged their colleagues not to vote against the Commons on those points. No doubt we will receive some clarification on that from the Opposition spokesman.

**Mr. Grieve:** Will the Home Secretary give way?

**Mr. Clarke:** I will, but I warn the hon. Gentleman that I will not give way to him again in this speech because he will be making his own speech later in this short debate.

**Mr. Grieve:** On the whole, I am genuinely trying to see whether I can reach a consensus with the Home Secretary. For that reason, I considered whether it would be possible, within the restricted ambit of the word "comprise", to give the Prime Minister his "glorifying" word, so that his ego would be satisfied, but after I had put the amendment down on the blues—I take responsibility for this—it seemed to me, for the very reason that I gave to the Home Secretary, that I could not think of a single example of when glorification would not involve a reference to terrorism. One cannot glorify something without referring to it. In fact, in lawyers' language, the word was otiose and surplusage and I have no business tabling an amendment that includes something that is completely unnecessary and serves no purpose whatever.

**Mr. Clarke:** I am grateful for that explanation. Trying to help the Prime Minister's ego is a new task for Opposition spokespeople. I am delighted that they are diverting their energies to that.

What of the Liberal Democrats? No one—including them, probably—has any idea where they stand. On Tuesday they were with the Conservatives in accepting "glorifying". On Wednesday they had parted company from the Conservatives, but today they are back with the Conservatives and opposing "glorifying". It is such typical behaviour from the Liberal Democrats that perhaps it is not worth considering.

The case for including glorification is strong. It is a clear and well understood English word that captures better than any other word some of the conduct that we are trying to deal with in the Bill. As I have said, I imagine that that is why the press have picked up and focused on the word. They know what it means and they know that their readers understand it. It was and, I hope, will be perfectly clear in the Bill for the sake of the courts. It is also a word that the nations of the world were prepared to accept last September when they voted to adopt UN Security Council resolution 1624, which features that word. We should uphold it in Parliament.

As I have also pointed out before, in light of the attention given to the issue of glorification, if we were now to remove it from the Bill the courts would be fully justified in reaching one obvious conclusion—that Parliament did not intend glorification of terrorism to fall within the scope of the encouragement offence. If any hon. Members doubt that, they might like to read a judgment given by the Lords of Appeal only last week. In the course of his remarks, Lord Bingham of Cornhill said:

> "There is no warrant for treating Parliament as having meant something it did not say".

That clarification, given in the case Regina on application of Gillan and another *v* Commissioner of Police for the Metropolis and another, which was given on 8 March, should cause all of us to be clear that if we take out the word "glorification", there will be understanding of that in the court when the legislation comes through.

**Mr. William Cash** (Stone) (Con): Will the Home Secretary give way?

**Mr. Clarke:** No, not at the moment.

The reason the Government believe that we need to deal with glorification in our law is clear. People who glorify terrorism help to create a climate in which terrorism is regarded as acceptable. They help to persuade impressionable members of their audiences that they have a moral duty to kill innocent people in pursuit of whatever ideology they have espoused.

In recent times, we have seen threats from extremists who claim to represent Islam. Leaders of the Muslim community in the UK and elsewhere have quite properly and very strongly made it clear that such views do not represent true Islam. However, there are, nevertheless, people who may be influenced by those

who glorify terrorism and conclude that they have a duty to kill and injure innocent bystanders in the misguided belief that they are bound to do so.

I should also remind the House that glorification features in the Bill as an example of what is encompassed by the concept of indirect encouragement. It is not self-contained. Glorification as an offence is a subset of indirect encouragement as an offence, and can be committed only if the conditions surrounding the main offence are met. Key among those conditions is the requirement that there must be an intention that others should be induced to commit terrorist offences or subjective recklessness on this point. Glorification without intention of emulation or subjective recklessness cannot constitute an offence.

**Mr. Grieve:** Will the right hon. Gentleman give way on that point?

**Mr. Clarke:** No, I will not give way.

That is a very important safeguard and gives the lie to some of the fanciful claims that have been made about perfectly innocent statements falling foul of this legislation. In part we can have such confidence because of the requirement in the Bill, as this House passed it, for the glorification to relate to conduct that could be emulated in existing circumstances. The amendments from the Opposition parties remove this requirement. I am quite willing to believe that the proposers did not intend to extend the scope of the offence in this undesirable way, but they must speak for themselves, as I am sure the hon. Member for Beaconsfield will do in a moment, and justify their own drafting.

Another important consideration in this debate is that the creation of an offence of glorification was a specific commitment in the manifesto on which my party fought and won the general election less than a year ago. That goes hand in hand with the question of which House should prevail in any dispute between the two Houses. In Committee and on Report the House voted explicitly on the question of whether this Bill should contain references to glorification. It endorsed the proposition by majorities of 16 and 25 respectively. The Bill then had an unopposed Third Reading and proceeded to another place.

The other place is a revising Chamber and can invite this House to think again. That is precisely what happened in respect of glorification, and other aspects of the Bill as well. Although I disagreed with the views of another place, I made no complaint as to its conduct up to that point. However, the Bill then returned to this House. On 15 February we had a lengthy debate on the whole issue and voted by a majority of 38 to include glorification in the Bill. We thought again, as the other place requested, and reaffirmed our original decision. At that point, I would have expected the unelected House to concede, and I am disappointed that it did not do so.

The elected House must prevail and I hope that the motion standing in my name will pass by the largest possible majority, so that it is clear to Members of another place what form Members of the elected House want the legislation to take.

**Mr. Grieve:** I rise to respond to the Home Secretary and to speak to amendments (b) and (a) to his amendment in lieu.

The Home Secretary has failed to explain the scope of his proposal, from which flow a large number of the problems with which the House is grappling. He came close to touching on that matter a moment ago, but whenever he comes close to it, he veers off, because an explanation would make nonsense of the Government's entire argument.

The glorification of terrorism is not being made an offence, thank goodness. If the glorification of terrorism on its own were made an offence, it would mean, as we have said on many occasions, that anybody who celebrates Robin Hood, the peasants revolt or Spartacus would be liable to prosecution. Furthermore, the poor old Taoiseach would be liable to prosecution when he comes over here after celebrating the Easter rising next month in Dublin, which he intends to do. Mercifully, that is not the Government's objective.

The Government's approach must be based on the Prime Minister's ego, because there is no other rational explanation. Having produced a Bill that contains draconian and powerful provisions to criminalise the indirect encouragement of terrorism—something that we support—the Home Secretary has insisted on including in clause 1(4) a most extraordinary subsection, which suggests that the courts should have particular regard to an example that he is offering: the possibility that glorification falls within the scope of indirect encouragement. At the same time, he has provided the suggestion that members of the public would reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances—I think that the Taoiseach would still be in some difficulty, because quite a few people in Northern Ireland think that any celebration of the Easter rising does exactly that.

The key point is that every single judge and lawyer to whom I have spoken has highlighted the fact that including such a concept is woolly, opaque and unclear, that the word, "glorify", is not known in our law and that the definition of "glorify" as praise or celebration is very poor. The provision appears to be deliberately aimed at people who might wish to celebrate as part of their culture episodes that would fall within the Government's catch-all definition of terrorism. Above all, it is entirely unnecessary in meeting the Government's objective, and the Home Secretary has said nothing this afternoon to explain why it needs to be included in the Bill.

**Dr. Julian Lewis** (New Forest, East) (Con): Surely the Home Secretary's claim that judges will take it as a signal if this is cut out has no merit. The judges will know perfectly well that it was cut out because it is unnecessary given that any offence that it would catch would be caught under existing legislation.

3 pm

**Mr. Grieve:** There is no doubt that in many respects the Bill is a belt and braces job. As we pointed out to the Government, the truth is that there are perfectly good laws on the statute book that could be used instead of clause 1 or many other clauses. I must admit that I will probably not lose a huge amount of sleep over that, provided that the legislation that we enact is rational, fair, makes sense and, if I may say to the Home

*[Mr. Grieve]*

Secretary, does not provide a lawyer's field day of casuistic arguments whereby every person who is prosecuted under the glorification clause will take the courts up hill and down dale day after day, and eventually be acquitted, probably on the direction of a judge, because it is all completely unintelligible.

**Mr. Tobias Ellwood** (Bournemouth, East) (Con): Does my hon. Friend know whether, following the Danish embassy demonstrations, the police have requested any additional powers that they do not already have?

**Mr. Grieve:** The police certainly do not need additional powers to deal with a demonstration outside the Danish embassy. I was rather depressed to read today that although some prosecutions have been started, there are problems in identifying some of the people who participated because, of course, nobody was arrested at the time or shortly thereafter. That is a policing matter, but it is not exactly encouraging for those of us who wish to see that sort of behaviour stopped—something that I suspect is true of every single hon. Member.

**The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham):** ID cards might have been quite useful.

**Mr. Grieve:** If nobody knows who is holding up the placard because that person is wearing a dish dash in such a way that all that can be seen is his eyes, what possible use would an identity card be? I am afraid that Government Front Benchers are living in fantasy land as regards terrorist offences, and one need only engage in any sort of debate for the fantasies that are besetting them to become increasingly apparent.

I say this to the Home Secretary: we have genuinely been trying to see whether we can reach agreement with the Government on the problem that has been posed by the Prime Minister's ego and his slavish adherence to the word "glorification". If one is French, that word does not feature in the debate at all, because the equivalent word is, "apologie", which means "vindication" and is entirely different. For those in the international community, the failure of this House to enact the glorification clause would not be the most seismic event ever, because what they actually want to see is terrorists and those who encourage terrorism brought to justice. That is the matter on which the House should be concentrating.

Mindful of that, we tried to see whether we could reach some measure of agreement. That is why the amendments that I have tabled, on which, I am glad to say, we will be able to vote before voting on the Home Secretary's proposition, would provide the framework for doing that. The Home Secretary's suggestion that the word "listening" might not encompass viewing or reading struck me as having force. Indeed, if there had been an opportunity for a full debate and vote in the House of Lords, it might have been possible to do something about that there. That classically illustrates how our parliamentary procedure does not work very well. Here we have an opportunity to remedy that minor criticism.

On top of that, as the Home Secretary will have noted, we have removed the word, "describing", in relation to terrorism because he said that it is possible to glorify terrorism without describing it—I think that it is quite difficult, but I can see that it is a drafting argument—and replaced it with the word, "referring". Can the Home Secretary give me any example of where it would be possible to glorify something without referring to it? I have to say that I do not think that that argument would get very far.

**Jeremy Corbyn** (Islington, North) (Lab): I have examined the amendments that the hon. Gentleman tabled. Will he assure us that, if they were carried, became part of the Bill and subsequently law, they could not lead to the same sort of perverse prosecutions, which, as he rightly said earlier, are possible under the glorification clause?

**Mr. Grieve:** I believe that they will be a great improvement because they focus on what Parliament wants to achieve. My judgment is that Parliament wants to prevent people from indirectly encouraging terrorism by referring to it in such a way that the listener, reader or viewer, who heard, read or saw whatever was said would infer that he should emulate it. I have always accepted that glorification could constitute an offence if a reference to terrorism was made in such a way that a listener, reader or viewer inferred that he should emulate it. Our amendment removes the focus from a concept that should have no part in our law. People should be allowed to celebrate the Easter rising in Dublin without thinking that they are beginning to fall foul of the measure. They celebrate it not only in Dublin, but, for all I know, in west London.

**Jeremy Corbyn:** And in north London.

**Mr. Grieve:** The hon. Gentleman may be right—there could be more such celebrations. In my part of London, celebrations of the Easter rising will undoubtedly take place. The Irish centre is within a few hundred yards of my home.

Let me reassure the hon. Gentleman. If he accepts that indirect encouragement of terrorism should be criminalised, he should have no fear about supporting our amendment. It gets round the problem of the Government's concept.

The clause that covers proscribing organisations specifically focuses on glorification. Again, the amendment would remove that focus and provide that, if an organisation referred to terrorism in a way that made people infer that they should emulate it, it would fall foul of the proscription provision. However, simply glorifying something would not fall foul of the provision. Some glorification will undoubtedly constitute a reference to behaviour and terrorism in a way that encourages emulation but some will not. The amendment would get rid of the concept of glorification. That is a great improvement.

I am waiting for the Home Secretary to intervene because no coherent argument has been advanced for the Government's reason for getting so hooked on the inclusion of glorification. I do not know what will happen when the Bill returns to the other place. I note

that, for something that has become so intimately bound up with the Prime Minister's ego, when it previously returned to the Lords, only 156 out of 208 Labour peers turned up to support the proposals, even in the Government's great heave to show their mettle. Indeed, some Labour peers supported us.

**Mr. Charles Clarke:** What was the position of Opposition Front Benchers in the Lords in the debate? What were the reasons for their position?

**Mr. Grieve:** The Home Secretary can read what my noble Friend Lord Kingsland said. He took the view that the Government's slavish adherence to glorification was unproductive. He and many other peers on the Front and Back Benches criticised that. However, he said that the Opposition believed that the argument might have been exhausted and they therefore abstained on the vote. So many peers of all parties, including the Labour party, took objection to "glorification" that they defeated the Government despite the Government's turning out their troops in large numbers. That is a telling indication of the independent mindedness of the other place. For that reason, when the Bill returned here, I went to much trouble to ascertain whether there is a way in which we can square the circle.

At one stage, I drafted an amendment that made use of the words "referring or glorifying". I try to apply a bit of logic to what I do, and I hope that the Home Secretary will forgive me for saying that I could see no basis on which the word "glorifying" in that context would add anything at all to the legislation.

This is what worries me about the Government's approach. When we read the Bill, we see that the Government have created an offence and then, in a bizarre way, put in a subsection that draws specific attention to an activity that they want to criminalise or condemn. That is very bad law. It would have made sense, had the Government persevered—I am glad that they did not—and said that glorifying terrorism was in itself an offence. Mercifully, they did not go down that road, because enough people pointed out to them that that would have been a completely loopy proposal. What we have here, however, is a remnant of that loopiness. The House should not be in the business of encouraging loopy legislation.

**Jim Cousins** (Newcastle upon Tyne, Central) (Lab): I am following the hon. Gentleman's arguments closely. What comfort does he draw from the clear statement by Baroness Scotland, who speaks for the Government on this issue in the other place? When she was asked by my noble Friend Lord Clinton-Davis whether there would be an opportunity to revisit this matter soon, she conceded that there would be "bound to be" such an opportunity. What comfort does the hon. Gentleman draw from that?

**Mr. Grieve:** A pretty limited amount. The hon. Gentleman will be aware that the Government have said that at some point—probably not in the next parliamentary Session, but possibly the one after that—there could be a huge terrorism Bill to bring together all the many terrorism and anti-terrorism Bills that the Government have enacted in the past five years. We seem to move between terrorism Bills and anti-terrorism Bills. We have heard about the possibility of such a Bill in the context of control orders. I hope that, in the course of producing such a Bill, some of the loopier things that we have done will disappear down the plughole. That would include allowing people to be deemed to be members of a proscribed organisation on the basis of the hearsay evidence of a police officer. That measure has never been used since it was introduced. There are an awful lot of added-on bits that we could get rid of. However, we are in the hands of the Government, and I can easily envisage the circumstances in which the Home Secretary—despite having been completely honest when making the point in relation to control orders—could come to the House in 18 months' time and say, "I'm sorry, but there is insufficient parliamentary time. We'll have to put this off for another two years."

In the meantime, the House should not put on the statute book a measure that is plainly idiotic and wrong. This problem could so easily be cured. If we were to cure it by adopting my amendment, the Bill would have every bit as much bite. It would be able to deal with those whom we wish to prosecute, and it would be able to help to uphold the rule of law without making us a laughing stock for having adopted a concept so opaque that it will be unintelligible when presented in court.

Hon. Members should also bear in mind the important point that certain law-abiding sections of society feel that they are being targeted by anti-terrorist activity. That is an almost inevitable consequence, but we must keep it in mind. It is my view—I wish it were the Home Secretary's view—that, in using terms such as "glorification" when they are not necessary to achieve our objective, we do ourselves no favours in the battle for hearts and minds that we have to win. That battle will have to go together with everything else that we do, if we are to curb the terrorist threat in this country.

For those reasons, I invite hon. Members to support our amendments in lieu of the Home Secretary's proposition. If we do not succeed in that regard, my colleagues and I will stand by the Lords amendments and vote against the Home Secretary's proposition.

**Mr. Nick Clegg** (Sheffield, Hallam) (LD): In this debate, as in the earlier one on the Identity Cards Bill, the Government have revealed a curious attachment to a single, ill-defined word. The debate on identity cards highlighted their somewhat spectacular redefinition of the word "voluntary". Now we are dealing with a Government—or more precisely a Prime Minister—who appear to be absolutely insistent on another word, "glorification". A petulant insistence on the use of a particular word does not make good law.

The Government's position is weak on three counts. First, as was said earlier, there is no legally understood definition of the word "glorification". It confuses the law, creating unnecessary imprecision and fluidity. That should not happen to a law that deals with such an important issue as tackling terrorism. The Joint Committee on Human Rights objected to the term on exactly that ground—legal imprecision—and we have still not heard a compelling argument from the Government to refute that view.

Secondly, the provision adds nothing other than confusion to existing laws that are deployed effectively to tackle many of the problems that it is supposed to

*[Mr. Nick Clegg]*

address. The arrest yesterday of a number of protesters who used sickening and inflammatory language on their placards when demonstrating against the anti-Islamic cartoons published in Denmark shows that current laws against incitement appear to be working fairly well, although there was some delay in that case.

**David T.C. Davies** (Monmouth) (Con): Surely the hon. Gentleman agrees that the enormous delay in the effecting of those arrests and the very small number of people who were arrested, given the large number who were protesting, show that action has not been taken as expeditiously as we would expect—and, indeed, as we saw in the case of the counter-demonstrators who were arrested there and then, and in that of the people who protested in support of liberties in the countryside a few months ago outside the House.

**Mr. Clegg:** The hon. Gentleman makes a valid point about the curious delay in the action taken by the police in arresting the placard protesters, but that is not really relevant to the fact that a law is already available to allow such prosecutions and arrests. There is no obvious loophole that the offence of glorification, even as a subset of indirect encouragement, is required to fill.

Thirdly and most important, the insistence on the term "glorification" will have a chilling effect on freedom of expression. It will lead, in effect, to self-censorship. Its application to any events—I think that this phrase in clause 1 is in parentheses, but it is important none the less—

"whether in the past, in the future or generally"

casts the net extremely wide. Muslim communities in particular, who have an understandable interest in debating and speaking out about conflicts on the west bank or in Gaza, or in Iraq, Chechnya or Kashmir, will find themselves especially vulnerable to the loose application of a poorly worded law. Is that really what we want at a time of heightened sensitivity between Muslim and other faiths?

Of course acts of terrorism, in those places as anywhere else, are abhorrent and must be condemned; but freedom to discuss them should not, surely, be threatened by such loosely worded legislation.

**Dr. Julian Lewis:** Is it not bizarre that while the Home Secretary seems to think that the exclusion of the word "glorification" from the Bill will send a signal to judges—who ought to know better—that the House of Commons thinks that it is okay for people to glorify, he is not worried about the possibility that the inclusion of the word will send the communities to whom the hon. Gentleman referred a misleading signal that they should not dare to mention such subjects in a legitimate debate?

**Mr. Clegg:** That is an excellent point. The heavy-handed indifference to the effects on our culture of freedom of speech, and particularly the effects on certain communities, is both cavalier and dangerous. We are simply not going to win the battle against terrorism by driving debate underground. That is the fundamental problem with the Government's approach, and their insistence on the use of the word "glorification".

**Dr. Evan Harris** (Oxford, West and Abingdon) (LD): My hon. Friend is right to say that the measure will lead to self-censorship. Those of us who have debated the issue at length know that the Government accept that. It is not that they are indifferent; they want us to be censored and self-censored. We see that in many Government proposals. It would be legitimate for the Government to take that view if they had any evidence that sacrificing a freedom would help rather than being counter-productive. There is no such evidence, and we are in danger of losing our freedoms to a Government who do not care about the importance of freedom of expression.

**Mr. Clegg:** I am grateful to my hon. Friend for his observations. They strike at the heart of the imbalance in the Government's approach to tackling terrorism, which is sacrificing our cherished freedoms in the way described.

**John Bercow** (Buckingham) (Con): Will the hon. Gentleman give way?

**Mr. Clegg:** Yes, but I am keen to make progress.

**John Bercow:** I am extremely grateful to the hon. Gentleman, in the circumstances, for his generosity. He will be aware that a significant number of people from Darfur are in this country seeking asylum or exceptional leave to remain. Would it not be an abomination if such people—in expressing support for the Sudanese People's Liberation Army, or strong opposition to the Government of Sudan or the Arab militias—were held up as supporters of terrorism when what they really want is the opportunity to enjoy civil rights and to live in a free Darfur?

**Mr. Clegg:** Indeed, and the grotesque effect of poorly drafted legislation that the hon. Gentleman describes is also retrospective. Those who celebrate the Easter uprising or write about the American war of independence could be scooped up by the law in a way that no reasonable person would consider desirable. That is why the amendments before us to clauses 1 and 3, on "indirect encouragement", deserve support from all parts of the House. Their wording is more precise in law, easier to read and more clearly understandable than the convoluted and garbled text on glorification.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Will the hon. Gentleman give way?

**Mr. Clegg:** If I may, I shall now address my remarks to the Home Secretary, who referred to the Opposition parties' attempt to find a way to satisfy the rather petulant insistence on the use of the word "glorification" by qualifying and defining it in a way that neuters its ill-judged effects. It was a serious, concerted and sincere attempt to secure agreement in all parts of the House, and if his only reaction to it is to make crass debating points, it will discourage further attempts in other situations to achieve cross-party consensus.

**Mr. Charles Clarke:** First, the hon. Gentleman should think carefully before describing the United Nations Security Council as petulant in its use of the word

"glorification", particularly given that he represents a party that has a strong tradition of internationalism and of support for the UN. Secondly, such efforts to reach agreement involved the two Opposition parties; they did not involve the Government at all.

**Mr. Clegg:** With the greatest respect to the Home Secretary, his reaction to our sincere and, as it happens, rather open attempts to reach agreement, as revealed by the amendment, will discourage us the next time that we wish to achieve cross-party agreement on such matters. My recollection is that the UN's use of the word "glorification" was heavily qualified by legal understandings of intention and purposeful activity in the act of glorifying—understandings that have been excluded from this Bill. So the read-across to the UN understanding of "glorification" is not entirely valid.

**David Howarth** (Cambridge) (LD): Surely the Home Secretary's point does not stand up, given that the word "glorification" appears nowhere in the statute book and has never been clarified by the courts. So there is a difference between what happens in diplomatic negotiations and what should be in British law.

**Mr. Clegg:** My hon. Friend makes an excellent point. I think that it was addressed to the Home Secretary, and I look forward to his providing clarification.

The Government and the Home Secretary claim that they do not intend the term "glorification", as a sub-clause to the definition of "indirect encouragement", to be used in an unduly lax or imprecise manner, so there appears to be agreement on that, at least. If so, the amendments before us deliver precisely what they want. They also include the refinements described by the hon. Member for Beaconsfield (Mr. Grieve), which extend the wording to encompass listener, reader or viewer. There is simply no reasonable reason or excuse left for the Government not to abandon the Prime Minister's stubborn, ill-judged obsession with the word "glorification".

**Jeremy Corbyn:** I shall be brief, for obvious reasons. I want the Lords to continue to oppose the inclusion of the word "glorification" on the face of the Bill. I am no more a supporter of criminal terrorist acts than is any other hon. Member, but using such loose wording in legislation could be very dangerous. It could lead to some very dangerous and perverse prosecutions.

Earlier, the hon. Member for Beaconsfield (Mr. Grieve) gave some examples of how that could happen. Over the years, I have been to many meetings when the virtues of the Easter rising have been extolled, and the speeches made at those meetings could well be construed as glorifying what some people would call a terrorist act. In my part of London, Sir Roger Casement is a figure of veneration, rather than of condemnation, and there is no doubt that that is true in many other places. I have also attended celebrations of India's independence day, when speakers have extolled the virtue of the various figures who played a part in bringing about that independence. In certain circumstances, I am sure that those speakers could be prosecuted under the Bill.

**Mr. Mike Weir** (Angus) (SNP): Does the hon. Gentleman agree that celebrations of certain parts of Irish history could include readings from the poetry of W.B. Yeats, which could also be caught by the definition in the Bill?

**Jeremy Corbyn:** I always read Yeats' great poetry to myself, quietly at home, and never in public. However, I take the point: plenty of writings extol things that could be caught by the Bill. Indeed, history is full of accounts of the dreadful things done by British forces abroad—such as massacres in India and elsewhere—that I would argue could be interpreted as terrorist acts. I am not in favour of prosecuting anyone for talking about such matters, but that is the danger of the Bill.

The Home Secretary said that the leaders of the Muslim community in this country have condemned the language used in the demonstration outside the Danish embassy. That is true, but as far as I know, they have not supported the use of the word "glorification" in the Bill, because they see the dangers that would ensue. It does not take a huge imagination to work out that utterly ridiculous and perverse prosecutions could be brought under the Bill. However, it is also possible that a very serious prosecution could be brought—for example, in respect of what an imam might have said after Friday prayers. The matter would be dragged through the courts for months. The prosecution case might collapse, or the imam might be declared innocent, but a cause célèbre and a martyr will have been created in the meantime, and community relations will have been damaged. That is the danger of having such loose wording in the Bill.

**Mr. Graham Stuart:** Does the hon. Gentleman agree that the House might be being too kind to the Government by assuming that they have a rationale for the use of the word "glorification" in the Bill? Is it not possible that the Government's aim has been to create an entirely artificial division in the mind of the public? The argument makes the Government appear to be strong on terrorism, while leaving everyone else who oppose the Government—on the Conservative, Liberal Democrat or even Labour Benches—looking somehow weak on the matter. Does he agree that this dangerous legislation could have been introduced for such cynical reasons?

**Jeremy Corbyn:** No. I always want to be kind to the Government. I am sure that they would not want to promote any such cynical thoughts, although I admit that cynicism sometimes does creep into politics.

A person who plants a bomb that kills people is committing a criminal act, and I remind the House that 12 people from my borough were killed on 7 July last year. Obviously, those responsible should be prosecuted, as it was a criminal act. We already have a law under which such people can be prosecuted for such acts, but I do not understand how loose wording such as "glorification" can help anything. I believe that the use of that word is damaging, and that the perverse prosecutions that I mentioned earlier could create a dangerous situation in community relations.

**Jim Cousins:** Does my hon. Friend not see that the problem with which the House is now grappling is not that there will be more than a maximum of one prosecution using this concept of glorification—because

*[Jim Cousins]*

it will fail at the first hurdle—but rather that the impact of the concept on what I might call the "Holbeck Faults" of our society might be very grave indeed?

**Jeremy Corbyn:** Absolutely. The point is that this creates an atmosphere that becomes perverse and dangerous. As has been indicated in earlier debates, my constituency, like many other London constituencies has been the home of many people who were exiled leaders of revolutionary organisations in other countries. We had the leadership of the African National Congress, the SWAPO leadership, people from the Congress party in India and many others who have been condemned for terrorism. In public meetings from time immemorial through to the present, they would make speeches about liberation struggles in other parts of the world that could be construed as glorifying terrorism. I would probably argue that that was not the case, but as has been said, it only takes the failure of one prosecution to damage the law and create martyrs.

The Bill creates an atmosphere in which people feel constrained from speaking out or discussing anything in a rational, political way. It is important that we defend the right to free speech and to discuss history. It is important for teachers and professors to deal in detail with what may or may not have happened in a historical context. Free speech is a precious and important thing.

**Mr. David Heath** (Somerton and Frome) (LD): I agree with the hon. Gentleman. He made the point that the person who placed the bomb that affected his constituents was committing a criminal offence. I think that he will agree with me that the person who caused that bomb to be placed should be committing a criminal offence. That is the case because we have the incitement laws. Does he understand why the incitement laws are suddenly felt to be entirely inadequate for the purpose for which they were passed, and why they are not used to prosecute people who should be prosecuted?

**Jeremy Corbyn:** I can only agree with the hon. Gentleman. It is clear that placing the bombs on the bus and the train, which killed my constituents and many others, was an illegal, criminal act. The same is true of supplying the material and planning the attack. I fail to understand how putting the word "glorification" on the face of the Bill makes anybody more secure. I think that in reality it creates a more divided community. The police say privately that what is important for security is co-operation between communities. If we reduce that co-operation by criminalising sections of the community, we are on a slippery slope.

**Mark Fisher** (Stoke-on-Trent, Central) (Lab): To pursue the intervention by the hon. Member for Somerton and Frome (Mr. Heath), does my hon. Friend understand any way in which the word "glorification" will strengthen the situation that the hon. Gentleman has described? As far as I can see, it will do nothing of the sort. It does not add to the situation at all. As my hon. Friend suggested, it can only lead to fraught and unhelpful situations.

**Jeremy Corbyn:** There is a feeling in Government—it is the same in all Governments—that when something awful happens, they have to be seen to be doing something. The only thing Governments can do, apart from making statements and providing resources for the forces of law and order, is to pass new legislation. So that is what they do, and I suspect, to some extent, that is what we are doing here today. I hope that the Lords stick with it on the issue of glorification. I think that the hon. Member for Stone (Mr. Cash) wants to intervene, or maybe he is just waving at me. I am not sure—*[Interruption.]* Oh, he is just drowning! I give way to the hon. Member for Oxford, West and Abingdon (Dr. Harris).

**Dr. Evan Harris:** In partial, but only partial, defence of the Government's intention, it is fair to point out that while terrorist acts and incitement offences occur, the convention against terrorism requires the Government to introduce a measure against indirect encouragement or incitement, which is what the Bill does. However, as the Joint Committee on Human Rights pointed out, the convention does not require the inclusion of the word "glorification" for the reasons that the hon. Gentleman and other Members have given, which is that it is too vague and too broad.

**Jeremy Corbyn:** I can but agree with the hon. Gentleman. If the wording is vague and too broad, we will end up with a dangerous situation.

We are all concerned about many issues in the UK and around the world. We want an inclusive society, where people feel able to express their political point of view and to represent causes all over the world. The Bill has international reach; indeed, it has global, even intergalactic, reach—it knows no limit. So let us suppose that we invited elected Members of the Palestinian Authority to address a meeting in the House, as many of us have done over the years. Their speeches describing the situation could be construed as glorifying terrorism. I do not necessarily think that would be the case, but it could happen.

We are moving into dangerous, uncharted waters with the Bill. Perverse prosecutions will bring about serious breakdowns in community relations, and I urge the Government to think carefully and seriously about such a vague and sloppy word as "glorification", when a much closer definition would meet the need for decency and security and deal with people who commit criminal acts, because that is what we are talking about.

**Mr. Cash:** I have been listening to the debate for some time, and if there has been any serious examination of the meaning of the word "glorification" it has escaped my notice. One might be forgiven for assuming that there was no reference to its interpretation in the Bill.

In earlier debates on the measure, I pointed out that I thought it would be extremely difficult for courts to construe a meaning. The definition in clause 20 notes that glorification

"includes any form of praise or celebration".

**Mr. Grieve:** Will my hon. Friend give way?

**Mr. Cash:** I think not, and that is not because I suspect that my hon. Friend will raise a point that I had not thought of.

With respect to the context of the use of the word "glorification", I entirely endorse my hon. Friend's view that the Prime Minister is on a bit of an ego trip. The Prime Minister has stuck closely to the assumption that the word has to remain in the Bill. The word is defined in various dictionaries and that, after all, is the only basis on which the courts can make a construction.

For people who are concerned about the connection between glorification and terrorism in the Islamic context, the rather dangerous first definition—from the point of view that things could spin out of control—is that the word means to praise and worship God. Those who know and understand something about the meaning of Islam and the proper reverence attached to the word "Allah" will realise that it could mean that anybody who was found to have glorified God in that context would automatically find a conflation between God on the one hand and terrorism on the other. That is an extremely difficult area.

I notice that the Home Secretary is chuntering and saying "Ridiculous". If he thinks that that was ridiculous, he should look at the dictionary. The courts will have to construe those words and that was the first definition given.

**Mr. Grieve:** My hon. Friend is making an important point. As he is showing, one of the things that the Home Secretary has done is to give constant illustrative definitions but no comprehensive definitions, so the scope is wide. As my hon. Friend says, glorification could be much more than praise and celebration, even though praise and celebration are singled out in the Bill. Does he agree that that is part of the mischief of passing such opaque legislation? It leaves people in uncertainty, which is a bad principle on which to legislate.

**Mr. Cash:** I could not agree more with my hon. Friend, and I go further and say that the second definition that is given is to

"reveal the glory of God by one's actions".

Even the Home Secretary, even the Prime Minister, cannot ignore the definitions that are given, for example, in the "Oxford dictionary". When we are dealing with words, as Lewis Carroll said, words mean what we choose them to mean.

"The question is"

who is

"to be master—that's all."

In that context, we know from the "Parkinson" interview where the Prime Minister puts himself in this case. He raises his eyes to heaven; he invokes God for guidance. So we are moving into very deep water here.

My next point relates to the alternative definition that is given, which is to

"describe or represent as admirable, especially unjustifiably".

If that is the definition that the Government want—I am amazed that they have not attempted to define the word "glorification" more precisely—they could have chosen that definition, which might have helped them out of some of the difficulties, but no, they insist that the only definition that they want is the one that I started off with, which merely includes any form of praise or celebration. They have moved into dangerous territory; they are actually inviting those of the Islamic fundamentalist disposition to make the worst of this when it crops up. The courts will be forced into a definition. The Government are negligent in not having provided a more precise definition. If the Government cannot come up with a precise definition, they should abandon the words and go back to the wording that has been suggested by the Conservative Front Bench.

It is perfectly simple. The Home Secretary is in a trap—the trap that has been laid for him unwittingly by the Prime Minister. The Prime Minister should take note of what is being said. I have no doubt that, as a result of the lack of a definition, the Bill is seriously defective and the Lords have every right to reject the amendment if a majority in the House sends it back to them.

**David T.C. Davies:** I shall try to be briefer than some of the speakers this afternoon, but we should think carefully before we pass a clause that is so open to misinterpretation, as hon. Members have pointed out. As my hon. Friend the Member for Beaconsfield (Mr. Grieve) said, anyone celebrating the Easter rising could be subject to prosecution under the terms of this clause. Slightly closer to home and within the United Kingdom, a few years ago in Cardiff a pub opened called "The Cayo Arms", named after the leader of the Free Wales Army; I presume that under the scope of the clause, anyone who was inside, celebrating the action of the Free Wales Army, would also be subject to prosecution.

**John Bercow:** Nor is the list as narrow as some might suppose. Would my hon. Friend not accept that it is not simply a question of forming a view and commenting on particular events? People could be trapped under the provision if they were, for example, to express admiration or general support for the activities of the Karen National Liberation Army in perfectly properly resisting the oppressive state apparatus in Burma.

**David T.C. Davies:** My hon. Friend makes an important point and he is renowned for his interest in human rights. But I think that we have a right to ask ourselves how confident we can be that a measure that will impinge on freedom of speech should be passed by a Government who have probably lost the confidence of members of the public. Two days before the Queen's Speech in 2004, which was when this Bill was first mooted, the front page of the *Daily Mail* contained a headline about a hijack attempt on Canary Wharf by al-Qaeda operatives. I have looked in vain ever since for any evidence of arrests or of people being charged, but there has been absolutely none.

I suggest to the Home Secretary that that article was deliberately placed into the *Daily Mail* before the Queen's Speech in a shoddy attempt to stoke up public opinion to get people to support this measure in the first place. *[Interruption.]* The Home Secretary laughs—so perhaps when he sums up, he will tell us whether or not the security services were briefed to talk to the *Daily Mail*. If the security services were briefed to talk to the *Daily Mail*, perhaps the Home Secretary could tell us why. If they were not briefed to do so, perhaps he could tell us why he did not order the same sort of investigation to hunt down the mole in MI5 or MI6 who spoke to the *Daily Mail* in exactly the same way as the Government shamefully hunted down—

*It being one hour after the commencement of proceedings* MADAM DEPUTY SPEAKER *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [15 February 2006].*

*Amendment proposed*: (b), in page 2, line 1, leave out subsection (4) and insert—

'( ) for the purposes of this section, "indirect encouragement" comprises the making of a statement referring to terrorism in such a way that the listener, reader or viewer would infer that he should emulate it.'.—*[Mr. Grieve.]*

*The House divided:* Ayes 230, Noes 298.

**Division No. 195]** **[3.45 pm**

**AYES**

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robertson, Angus
Robertson, Hugh
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wiltshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Ayes: Andrew Selous and Mr. Roger Williams**

**NOES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret

Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Diamond, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malkaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Noes:**
**Mr. Vernon Coaker and Tony Cunningham**

*Question accordingly negatived.*

*Amendment disagreed to.*

*Question put*, That the motion be made:—

*The House divided:* Ayes 296, Noes 237.

**Division No. 196]** **[4 pm**

**AYES**

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David

Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

**Tellers for the Ayes:**
**Mr. Vernon Coaker and Claire Ward**

**NOES**

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robertson, Angus
Robertson, Hugh
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wareing, Mr. Robert N.
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

**Tellers for the Noes:**
**Mr. Roger Williams and Mr. Tobias Ellwood**

*Question accordingly agreed to.*

## Immigration, Asylum and Nationality Bill

*Lords amendments to be considered tomorrow.*

**Damian Green** (Ashford) (Con): On a point of order, Madam Deputy Speaker. Have the Government given you, and through you the House, any explanation of their extraordinary behaviour in pulling the business at about two hours' notice? Have the Government Whips had such a bad week that they need to go home early to lie down? It is virtually unprecedented in my experience of the House that an important Bill coming to its final stages is suddenly hoicked from the Order Paper for no reason, and the Government do not have the courtesy to give the House an explanation.

**Mr. David Heath** (Somerton and Frome) (LD): Further to that point of order, Madam Deputy Speaker. The hon. Member for Ashford (Damian Green) makes a point that I made a couple of hours ago. May I add to that—*[Interruption.]*

**Madam Deputy Speaker (Sylvia Heal):** Order. The hon. Gentleman is making a point of order to the Chair.

**Mr. Heath:** Thank you, Madam Deputy Speaker. Has there been any indication from the Leader of the House that he anticipates making another business statement on Monday in order to correct the incorrect business statement that he made earlier today, which made no reference to further consideration of the Bill at any time during the next couple of weeks?

**Madam Deputy Speaker:** I have received no such indication from the Leader of the House. Returning to the original point of order, it is, of course, the prerogative and responsibility of the hon. Member in charge of the Bill or motion to decide whether to proceed. I am not aware of any other explanation, but I have no doubt that the Bill will return at a later stage.

**Mr. Edward Garnier** (Harborough) (Con): On a point of order, Madam Deputy Speaker. On Friday 3 March I raised a point of order with the Second Deputy Chairman in relation to an incident that took place at Nottingham East Midlands airport on 4 March. In response, the Second Deputy Chairman quite properly said that that was not a matter for him, but that he felt sure that the relevant Minister, namely one from the Department for Transport, would read what was said and would no doubt respond. I raised that point of order two weeks ago, and I have heard nothing since then, apart from noisy night flights out of that airport. Is there any way in which you can encourage the Minister with responsibility for aviation or one of the more senior Ministers in that Department to apply their mind to what is a serious problem and have the courtesy to this House and to a MP to respond?

**Madam Deputy Speaker:** I can only repeat to the hon. and learned Gentleman what my colleague, the Second Deputy Chairman, has already said—there is nothing that I can do. However, he may want to consider another way of getting a response to his question other than a point of order.

## Water Shortages (West Sussex)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Claire Ward.]*

4.16 pm

**Nick Herbert** (Arundel and South Downs) (Con): I am grateful for this opportunity to raise what is becoming one of the most serious issues for local people in West Sussex, which is the shortage of water. The past two years have been the driest period in the south-east since 1922, surpassing even the most serious post-war drought, which many of us remember, between 1974 and 1976. Many parts of the south-east have experienced less than three quarters of their long-term average rainfall in that period, and last winter was the second driest in Sussex since 1904. Only four of the past 16 months have seen rainfall reach average levels, and research commissioned by the south-east counties leaders group in 2004 found that less than half of the rainfall experienced in the region recharges water resources, which means that the south-east has less water per head than Syria.

Current water levels continue to cause concern. Despite some rainfall last month, river levels in West Sussex are at their lowest level for three decades—for example, the Ouse was flowing at only 41 per cent. of its long-term average last month. Almost 70 per cent. of water supplies in the south-east come from underground, so it is particularly worrying that groundwater levels are still below the long-term average for this month. On 9 March, the Bewl reservoir, which serves 400,000 people in Kent and East Sussex, was only 53 per cent. full, which is the lowest level that the reservoir has reached at this time of the year since it was built in 1974—for comparison's sake, the average level for this time of year is 84 per cent.

**Mr. Nicholas Soames** (Mid-Sussex) (Con): I congratulate my hon. Friend on securing this important Adjournment debate. He is aware, because he is coming to an infrastructure seminar tomorrow in East Grinstead in my constituency, that the Weirwood reservoir is even lower than Bewl. Is he aware that the Government have imposed on West Sussex county council a target to build 4,000 new houses at East Grinstead and that the requirement for extra water for those houses will be 6.75 million litres a day? Where does he think that that water will come from, and does he agree that that is not sustainable development?

**Nick Herbert:** I am grateful to my hon. Friend and agree with everything that he says. That is indeed the worry—where will the water come from in order to support the additional housing demand? I pay tribute to him for holding his infrastructure seminar tomorrow, at which leaders of the county councils and others will discuss the problem of the infrastructure deficit. That was also addressed by the private Member's Bill promoted by my right hon. Friend the Member for Horsham (Mr. Maude), which West Sussex Members were delighted to support and which suggested that there should be a proper audit of the infrastructure requirements of a development before it goes ahead.

The Weirwood reservoir is at about half its normal level, and the Environment Agency has confirmed that only one of the seven reservoirs serving the southern

region is at normal levels for this time of year. That has a serious impact in several ways. First, it affects farming. The south-east is one of England's most important regions for arable farming and horticulture, which takes place in the south of my constituency. The drought is already causing concern as the key growing season looms. The Environment Agency's report, "Drought Prospects", published last month, set out three possible scenarios for the summer: average rainfall for February to April, 80 per cent. of the average during that period, or 60 per cent. of the average. The report stated that if the south-east were to receive only 60 per cent. of the average for this time of year,

"Farmers would find groundwater and surface water sources to be very unreliable and could expect restrictions on spray irrigation".

That will have a direct impact on the supplies of the food that they produce and on their profitability, which is already being challenged.

Secondly, there is an environmental impact, including on local wildlife. Some of the finest wetland nature reserves in England are located in the south-east, such as Pulborough Brooks in my constituency. I suspect that the Minister may know about that. The ground is increasingly dry for the hundreds of pairs of lapwings and redshanks that traditionally breed in the south-east, and as flood plains dry out there are ever fewer places where these birds can breed and nest. At Pulborough Brooks reserve, just one pair of lapwings produced chicks last year, compared with 10 pairs in a normal year. The Royal Society for the Protection of Birds believes that that is because of the drought.

In terms of the prospect now confronting us, the Environment Agency has warned that water companies in the south-east, such as Southern Water, which largely serves my constituency, will need to do several things, all of which I wish to discuss. They include maintaining hosepipe bans, educating the public further about the severity of the drought, increased leakage control, and ensuring that drought plans are taken in good time. What worried me, and was one of the reasons why I called the debate, was the Environment Agency's comment that

"Any delay increases the risk later in the year of extreme steps to manage public water supply, such as the introduction of standpipes and rota cuts".

That public statement by the Environment Agency has begun to worry people who already face hosepipe bans in their households. I understand from a meeting that I had with Southern Water this week that it hopes that standpipes will not have to be introduced. However, the fact that the agency has warned of that underlines the need for further measures to deal with the problem.

A hosepipe ban has already been in place in West Sussex for eight months. It is extraordinary to impose a hosepipe ban during the winter months. The current hosepipe bans affect more than 3.4 million people in the whole of the south-east. Following Thames Water's announcement of a hosepipe ban, that extension will affect another 3.5 million people. Folkestone and Dover Water has applied for water scarcity status and has become the first water company to be successful in being given the go-ahead to install compulsory water meters, under the Water Industry Act 1999. I should like to explore the extent to which the Government are willing to see a further use of water meters and what impact they think that that will have on consumption and on some of the poorer households who may be adversely affected if there is a further move towards water metering.

I want to deal specifically with the issue that my hon. Friend the Member for Mid-Sussex (Mr. Soames) raised about population growth in the south-east.

**Tim Loughton** (East Worthing and Shoreham) (Con): I congratulate my hon. Friend on securing the debate. People watching it may be confused because, only a few years ago, there were television images of villages that were almost washed away. Barrels from the brewery in Lewes in another part of Sussex were seen floating down the river and the city of Chichester was severely damaged. However, we have long-term water shortage problems in the south-east, which will be compounded for reasons that my hon. Friend will outline. Does he believe that there is any scope for designation as an area of water shortage, as is possible under the Water Industry Act 1999, to draw attention to our long-term problems?

**Nick Herbert:** I should like to ask the Minister precisely that question. Perhaps such a measure is necessary but we need to understand its implications for local people and the move to compulsory water metering.

A big population increase is projected in the south-east. That is set to happen against a background in which, nationally, household water use has increased by more than half since 1971. Just over 8 million people currently live in the south-east but that population is projected to grow by more than 1 million in the next two decades. The South East England regional assembly, at the behest of the Deputy Prime Minister, said that it wants an additional 578,000 homes built in the next 20 years. That is an annual average of 28,900 across the south-east. Fifty-eight thousand homes will be located in West Sussex—a build rate of 2,900 a year. Yesterday, a report in *The Daily Telegraph* highlighted Government projections and estimated that, on top of those figures, up to 5 million new homes will be needed in England in the next 20 years. Ironically, a subsequent report in *The Daily Telegraph* ran a feature on the hosepipe bans and water shortages in the south-east. There is a clear connection between the increase in population, the projected increase in house building and the current scarcity of water. It is important that all concerned take that connection on board and plan properly for it.

The Water Resources in the South East group concluded in September 2004 that

"increased demand from new development in the South East can only be accommodated through a combination of demand and supply side activities."

That was based on a forecast that, by 2025, more than half the households in the south-east would be on meters. The group states that, unless that takes place, we will not be in balance in 20 years. It is therefore important for the additional number of households to be on meters. The question is whether we will hit the target.

*[Nick Herbert]*

Last year, WaterVoice, which is now the Consumer Council for Water, stated:

"Adequate water and sewerage services are a fundamental requirement and development/growth cannot proceed until robust water and sewerage infrastructures are in place to meet the demands placed on them . . . Water resources in the South East are already closely balanced with current customer demand. Any significant increase in population, as forecast in the plan"—

the housing plan, to which I referred—

"will place an unsustainable pressure on existing water resources. Improving water efficiency and minimising leakage are essential components of the plan . . . The intention to promote water efficiency in new homes through the planning process is supported but it remains unclear how existing housing stock can be made more water efficient without some form of financial incentive."

The current planning, which the Bill that my right hon. Friend the Member for Horsham presented tried to tackle, puts water companies under a statutory duty to provide the water only when planning permission is granted for house building. It does not provide for any formal water consultation process to involve water companies in the planning system. When we are considering house building on the scale suggested in the south-east, such formal consultation would be a good idea.

The Environmental Audit Committee of the House of Commons concluded last year:

"No proposals to further increase housing supply should be taken forward without ensuring that there is a strong evidence base to support them."

I have mentioned the Infrastructure Audit (Housing Development) Bill, which was introduced by my right hon. Friend the Member for Horsham and given a First Reading in the House. Last year, I also asked the Deputy Prime Minister to what extent he had assessed the infrastructure improvements that would be necessary to meet the house building targets in the south-east. I received a reply that simply stated that the Government were committed to "exploring" the infrastructure needs. Given the serious water shortage in the south-east, exploring is not going to be good enough.

At Prime Minister's questions two weeks ago, I asked the right hon. Gentleman whether he accepted that the Government had a responsibility to deal with the infrastructure deficit before putting in place the additional homes in the south-east. He replied that

"that is what we are doing."—[*Official Report*, 1 March 2006; Vol. 443, c. 253.]

I want to be sure that that is the case in regard to water, roads, health care and so on—all of which are under great pressure in West Sussex. I remain to be convinced—indeed, I am far from convinced—that that infrastructure investment is going ahead before the housing programme begins.

There is also a possibility of an extension to the proposed hosepipe ban, which would involve a ban on non-essential use. That idea has been floated in the local media, and I understand from meetings with Southern Water that there is every likelihood that such a ban will be introduced in its part of West Sussex shortly. A non-essential use ban would mean not only that people could not use a hosepipe to wash their car, but that they would not be able to wash their car at all. Under such a ban, people could not even wash their car using a bucket and a sponge. As the public become increasingly aware of the severity of these measures—which will be put in place at the beginning, not the end, of the summer—they will quite rightly make further demands to find out what is being done to ensure that a proper water supply is available.

I understand that the water companies plan on the basis that there will be a drought once every 10 years, and that measures such as those bans are therefore acceptable. I believe that that planning scenario should be revisited. It is unacceptable to work on the assumption that there will be hosepipe bans once every 10 years. That is not the case in other parts of the world, and I do not see why people living in the south-east—and in West Sussex in particular—should have to live under that presumption.

There are two ways of dealing with this situation. First, there should be an increase in supply. Local people will want to know what the water companies are doing about investing in new reservoirs, for example. Secondly, and more contentiously, we could moderate demand by introducing water meters. I fully accept that there is a case for that, but if metering is to be extended, the water companies must address their leakage problems first, in order to maintain public confidence in their actions. If the public were being asked to pay the price of the shortages through water metering, but the water companies were not meeting their responsibility to deal with leaks, that could lead to a breakdown in relations between the water companies and the public. I am sure that the water companies are alive to that risk.

Water meters are now on the agenda, following the application for water scarcity status in Folkestone by Folkestone and Dover Water. The number of metered households in the country has increased, and more than a fifth of properties in Sussex now have metered water. That is partly as a result of meters being installed automatically in new homes. Also, as someone who is about to purchase a new home in West Sussex, I have discovered that simply transferring ownership within the county means that I shall have to install a water meter. People can also volunteer to have a water meter. I appreciate that it is intended to increase the numbers of homes with water meters by those means, and Southern Water aims to increase the take-up to 44 per cent. by 2010. However, that is some way short of the target that will be necessary to ensure that we have adequate demand management measures, in concert with supply, to supply the additional housing over the same period.

It is clear that water metering has a beneficial impact. Consumers cut their consumption by some 10 per cent. on average when meters are installed. It is significant that the Isle of Wight, where more than 90 per cent. of the 65,000 homes are metered, has not had a hosepipe ban since 1976. One has now been introduced, but much later than the bans introduced in other parts of the south-east. That suggests that metering is a successful part of the formula for dealing with that problem, but it is only a part.

On international comparisons, as so often in relation to environmental matters, we are behind many of our peer group countries. There is 100 per cent. water metering for the supply to the six Scandinavian cities of

Oslo, Copenhagen, Helsinki, Stockholm, Gothenburg and Malmö. There is 100 per cent. water metering in urban authorities in Australia and very high levels of water metering in the Netherlands. As politicians, we have to decide the extent to which we recognise our responsibilities to take decisions that might be unpopular but are in the interests of the environment.

It has also been suggested that we should have a national grid for water. However, it would be prohibitively expensive. Because 1 cu m of water weighs a tonne, it would require enormous amounts of energy to pump the water from the north of England to the south. The water would also have to be clean. It would not be possible to pump untreated water and put it into rivers, because of the environmental impact of shifting wildlife from one part of the country to the other. It is important that if such measures are to be put aside, the Government and the water companies tell us precisely what will happen to ensure that every household has a water supply in parts of the country such as West Sussex, especially given the huge increase in housing that is expected. We may disagree about the merits of that housing and its location, but it is perfectly reasonable of local people to request that it should be accompanied by an adequate water supply. There is plainly insufficient water at present, which undermines public confidence that supplies will be available in the future.

I am grateful to the Minister for replying to the debate and I hope that he will be able to offer some reassurance to our constituents, who are genuinely concerned about this matter.

4.38 pm

**Laura Moffatt** (Crawley) (Lab): I offer my sincere thanks to the hon. Member for Arundel and South Downs (Nick Herbert) for allowing me to contribute to his Adjournment debate on this important issue. Members who represent West Sussex are not divided politically about the difficulties that we face, although we might not agree on how to tackle the problem and the factors that contribute to the water shortage in the area.

I note from parliamentary questions that many Members with constituencies in West Sussex have taken a deep interest in the problem and have been keen to ensure that Ministers are pressed on it. Owing to the very dry periods that we have experienced lately, our area is being described as semi-arid, which may shock our constituents but is entirely accurate.

We should recognise, however, that such periods are cyclical, occurring—as the hon. Member for Arundel and South Downs pointed out—every 10 years. We need a measured and reasonable response to what is a sad state of affairs, especially in our part of the world. Our reservoirs present a picture that makes us all feel incredibly concerned.

**Mr. Soames:** The hon. Lady is right to say that this is not a political matter. She is also right to say that there is a cyclical element in climate changes of this sort. Nevertheless, the cyclical element has occurred at a time when the Government have imposed massive house building targets on West Sussex. In mid-Sussex alone, an infrastructure deficit of over £1 billion has been necessary to cope with the projected new building. How does the hon. Lady think the Government will deal with that?

**Laura Moffatt:** I was about to say that this is probably where the divide occurs. I do not consider it responsible to say that because of water shortages we should not have the houses that our area needs so desperately. The hon. Gentleman, who knows the constituency of Crawley extremely well, is aware of the pressure for new housing. I believe that we can accommodate the building of houses for people in desperate need, while developing a sense of self-awareness among those who are lucky enough to have homes already, with access to fresh potable water.

A series of parliamentary questions and letters to, in particular, the Office of the Deputy Prime Minister have asked what is considered when new housing is proposed. It is important to ensure that a precious resource is taken properly into account before any new building takes place. I have found the advice I have received extremely useful, and I make sure that my constituents receive it as well.

I was interested by the hon. Gentleman's proposition that the water company should be a statutory consultee. I have spent quite a bit of time with the water companies, particularly South East Water. I was impressed by the work that South East Water is doing to reduce leakage, improve supply and ensure that people think carefully about how they use their precious resource, but I do not think that making the company a statutory consultee is the answer. The water company's business is to supply water, and I suspect that no matter what question it is asked, it will say, "We can supply water." The guidance from the ODPM is therefore an important element in ensuring that that is so. I do, however, firmly believe that the water companies are playing a significant role, as are local authorities, in making us understand our responsibility as tenants and home owners in West Sussex.

Interesting measures have been taken in Crawley to ensure that we conserve our precious water supplies. Recently, my constituents were able to buy water butts for their gardens at an incredibly low price, subsidised by the local authority. It understood that people are keen to take such steps and the service was very heavily used. In fact, we had a really jolly weekend. Some of the people who came to get a water butt decided to come back for a second one when they discovered another drainpipe on their roof that could enable them to save even more water. There was also an education centre, which gave advice on saving water. We know that we could accommodate more house building if more people took such steps. Putting just one brick or "hippo" in our cisterns can enable others to access fresh water. We should share much of that advice.

**Mr. Soames:** This debate is of course about water, and the hon. Lady is rightly telling us about the excellent and admirable things that Crawley borough council is doing. I do not want to interrupt this cosy consensus, but the problem is not just water. In fact, as she rightly says, water can be produced and it can be pumped from Wales, Scotland or anywhere. The problem is the overall infrastructure package, which includes not just water, but sewerage, roads and railways. All of that requires

*[Mr. Soames]*

enormous investment if Crawley or anywhere else in West Sussex is to cope with the demands being imposed, which will come under the heading of sustainable development.

**Laura Moffatt:** I thank the hon. Gentleman for that intervention and I do not disagree one bit. I am simply trying to ensure that water is included in that very important overall infrastructure package, because it is sometimes forgotten about.

Many steps can be taken. Personal responsibility should extend not only to our own homes—we should also take steps to help others. Self-awareness and self-promotion for home owners is very important, and we can create a much better infrastructure if we make sure that people understand that water is part of it.

There have been some fantastic campaigns, such as Water Wise. South-east water companies have taken a very active role, alongside Government officials, in examining all aspects of water supply. Importantly, a statutory duty will be placed on the Environment Agency to ensure that it properly examines the water supply in a particular area. That follows on from the Water Act 2003, and I am grateful to my hon. Friend the Minister for helping me to understand how that duty will impact on future consideration of water supply.

So much is being done on this crucial issue. We should not alarm people to the point where they feel that all future house building should be rejected because of possible water shortages. We should ensure that we take a responsible attitude to this issue, which the hon. Member for Arundel and South Downs certainly did in his speech. Labour Members will want to ensure that water metering does not result in water being a scarce resource for low-income families. My son is an environmental health officer and his entire reason for becoming one was to help ensure that people have decent living conditions. He would be absolutely horrified if we tried to impose water metering on everyone, although it is a good idea for many. People who have meters find it very upsetting to watch others on relatively high incomes wash their cars and then aim the hosepipe down the drain when they have lunch.

Finally, we can tackle the problem in other ways. A young man in Crawley, who was educated in Crawley school, has developed a no-water car-cleaning product. I hope that such technologies will help to ensure that we in West Sussex keep our precious resource of water.

4.50 pm

**Justine Greening** (Putney) (Con): I congratulate my hon. Friend the Member for Arundel and South Downs (Nick Herbert) on securing this very important debate. I also want to thank the Minister for allowing me to speak at short notice.

We have had problems in Roehampton in my constituency that tie in with what has been said already in the debate. I want to give a view of the problem as it appears in a part of Greater London that is well developed and increasingly heavily populated. About two weeks ago, Thames Water decided to reduce the water pressure at the Putney pumping station, partly as a result of the increasing population in Wimbledon. There has also been a big problem with leaks locally, with two having to be fixed in my road in the past month.

As my hon. Friend the Member for Arundel and South Downs said, it is incumbent on water companies to tackle leakages when they happen, but reducing the pressure at Putney pumping station has had a negative impact on some of my most disadvantaged constituents living on the Alton estate. They occupy very high council tower blocks, but the lower pressure means that the highest flats cannot get water pumped up to them.

As a result, Thames Water has proposed to install what it calls a water booster pump in each of the tower blocks, at a cost that I believe will be in the region of £50,000. The council is being asked to meet that cost, but the flats' leaseholders will also have to pay their share. Some 300 people in my constituency have received bills of between £800 and £2,000, with the money going to pay for the water booster pumps in their tower blocks. Other taxpayers—myself included—are also contributing to that payment, as we are paying for the council tenants' contribution.

I am especially worried about this matter. As my hon. Friend the Member for Arundel and South Downs said, the water companies must be careful to protect their relationship with their customers. The hon. Member for Crawley (Laura Moffatt) said that water companies will never say that they cannot supply water, but I wish that she was right. In Roehampton and Putney, we are facing the problem that the water companies are saying exactly that—that they cannot supply water to some homes. Ironically, it is people on lower incomes who live in affordable housing or council stock—they may have managed to buy their own council property several years ago—who now have to pay huge bills of up to £2,000. I have written to Thames Water and to Ofwat about the problem, but unsustainable development in the south-east or West Sussex will ensure that the constituents of other hon. Members soon face problems similar to those that my constituents face. It is often the people who can least afford to pay who are being charged in the way that I have described.

I hope that the Minister will be able to give advice or guidance to Ofwat and the water companies about the appropriateness of their behaviour, given that Thames Water made an after-tax profit last year of nearly £200 million. A great deal of that profit is distributed to shareholders, but the company would do better to invest a little more in local pipe infrastructures before it asks tenants to pay for its inadequacies.

4.54 pm

**The Minister for Climate Change and the Environment (Mr. Elliot Morley):** I congratulate the hon. Member for Arundel and South Downs (Nick Herbert) on securing this debate and raising a series of important issues in relation to water supply. Water supply, which is heavily regulated, is a crucial part of the infrastructure of this country. We have had some bad droughts, and the hon. Gentleman referred to the last serious one, which affected Yorkshire Water badly. It was at the time when people were being urged to shower with a friend and take similar steps. I do not think we are quite in that situation yet.

Measures have been introduced, particularly since the water summit of 1997, which was chaired by my right hon. Friend the Deputy Prime Minister. The

1999 legislation and the Water Act 2003 were designed to make sure that we do not have the major problems of severe water shortages that we have had in the past. That is not to say that we should be complacent. The hon. Gentleman is right to say that we have had some of the lowest rainfalls since 1921 in the south-east of England and we are facing what may be one of the worst droughts for nearly 100 years. There are serious issues, and water companies have a duty to put drought plans in place—I shall say a few words about those—and they have been responding responsibly.

I want to touch upon a point raised by the hon. Gentleman and by my hon. Friend the Member for Crawley (Laura Moffatt)—that of development. It is true that for development, it is necessary to have the infrastructure to go with it. I shall concentrate on water tonight, but that is not to say that I do not recognise that there are other issues, such as transport, roads, schools, and hospitals, that go with new development. They are addressed in the structural plans. However, whatever the argument about numbers, it is clear that there is an overwhelming need for more homes, particularly in the south-east. That desire for more homes, which is felt by the constituents of hon. Members who are in the Chamber this evening, is something that we as a Government, and local authorities, cannot ignore. It is also true that we have to approve new communities on the basis of sustainable communities. Planning for water is part of that.

The hon. Gentleman asked what steps were being taken in relation to development to ensure that there will be an adequate water supply. The South East England regional assembly is about to submit the complete draft of the regional special strategy for the south-east, the south-east plan, to the Government. The plan is on course for submission on 31 March. It will then go through consultation, independent testing and public examination before being approved by the Government in 2008. That plan addresses the issue of water supply. Water companies are statutory consultees in relation to structure plans and planning authorities will be statutory consultees on water company resource plans. It is a two-way process so that both know what is going on.

The Environment Agency, together with the water companies and the regional assembly, has undertaken modelling work on the impact of new house building on water supply. It has modelled six options based around the figures in the draft south-east plan and the impact of growth areas. It has concluded that a combination of supply and demand side interventions will mean that numbers can be accommodated. I want to make that clear. In relation to expansion of homes, numbers can be accommodated in terms of water resources.

Interventions include an assumption on increasing water efficiency, and the possible construction of new reservoir infrastructure. New homes are much more water-efficient than existing stock, because of improvements in building regulations. The hon. Gentleman might be interested to know that the draft south-east plan, policy NRM2, sets out policy for a number of reservoirs. There are five in the draft plan. I have a list of all the reservoirs that are planned for the south-east. New reservoirs are planned for Southern Water at Broad Oak, for South East Water at Clay Hill, for Portsmouth Water Ltd.—which supplies part of Sussex—at Havant Thicket and for Thames Water at Abingdon. There are proposals to extend existing reservoirs. The plans include raising Bewl for Southern Water and Mid Kent Water, where the proposal is to raise the banks and increase capacity significantly, the Bray enlargement for South East Water and Abberton for Essex & Suffolk Water. I was in Essex recently, talking to the local water company. I know that raising the banks at Abberton will increase the reservoir's capacity by 60 per cent. I am sure that the effect will be similar at Bewl. There is also provision for water transfers within regions.

I shall go through some of the measures introduced in the 2003 Act to manage future demand for water resources. They include time limits for all new abstraction licences; the facility to revoke without compensation abstraction licences where serious environmental damage has been caused, which relates to the point made by the hon. Member for Arundel and South Downs about damage to river ecosystems; greater flexibility to raise or lower licensing thresholds according to local pressure on water resources; and the extension of licensing to abstractors of significant quantities who are not included in the current licensing system.

Water company drought plans are a statutory requirement. Each water company must have plans to deal with drought, which has been helpful in dealing with the current situation. Water resource management plans are to become a statutory requirement. Consultation on the regulations is in progress and ends in April 2006. They will require water companies to look at future demand on a 25-year time scale. The 2003 Act also introduces new duties on the Secretary of State, regulators, water companies and public bodies to further water conservation. My hon. Friend the Member for Crawley made the important point that people can take simple measures to reduce water consumption: for example, not leaving the tap running or fitting water-saving devices such as spray taps, low-pressure shower heads and twin-flush toilets. None of those devices is particularly expensive and can be installed when modernising a bathroom or replacing fittings. We are also addressing such matters in new regulations on housing.

The hon. Member for Arundel and South Downs mentioned water scarcity status. As he said, an application from Folkestone and Dover has been granted and the company's case was subject to a six-month examination. Any water company can apply for water scarcity status and such applications will be treated on their merits.

I was impressed that the hon. Gentleman had faced head-on the issue of water meters. They can be controversial, although the response from Folkestone and Dover was muted; 40 per cent. of the company's customers were already on meters, which may be part of the explanation. The company calculated that up to 70 per cent. of its customers would pay less on a meter, which is quite a significant number. Many people underestimate the benefits of water meters, although of course 30 per cent. will pay more because they are big users of water.

Meters may pose problems for vulnerable groups, as my hon. Friend the Member for Crawley pointed out. I can reassure her, because the vulnerable groups

*[Mr. Elliot Morley]*

regulations are designed to protect large families on low incomes and people with certain medical conditions. A pilot scheme on water affordability is running in the south-west, which is helping us to understand how we might refine the regulations to improve them and make them more effective. We have an open mind about such things, but we want to make sure that water metering would not cause suffering for the most vulnerable.

There is an argument for metering; it reduces demand and is a fairer way of paying for water, but there is no water shortage in the north of England—the most severe pressure is in the south and the south-east—so there is not really a strong case for compulsory water meters nationally. We want an expansion in the use of water meters, but it should be undertaken as it is at present—by the combination of people volunteering to use them and installing them in new homes or when people move. That means that their use is constantly increasing, but people still have a choice. It also spreads the cost of fitting the meters, which has had to be borne by the companies. So I think that is going okay.

Where there is water scarcity, though, there is clearly an argument for compulsory metering, as one tool. It is not the only tool. Companies have a responsibility to ensure that there is proper supply management, which includes such things as addressing leakage; that is taken into account when companies apply for water scarcity status.

I must correct the hon. Member for Arundel and South Downs. He had me worried for a moment when he talked about washing cars with recycled water. When there is a hosepipe and sprinkler ban, it is permissible to use the bathwater to wash a car, or to take water out of the bath with a bucket and put it on the dahlias; that is not a problem and people do that. And of course one can collect rainwater, as my hon. Friend the Member for Crawley rightly said. In fact, I also benefited from a promotion by my local authority, which was giving away water butts. I was very enthusiastic. When I collected my water butt I found a party atmosphere, as my hon. Friend did. I suppose that the idea of getting something free from the council is always popular, so that probably explains the party atmosphere. It must have affected me, because I was so excited about my new water butt that I sawed through next door's downpipe when I connected it; but never mind—it is connected now.

My hon. Friend also mentioned the range of measures that can be taken. She mentioned Water Wise, a group set up by the industry; I very much welcome that. We have also set up a water saving group, which I chair. It brings together the regulator, the Consumer Council for Water and industry representatives. The idea is to have working streams to look at ways of promoting water saving, in terms of demand and supply management, awareness and new technologies. That process is under way and I am grateful for the enthusiastic support that we have had from the entire industry. Water Wise is also represented on that group and I very much appreciate that.

The hon. Member for Putney (Justine Greening) mentioned a constituency problem of reduced water pressure. I quite understand the point that she makes. Water pressure is sometimes reduced as a way of combating leaks, and leaks are a problem in the Thames region. Thames, like all water companies, has targets to reduce leakage, but it has been missing those targets in recent years. I am glad to say that currently it is on target and I very much welcome that, but it has much more to do.

Funnily enough, I had the opposite problem in my constituency. People had complained of low water pressure, and I asked the water company whether it could be increased. The company was very co-operative; it increased the pressure, with the result that the water main burst in the street concerned and no one got any water at all. My involvement in that was played down.

The hon. Lady asked for some advice on what she could do. I understand that there is an obligation and a duty on water companies to provide minimum pressure to pump water to the topmost storey of a block of flats.

**Justine Greening:** I am extremely grateful for that clarification, because I looked into the matter, and my understanding is that under the Water Industry Act 1991, the uppermost limit was 10 m. My flats were above that level, and there was no statutory duty to supply to any level above 10 m. Perhaps the Minister will clarify that. If I am incorrect, I shall be delighted.

**Mr. Morley:** I acknowledge that this is a local, constituency issue and an important one for the hon. Lady. I will find out exactly what the regulations are on that point, and I will write to inform her.

On Thames Water, I want to make it clear that while it has met its target for this year, it has not met its overall target for leakages, and I do expect it to get on track in that regard.

I do not want to say very much more, because I think that I have addressed the main points made by the hon. Member for Arundel and South Downs. I recognise that those points are important, but the water supply in the south-east is not in crisis, although neither we nor the companies can ignore the fact that reserves are very low. Of course, the companies have a duty to ensure that they match demand and resource management and to look ahead for future management.

Some companies are also considering desalination. A small desalination plant is working in the southern region. Thames Water has also been talking about a desalination plant for peak management in the London region.

Companies can apply for drought orders to minimise water loss and if they have to manage water by taking it away from non-essential users. No application for a drought order has been made at the moment. It may well be that, between now and the summer, we have a bit more rainfall. It may well be that we do not have a dry summer. As I say, we cannot be complacent about these issues, and we must look at the long-term weather patterns. We must take into account issues such as climate change.

Droughts are not new—droughts come and go—but we need to be careful about whether we are seeing long-term trends. If we are seeing them, we must ensure that adaptations are made for them. That involves planning for water resource management, tackling issues such as leaking pipes and considering the powers available to water companies and their responsibilities in ensuring that water supplies are reliable.

This country now has one of the highest standards of drinking water quality, internationally. My hon. Friend the Member for Crawley is quite right to say that people should not order bottled water in restaurants; they should order jugs of water. Not only is ours some of the best quality drinking water in the world, but it has not been dragged halfway around the country or sometimes across the continent in trucks to be sold in restaurants. So on grounds of sustainability, I would certainly encourage people to ask for jugs of water in restaurants, not for bottled water. In fact, perhaps we should do a bit more of that in the Committees of the House of Commons, rather using bottled water.

The hon. Member for Arundel and South Downs has raised some important and serious issues. I hope that I have reassured him that not only do we have measures in place to deal with drought and with future water demand, but we are working closely with the companies on their legal obligations to ensure the security of water supply, so that his constituents and those of my hon. Friend the Member for Crawley and the other hon. Members present tonight can be assured of a top-quality, reliable and continuous water supply.

*Question put and agreed to.*

*Adjourned accordingly at thirteen minutes past Five o'clock.*

# House of Commons

*Friday 17 March 2006*

*The House met at half-past Nine o'clock*

PRAYERS

THE FIRST DEPUTY CHAIRMAN OF WAYS AND MEANS *took the Chair as* DEPUTY SPEAKER, *pursuant to the Standing Order.*

# Orders of the Day

## Climate Change and Sustainable Energy Bill

*As amended in the Standing Committee, further considered.*

### Clause 3

NATIONAL TARGETS FOR MICROGENERATION

*Amendment proposed [10 March]*: No. 7, in page 2, line 20, at the end, to insert the words

', and after consultation with such public and private sector bodies as he considers appropriate'.—*[Mr. Forth.]*

*Question again proposed,* That the amendment be made.

**Madam Deputy Speaker (Sylvia Heal):** I remind the House that with this we are discussing the following amendments: No. 8, in page 2, line 21, leave out 'national' and insert 'regional'.

No. 9, in page 2, line 27, leave out 'national' and insert 'regional'.

No. 10, in page 2, line 29, leave out 'England and Wales' and insert

'Wales and the regions of England'.

No. 16, in page 2, line 29, leave out 'England and Wales' and insert

'Wales or one of the regions of England'.

No. 17, in page 2, line 36, leave out 'number' and insert 'numbers'.

No. 18, in page 2, line 36, leave out 'England and Wales' and insert

'Wales and the regions of England'.

No. 19, in page 2, line 43, leave out 'number' and insert 'numbers'.

No. 20, in page 2, line 44, leave out 'England and Wales' and insert

'Wales and regions of England'.

No. 30, in page 3, line 6, leave out subsection (7).

Government amendment No. 36

No. 31, in page 3, line 9, leave out subsection (8).

Government amendments Nos. 37 and 38.

No. 12, in page 4, line 20, leave out 'appropriate' and insert

'efficacious, cost-effective and environmentally beneficial'.

9.34 am

**Mr. Eric Forth** (Bromley and Chislehurst) (Con): —to acknowledge the potential role of the regions. *[Laughter.]*

On 10 March, the Minister said

"Regions will be able to set their own targets for microgeneration within any national target that we may set, and it would be more appropriate for them to do so, rather than central Government setting them. On those grounds, I oppose amendments Nos. 8, 9, 10, 16, 18 and 20."

That raises a number of important questions. I should like to hear from the Minister at some stage whether he intends to table amendments—probably not at this stage, but when the Bill goes to another place—to give effect to what I have just read out. We shall come to that shortly in another context.

The Minister may think that his words are sufficient, but not all of us are that trusting. We would feel more secure if such important matters were spelt out in the Bill. That, then, is the first question: should this not be subject to an amendment, probably tabled in the House of Lords?

There are a number of other questions to be discussed. By what mechanism would the regional targets match the national targets? If we are to have a bottom-up approach rather than just a national target, I am intrigued by the question that then arises. Has the Minister thought out the way in which regions will be able to set their own targets within any national target?

That gives rise to several further questions. The obvious one is whether the process is to be voluntary. Can some regions set targets while others cannot? If all regions set targets, what will happen if the sum of the regional targets does not match the national target? There are a number of potential difficulties. How far has the Minister—or, more accurately, his officials—thought this through, and how do they think it will work? We cannot have Ministers throwing statements into a debate without our having any idea what they mean and how they would be given effect. I am sorry that the Minister was not able to accept my amendments, and I hope that we shall hear some further explanation from him.

That brings me to amendment No. 12. On 10 March, the Minister said

"The word 'appropriate' is deliberately broad, whereas amendment No. 12, tabled by the right hon. Member for Bromley and Chislehurst (Mr. Forth), might be too prescriptive, as we may wish to consider other things when making such a decision."

That is followed by the key words—at least in this regard the Minister is entirely consistent:

"However, I assure him that when considering whether to use the powers in clause 6, we will, as always, ensure that we do so in a way that is effective and cost-effective, as well as environmentally beneficial."—[*Official Report*, 10 March 2006; Vol. 443, c. 1114–5.]

That is fine as far as it goes. It is a very reassuring statement of the Minister's good intentions. As we know, however, Ministers come and Ministers go. I am not sure that any succeeding Minister would necessarily be bound by what this Minister has to say. That is why

*[Mr. Eric Forth]*

I was disappointed that the Minister felt unable to accept my amendment, which I thought would add clarity and improve the Bill. I wanted to insert the words

"efficacious, cost-effective and environmentally beneficial"

because—we shall be able to discuss this in more detail when we deal with later amendments—wind power is sporadic and unreliable, as is solar power, while water power is unfortunately relatively rare and inaccessible in this country. I think that we should make very clear what contribution such techniques can make, and that was my intention.

**Richard Ottaway** (Croydon, South) (Con): My right hon. Friend is making a controversial point. Is not one of the difficulties caused by the fact that this is a private Member's Bill, the procedure for which is primarily designed to deal with uncontroversial matters? I have a sneaking suspicion that I shall hear a fair amount from my right hon. Friend this morning, and perhaps from some of his colleagues. Would not the solution be for the Government to introduce measures as controversial as this Bill?

**Mr. Forth:** I could not agree more, and I have made that point many times over the years. I regard it as my duty as a Member of Parliament to pay particular attention to private Members' Bills precisely because they do not have the benefit of the same governmental scrutiny as Government Bills. My hon. Friend is right: if a Bill is substantial and has controversial elements, the private Member's Bill procedure is not ideal. If the Government wish to suggest that the Bill is essential or vital to the national good, they should be legislating and not leaving it to a Member. I shall not digress further, however, as I do not wish to test your patience this early, Madam Deputy Speaker. In fact, I hope that I do not do so at all.

If my hon. Friend thinks that this bit of the Bill is controversial, I hope that he will be here when we delve deeply into its planning and development aspects and try to tease out the relationship between the techniques known as microgeneration and the planning regime. It will be important to examine those matters later, including the size of—

**Madam Deputy Speaker:** Order. I took the right hon. Gentleman at his word when he said that he would not test my patience early on. I hope therefore that he will now address the amendment.

**Mr. Forth:** I was just trailing what is to come, Madam Deputy Speaker. I wished to forewarn the House about the exciting debates that we will have later. I am warming the House up a bit for those debates—if that is an appropriate term in this subject.

We were talking about the word "efficacious". Although claims are made for the benefit of microgeneration, it should not be assumed that simply to install something that provides power will be the right thing to do in all circumstances. That is why I think that we need a balanced approach, represented by the words

"efficacious, cost-effective and environmentally beneficial".

I am using the term "environmentally" in a much broader sense, because we must not forget that those pioneers who developed our planning laws and the regime that supports them saw environmental matters rather differently. Times change, but in my view "environmental" does not mean only matters to do with the climate. It must continue to mean matters of planning and development. In that context, I mean visual appearance, sound nuisance and intrusion into domestic and community life. Those subjects will arise again later, but in the wording of amendment No. 12 I was trying to set the scene for a much more balanced approach than has so far been suggested.

One of the difficulties that we have had throughout proceedings on the Bill is that—for the best of reasons—we have not really heard yet from its promoter, from the Minister or from its enthusiastic supporters how they see the crucial balance between the benefits that they claim for microgeneration and the planning difficulties that could arise. It will be important to be clear about that balance before we proceed much further.

On the issue of cost-effectiveness, we must be clear about the likely cost implications of such installations and on whom the costs will fall. Will it be the domestic or business premise owner, the generators or distributors of power or the taxpayer through the Government? That is not sufficiently clear from the Bill, although I would welcome clarification.

I do not want the Bill—or, to take up the point made by my hon. Friend, any other Bill—to float through the parliamentary process without our having an opportunity to hear about all its different aspects and to take a balanced view of it. That is the value of the parliamentary process. The Committee stage allows the Committee to consider certain aspects of the Bill, but on occasions on which there is an outbreak of consensus, especially between the main political parties, it is even more important that Bills are subjected to careful scrutiny. We need to ensure that the enthusiasts have not run away with themselves. There is a long history of legislation that has received so-called all-party support and has turned out to be thoroughly bad. The best example is probably the Child Support Agency, which we still have not got right, after all these years—

**Madam Deputy Speaker:** Order. I remind the right hon. Gentleman of the amendment on which he is winding up the debate. It is amendment No. 7.

**Mr. Forth:** Indeed, and I am eager to get on to the very important debates that are coming up. I just wanted to warm myself and the House up and get people's minds thinking along the right lines. I wanted also to see if I could persuade the Minister to clarify his position on the regional-national balance, but he does not look as though he wishes to try to do so. That matter will remain unresolved and their lordships may have to look at it again, along with other aspects of the Bill.

9.45 am

I am disappointed by the Minister's response. It is not always good enough for a Minister, even one as good and decent as this one, to say, "Trust me. I have said the words so that is what will happen." I hope that he will forgive me if I would prefer to see the words on the face

of the Bill. I do not seem to have persuaded him on this occasion, and therefore we can move on. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendments made:* No. 36, in page 3, line 7, leave out third 'the' and insert 'a'.

No. 37, in page 3, line 13, leave out 'the' and insert 'a'.

No. 38, in page 3, line 13, at end insert

'(in place of the target which has been revised)'.—*[Malcolm Wicks.]*

**Clause 6**

SALE OF ELECTRICITY GENERATED BY MICROGENERATION: POWER TO MODIFY DISTRIBUTION AND SUPPLY LICENCES ETC

**The Minister for Energy (Malcolm Wicks):** I beg to move amendment No. 39, in page 5, line 14, leave out from ' "plant" ' to end of line 16 and insert

'includes any equipment, apparatus or appliance;'.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following Government amendments: Nos. 40 and 41, No. 33, Nos. 42 to 44, No. 34, Nos. 45 and 46, No. 80 and Nos. 51 and 52.

**Malcolm Wicks:** Good morning, Madam Deputy Speaker. I suspect that this will be one of the shorter speeches of the day. Amendments Nos. 33 and 34 ensure that an order made under clauses 12 or 13 cannot cover matters that fall within the legislative competence of the Scottish Parliament. All the other amendments in this group are drafting amendments.

**Gregory Barker** (Bexhill and Battle) (Con): As the Minister said, these are drafting amendments. The Bill has our full support and we wish to make good progress this morning in getting it on to the statute book, so I do not intend to delay the House.

**Chris Huhne** (Eastleigh) (LD): The Liberal Democrats also regard the amendments as drafting measures. The Bill has our full support, and I shall leave it at that.

**Mr. Forth:** This is a very important group of amendments that deserves thorough scrutiny, although sadly there does not seem much stomach in the House for scrutiny so far. Someone has to do it, so it falls to me. The amendments will get some jolly thorough scrutiny, starting now.

Let us look first at the Government amendments. In passing, it is interesting to note that the Government now seek to amend the Bill substantially. If there is any lengthening of the process, it seems substantially to be due to the Government amendments. I have tabled some modest amendments, but this pretty substantial set of Government amendments deserves our attention. Those who have made some mild complaints about the fact that someone has dared to seek to amend such a wonderful Bill as this should concentrate on this group as much as on any other and perhaps take it up with the Minister.

**Mr. Chope (Christchurch):** Does my right hon. Friend realise that one of the amendments in this group—No. 80—has been produced by the Government since we adjourned last Friday?

**Mr. Forth:** I am glad my hon. Friend picked that point up, because I was going to mention it later on. It is significant that if we had rushed through the Bill last week, we would not have had the benefit of the Government amendment that has since been tabled. The Bill might therefore have been defective in some way. The world should be grateful for the fact that the House lingered over the Bill last week to enable the Government to come forward with their later thoughts in the form of amendment No. 80, to which I will come shortly.

The Minister seemed to want to nod through amendments Nos. 33 and 34 as though they were of little or no consequence, but I believe that we should ask at least some questions about them. I shall read out amendment No. 33 so that we know where we are:

"An order under this section shall not include provision made by virtue of subsection (2)(b) which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament".

Here we are touching, importantly and properly, on the relationship between what happens here at Westminster and the devolved powers of the Scottish Parliament. I always thought that environmental matters were without boundaries. I have been told over and again by Euro enthusiasts that one of the great strengths of the European Union is that it deals with cross-boundary—*[Interruption.]* Does the hon. Member for Cheltenham (Martin Horwood) want to intervene?

**Martin Horwood** (Cheltenham) (LD): No.

**Mr. Forth:** I am glad the hon. Gentleman is enjoying the debate. I hope that he will stay for the whole five hours.

One of the alleged benefits of our membership of the European Union, or, indeed, of the Union itself is that it deals with cross-border environmental matters. Yet, here we are, as I read this amendment, seemingly acknowledging that the approaches taken to these important environmental matters could be different, even within this tiny country of the United Kingdom or within the British Isles, and that the Scottish Parliament might well take a different view. That surely cuts right across all the arguments that I have ever heard about how it is vital that environmental matters are dealt with at not just a national but a trans-national level.

It would appear that we might have a problem here. If we take the amendment literally—and we can do only that because the Minister did not bother to explain it—we envisage that the Scottish Parliament could digress from this Parliament in its approach to climate change and microgeneration. That is doubly unfortunate, since I would have thought that one of the environmental benefits of having Scotland as part of the United Kingdom is that it is almost certainly much richer in the

*[Mr. Forth]*

renewable resources to which we all aspire. Therefore, the idea that the Scots might head off in a different direction, courtesy of devolution and the Scottish Parliament, seems unfortunate. For that reason alone, I would have thought that it might be better not to have this amendment in order that we could maintain integrity.

**Mr. Mike Weir** (Angus) (SNP): Does the right hon. Gentleman accept that the Scottish Parliament has already taken a different view? Its environmental targets are far superior to those set in this place.

**Mr. Forth:** That may well be the case; I do not dispute that. However, it illustrates the potential difficulty. What would happen if the Scottish Parliament set lower targets, for example, and we felt that that was a most unfortunate thing to do?

**Mark Lazarowicz** (Edinburgh North and Leith) (Lab/Co-op): I refer to the declaration of interest that I made last week.

I remind the right hon. Gentleman that the provision applies to a particular clause only. He can be reassured that where matters fall within the scope of a UK or GB-wide competence, they are not affected by the Bill, but where a matter is currently within the competence of the Scottish Parliament, it stays there. We are not changing the fundamental relationship in any way. I hope that he will be reassured by my understanding of the effect of the amendment.

**Mr. Forth:** I am most grateful to the hon. Gentleman. I shall accept his explanation and move on as a small reward for his participating in the debate. I hope that we will hear a lot more from him as time goes on.

That brings us on to the string of amendments that the Minister sought to dismiss as somehow trivial or technical—Nos. 40, 42, 43, 44, 45 and 46—in which we are beginning to tackle, really for the first time, the definition of microgeneration and the relationship between the Energy Act 2004 and the Bill. This was touched on at col. 1088 of the *Official Report* for 10 March 2006, when there was an interesting exchange between my hon. Friend the Member for Christchurch (Mr. Chope) and the Minister. We—that is the House, because I do not think we were being properly guided on that occasion—got a little confused about whether we were talking about microgeneration being solely concerned with renewables or whether it went beyond that. That subject will come up in a moment when we look at the relationship between the Energy Act and the Bill, but at that stage we were talking about targets and the Minister was helping to clarify matters. He said:

"The target of 10 per cent. is for renewables .... It is not a target for microgeneration"—[*Official Report*, 10 March 2006; Vol. 443, c. 1088.]

That set the scene for what I want to explore in some of these amendments, which is how far microgeneration, as we now want to define it, is involved with renewables only or whether it can involve any other source of energy.

The Energy Act, to which the clause refers, comprehensively sets out an approach to microgeneration. That is one of the reasons why I have hesitated so far to give my wholehearted support to the Bill, Section 82 of the Act, to which the amendments refer, places a duty on the Secretary of State

"to prepare a strategy for the promotion of microgeneration in Great Britain".

It goes on to state that he

"must publish the strategy within 18 months after the commencement".

We should have had sight of that strategy by now. Perhaps when the Minister responds on this group, which he airily dismissed as being merely technical, he will tell us where we stand on that.

**Malcolm Wicks:** The strategy will be published by the end of this month.

**Mr. Forth:** Is not this debate useful? Are we not starting to elicit some really useful information? Thank goodness for the parliamentary process, because the Minister has just reaffirmed that this matter, which is outstanding from the Energy Act, will come to fruition at the end of this month. I am grateful to him. It is important because before we embark on Third Reading we might want to have that document from the Government in order to set a proper context for that debate. That is another good reason why it would have been wrong to rush through a parliamentary stage ahead of the Government producing the document referred to in the Energy Act. I am grateful to the Minister, but we should all think a little about how far we want to rush things before getting that report, which must be relevant to the final consideration of the Bill in this House and in another place.

**Mr. Chope:** Does my right hon. Friend realise that what the Minister said is no great deal, because under the terms of the provision to which he referred the latest date by which the report has to be laid before the House is 5 April this year? It will have taken seventeen and three-quarter months to produce the report against the 18-month maximum time scale.

**Mr. Forth:** I am grateful to my hon. Friend. I cannot understand the reason for the delay, especially as we have known about the Bill and the dates when it would be considered for a long time. I am not really a suspicious sort of chap, so I hope that I do not evince too much suspicion by hoping that the report was not delayed artificially because the promoter of the Bill and the Minister assumed that we would have completed our consideration. Things should have been the other way round. Fortunately, because the House has chosen to debate the Bill properly and in proper detail, our Third Reading may take place after we have the benefit of the report, which would be a huge advantage.

10 am

I come again to section 82 of the Energy Act 2004, where subsection (6) states:

"For the purposes of this section 'microgeneration' means the use for the generation of electricity or the production of heat of any plant ... which in generating electricity or (as the case may be)

producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7);"

and

"the capacity of which to generate electricity or . . . produce heat does not exceed the capacity mentioned in subsection (8)."

Those are important matters. We are starting to get to the heart of the definition of microgeneration, as originally set out in the 2004 Act and which would be affected by the measures we are discussing.

Subsection (7) gives the usual list of preferred sources of energy:

"biomass . . . biofuels . . . fuel cells . . . photovoltaics . . . water (including waves and tides) . . . wind . . . solar power . . . geothermal sources . . . combined heat and power systems".

and, crucially,

"other sources of energy and technologies for the generation of electricity or the production of heat, the use of which would, in the opinion of the Secretary of State, cut emissions of greenhouse gases in Great Britain."

I think, subject to correction, that the important distinction is that we are moving towards trying to establish whether microgeneration, in the context of climate change—which is, of course, the point of the Bill—is concerned only with renewables as such, or whether there should be a somewhat broader definition of sources of energy and technologies that would cut emissions of greenhouse gases. As I understand it, the two are not necessarily the same.

Subsection (8) of section 8 notes that capacity is

"in relation to the generation of electricity, 50 kilowatts"

and

"in relation to the production of heat, 45 kilowatts thermal".

Given that the typical consumption of a household is between 1 and 3 kW at most, a 50 kW capacity is relatively large for a single domestic unit. That is something that we will have to come to in the context of a different group of amendments. In 2004, it certainly seemed clear not only that renewables were to be included in the definition of microgeneration, but that the definition could encompass sources that would cut emissions of greenhouse gases.

There seem to be important differences between those provisions and amendments Nos. 51 and 52, in the Minister's name. Amendment No. 51 repeats, in essence, the provisions in the Energy Act, noting that

"'microgeneration means the use for the generation of electricity or the production of heat of any plant (which, for this purpose, includes any equipment, apparatus or appliance)—which, in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (2)".

The following subsection repeats the point about capacity. The energy sources are listed in amendment No. 52:

"biomass . . . biofuels . . . fuel cells . . . photovoltaics . . . water (including waves and tides) . . . wind . . . solar power . . . geothermal sources . . . combined heat and power systems".

That is crucially and, presumably, deliberately different from the definition in the Act, so the question arises: why have we lost the previous definition that allowed for other sources of energy

"which would, in the opinion of the Secretary of State"

cut emissions of greenhouse gases in Great Britain? That is an important question, which touches on the definition of microgeneration for that purpose. If we are now talking only about the second list, it eliminates, presumably deliberately, other possible sources of energy, either present or future.

**Mr. Chope:** Does my right hon. Friend accept that it was slightly disingenuous of the Minister to say that these were merely drafting amendments? Amendment No. 52 is substantive.

**Mr. Forth:** I am grateful to my hon. Friend for raising that point. What worries me about the approach that has hitherto been taken to the Bill is that it neither serves the Bill nor the cause it espouses well for the Minister and the promoter of the Bill not to give the House the benefit of proper explanations of what they are trying to do. They may think that by remaining silent they will somehow accelerate the Bill's progress and rush it through the procedure, because delay is unacceptable—a bizarre interpretation of the legislative process, to say the least—but in fact they are simply forcing us to try to elicit information through the tabling of amendments and the initiation of debate. They are missing the point that if they had given the House a proper explanation in the first place, it might have made our proceedings much quicker. Perhaps that lesson will be learned by Members, but so far I fear that the penny has not dropped.

I was interested to read a little item in a newspaper recently, headed "The £3,000 mini power station", which relates exactly to what we are talking about. I shall read from it, Madam Deputy Speaker; it will not take long:

"The traditional household boiler could soon be a thing of the past. Ceres Power, the Aim-listed group, has successfully designed and tested a 1kW fuel cell stack that generates sufficient power for the average home.

Fuel cell technology is typically powered by hydrogen but the fuel cell stack developed by Ceres can also produce electricity and heat from natural gas. The boiler, which fits comfortably into the palm of a hand, uses 'combined heat and power' technology. Unlike a conventional boiler that only produces heat, in Ceres's version a chemical reaction generates both heat and electricity. Any excess electricity can be sold to the national grid."

That is exactly what the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) wants to do through the Bill. The article notes that the technology could

"cost the same as a conventional premium boiler".

The company claims—they would, would they not?—that its technology

"could save between 30 and 40 per cent. of total electricity costs in the home"

and

"significantly cut down the emission of greenhouse gases".

When I read that, I wondered whether the chemical reaction in any way violates the principle that is being set out in the amendments, in the move—as I see it—entirely towards what we would broadly call renewables. I concede that it is heat and power technology, but will it, in all the different forms it could take, fit comfortably in the amendments?

**Mr. Oliver Letwin** (West Dorset) (Con) *rose—*

**Mr. Forth:** Ah, my right hon. Friend is about to help me.

**Mr. Letwin:** I am sorry to interrupt my right hon. Friend and I certainly do not intend to do so for more

*[Mr. Letwin]*

than 15 seconds, but paragraph (c) in subsection (2) of amendment No. 52 refers specifically to what he has described: fuel cells.

**Mr. Forth:** Indeed. I was merely trying to clarify whether it was felt that the technology that I briefly described would fit into that provision. Although my right hon. Friend, who is of course a great expert, has helped the House, he is not the promoter of the Bill or the Minister—yet—but I certainly accept his explanation.

The good news and the saving of all is that subsection (4) of amendment No. 52 states:

"The Secretary of State may by order amend subsection (2)"—

the one that lists the now preferred sources of energy—

"by addition to the sources of energy and technologies for the time being listed any other source of energy or technology for the generation of electricity or production of heat if he considers that the use of that source of energy or technology would cut emissions of greenhouse gases".

Presumably, the argument is that the Secretary of State is to be allowed to broaden the original list in the 2004 Act, or to make it more flexible, by order.

It always causes some nervousness when we see the Secretary of State doing something by order, because I do not know what reassurance we can get that we would have an opportunity to scrutinise such a decision by a future Secretary of State in an area as vital as this. A Secretary of State might suddenly pop up and say, "I have been persuaded by experts that this new source of energy fits within the aspirations that were set out in the Climate Change and Sustainable Energy Bill, and therefore I am going to add something to the list, under powers given to me by what is at present amendment No. 52(4), which had found its way into the Bill, which had become an Act. I am not entirely happy that we should be giving such powers to a Secretary of State without some sort of saving provision or parliamentary process, and yet that is the aspiration of the Minister.

**Mr. Chope:** Does my right hon. Friend share my concern that one of the problems, particularly with fuel cells, is that one of the by-products of fuel cell technology is water vapour—yet water vapour is the most extensive greenhouse gas, but for some reason it has been excluded from the provisions of the Bill?

**Mr. Forth:** I hesitate to get involved in technical details of the sort that my hon. Friend is suggesting, although that subject might come up on Third Reading because, as we all know, the big picture of climate change in terms of water vapour clouds, carbon dioxide—natural and man-made—and so on, will have to be considered, but not quite yet. However, if my hon. Friend should seek to catch your eye, Madam Deputy Speaker, he might, in the context of fuel cells, wish to explore that matter further.

My suspicions, originally aroused by subsection (4), were allayed when I read on, because it goes on:

"The power to make an order under subsection (4)—

(a) is exercisable by statutory instrument, and

(b) includes power to make such supplemental or consequential provision (including provision modifying this section) and such transitional or saving provision as the Secretary of State thinks fit."

It continues—this is the reassurance that I was seeking:

"No order under that subsection may be made unless a draft of the order—

(a) has been laid before Parliament".

In that respect we have proper provision. Here I pay tribute to the Minister, as he has given us proper provision for the House to consider the changes that the amendment envisages.

I would hope that, in the context of this group of amendments, at some point these matters will be clarified in terms of the change that has taken place between an Act as recent as the Energy Act 2004 and the Bill that we are now considering.

**Malcolm Wicks:** Perhaps I may clarify that point now. Amendments Nos. 51 and 52 do replicate the definition in the 2004 Act—the only difference is that in order to add to the list of technologies, the Secretary of State has to lay an order before Parliament, whereas under the 2004 Act the Secretary of State could just designate other sources as microgeneration. Therefore, our amendment enhances the role of Parliament. I hope that the right hon. Gentleman will be satisfied by that explanation.

**Mr. Forth:** I am extremely grateful to the Minister. Again, we see the remarkable value of this process of debate and amendment.

**Mr. Philip Hollobone** (Kettering) (Con): Would it not have been more helpful to the House if the Minister had said that at the beginning?

**Mr. Forth:** Indeed it would; my hon. Friend is right. We are learning a lot of lessons today, which I hope will be promulgated outside the House. Those people who are in a rush to legislate do themselves a disservice, and not only because it is a bad way to legislate. There is the arrogance of people who say, "This is my Bill and we are all signed up to it and therefore it must not be questioned under any circumstances" on the one hand, and those who want to rush the process on the other—

**Madam Deputy Speaker:** Order. Perhaps the debate on how or how not to legislate is for another day. Today we are discussing the amendment.

10.15 am

**Mr. Forth:** Yes of course, Madam Deputy Speaker, but it is useful to make the point as often as possible because some people do not yet seem to have grasped it. However, I will leave that just for the moment.

We now come to this neat little amendment, No. 80, which has been slipped into our proceedings. As has been said, is it not lucky that we are still considering the Bill today? Would it not have been terrible if we had wrapped up the proceedings prematurely on the previous sitting day and the Government had not had the chance to table that amendment, which popped up only on Wednesday 15 March?

I freely concede that amendment No. 80 is not a significant or major amendment, but presumably, if this opportunity to amend the Bill had not arisen, the Bill, if the House agreed to it, would have gone to another place defective, and might have had to be amended by the House of Lords. As we all know, as time marches on in the private Member's Bill process, Bills have to go to the House of Lords, so it does become somewhat hazardous. Therefore, it is just as well, is it not, that we are able today to deal with this amendment—which I am sure is worthy, although the Minister has not bothered to explain it either—and therefore make some proper progress.

All in all, subject to what the Minister may choose to say if he seeks to catch your eye, Madam Deputy Speaker, as far as I am concerned at this stage, this group of amendments may well be satisfactory, but I await further words from the Minister and further debate on these important amendments.

**Mr. Chope:** Following what my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) said in responding to the Minister, may I develop the point that I made on an intervention, which seemed to raise some eyebrows on the Front Bench and certainly did so on the Liberal Democrat Benches?

We welcome to the House this morning the new Liberal Democrat spokesman on this subject, the hon. Member for Eastleigh (Chris Huhne). He made some body movements and gestures when I suggested that one of the by-products of fuel cell technology is water vapour. I do not know whether he disputes that, but I have a note here that is relevant. I will not trouble the House with all the detail of it, and I know that my right hon. Friend the Member for West Dorset (Mr. Letwin) will probably not need to be taught about this because he knows it already, but it says:

"What is a fuel cell? Fuel cells are devices that produce electrical power. They operate by using the chemical properties of hydrogen and oxygen to create useable electrical current, heat and water vapour. In some ways they can be considered to be a continuously fuelled battery, although unlike a battery they do not store energy; they convert it from one form to another."

The significant expression there is "water vapour", because if pure hydrogen is used as a fuel for these fuel cells, the only outputs are electricity, heat and water vapour.

**Mr. Letwin:** Again, I will not detain House for more than 30 seconds. Nobody was debating that fuel cells produce water; that is essential to the operation of a fuel cell. The problem with my hon. Friend's remarks is that water vapour is not a greenhouse gas.

**Mr. Chope:** I am surprised that my right hon. Friend should say that. If that is his view, I hope that he has written a letter to *The Sunday Telegraph* in response to the letter in the letters column of 12 March 2006. It is a short letter, headed "Carbon dioxide is not the culprit". It criticises *The Sunday Telegraph* for making a common error in saying that carbon dioxide

"is the main cause of global warming"

as reported in the *News Review* of 5 March. The correspondent says:

"It is an extremely small share of greenhouse gases and the anthropogenic (ie man-made) content is minuscule. If we take just the anthropogenic gases the percentages are: CO2 (carbon dioxide) 0.117 per cent, NHO2 (nitrous oxide) 0.047 per cent, CH4 (methane) 0.066 per cent, and CFCs and other gases 0.047 per cent"—

**Madam Deputy Speaker:** Order. I think the hon. Gentleman could relate those remarks in quoting that letter to the amendment under discussion.

**Mr. Chope:** I am relating the letter to the amendments, Madam Deputy Speaker. My right hon. Friend the Member for West Dorset challenged me on whether water vapour is a greenhouse gas, so I am citing a letter from *The Sunday Telegraph*.

I have read the introductory paragraph to the letter, but the most important part of it says:

"The most prevalent by far of all the greenhouse gasses is water vapour, representing more than 95 per cent., and it is 99.9 per cent. non-anthropogenic."

Of course, water vapour that is produced as a result of fuel cell technology is anthropogenic.

**Mr. Letwin:** Again, I will not detain the House for long. The fact that there is a nut who writes to the papers does not mean that water vapour is a greenhouse gas—it is not.

**Mr. Chope:** I hope that the insurance policy that we all have against defamation will protect my right hon. Friend when he goes outside the House and says to Mr. Anthony Brookes, from Charlwood in Surrey, "You're a nut."

**Mr. Forth:** Does my hon. Friend agree that there are more nuts on this subject than on almost any other?

**Madam Deputy Speaker:** Order. May I bring the House back to the amendment under discussion?

**Mr. Chope:** This is an area of debate and, I submit, dispute. I certainly would not be so bold as to describe anyone who writes to *The Sunday Telegraph* as a nut. The correspondent says, and this is very relevant—

**Madam Deputy Speaker:** Order. I think that we have heard quite sufficient from the letter in *The Sunday Telegraph*.

**Mr. Chope:** The correspondent makes the point that there are large vested interests in climate change that are endeavouring to force us to spend billions of pounds on $CO_2$ reduction when the poorest nations of the world remain ill-served. Obviously we do not have expert opinion here, but the correspondent is saying that if water vapour is indeed a greenhouse gas—

**Dr. Alan Whitehead** (Southampton, Test) (Lab): Is the hon. Gentleman saying that we should spend large amounts on stopping cloud formation?

**Mr. Chope:** I know that the hon. Gentleman has many powers, but I do not suggest that he should stop cloud formation. Cloud formations would come under the category of non-anthropogenic. I am talking about

*[Mr. Chope]*

anthropogenic water vapour, which is, in my submission, a greenhouse gas on the basis of what Mr. Brookes says.

**Dr. Whitehead:** All right, let us try again. Does the hon. Gentleman suggest that we invest large amounts to stop people from boiling kettles to make tea?

**Mr. Chope:** Obviously, if a household wants to be economical in its use of electricity, one of the best things to do is to boil a kettle in the morning and put the surplus product from the kettle into a thermos flask, which avoids the need for the kettle to be re-boiled later in the day. I fear that not enough people are carrying out that process, so an avoidable waste of electricity is occurring. The hon. Gentleman makes a significant point.

**Malcolm Wicks:** We are all enjoying this satire on some of the wacky ideas around the area, but the hon. Gentleman's research assistant has misled him. He will have to wait two more weeks for April fool's day.

**Mr. Chope:** I do not know whether the Minister's comment is directed to the letters editor of *The Sunday Telegraph*, who printed the letter.

**Madam Deputy Speaker:** Order. May I remind the hon. Gentleman of what I have already said? I think that we have heard sufficient from the letters columns of *The Sunday Telegraph*. Perhaps he will address his remarks more relevantly to the amendment.

**Mr. Chope:** Absolutely, Madam Deputy Speaker. The point is made on fuel cells.

We know that the list in Government amendment No. 52 sets out sources of energy and technologies that are not purely what we might describe as renewable or green. As a consequence, sources of energy will be allowed to be used as a substitute for nuclear power, which does not generate any $CO_2$ and thus greenhouse gas, although they are less efficient. I do not understand why the promoter of the Bill and the Government seem to have it in for nuclear, because if we used more nuclear energy we would be able to reduce $CO_2$ emissions.

**Mr. Hollobone:** My hon. Friend is absolutely right. Proposed new subsection (2)(i) in amendment No. 52 cites

"combined heat and power systems."

A lot of those systems use gas efficiently, but they are not renewable sources of energy. He is right to make it clear to the House that the Bill addresses not just renewable sources of energy, but the efficient use of fuel sources that will eventually run out.

**Mr. Chope:** My hon. Friend brings substantial expertise to the debate.

**Mark Lazarowicz:** That is precisely why the Bill's title is the Climate Change and Sustainable Energy Bill, not the climate change and renewable energy Bill. The whole purpose of the Bill is to deal with not only renewables, but the most efficient use of several forms of energy.

**Mr. Chope:** But what is sustainable? Who is defining sustainable? The hon. Gentleman has declared an interest and had the Bill drafted for him by the Sustainable Energy Partnership. Why is nuclear energy not sustainable? I would not wish to refer again to lots of newspaper articles, Madam Deputy Speaker, but I read a fascinating article recently.

**Mark Lazarowicz:** May I make it clear to the hon. Gentleman that although I had assistance in the preparation of the Bill from the Sustainable Energy Partnership and drew on some of its ideas, it was not responsible for the detailed drafting?

**Mr. Chope:** The hon. Gentleman will accept that one of the things that binds all the bodies in the Sustainable Energy Partnership is their hatred of nuclear generation and nuclear power, which is why they have defined sustainable energy as any energy coming from a non-nuclear source. That is one of the mischiefs that we are trying to expose.

There was an interesting debate in the columns of one of our national newspapers in the past week on whether the best Greens and environmentally concerned people supported nuclear as a solution to the problem, or preferred renewables. I will not go into that debate in detail, but we must be aware that the promoter of the Bill and the Sustainable Energy Partnership are coming at the matter from a position of self-interest and prejudice against nuclear generation and the retention and renewal of this country's nuclear capacity.

As my hon. Friend the Member for Kettering (Mr. Hollobone) said, combined heat and power systems are not renewable. The systems can involve the use of refuse-derived fuel. My right hon. Friend the Member for West Dorset will know that there is quite a lot of controversy about such fuel because there must be a process of incineration and combustion before it can be created. That process can result in noxious emissions and is a controversial way of dealing with this country's waste. Gasification and pyrolysis are obviously other ways of turning waste into fuel.

**Kelvin Hopkins** (Luton, North) (Lab): I understand from my recent visit to Woking that provided that waste is combusted at a sufficiently high temperature, all those noxious chemicals can be burnt, and the residue is perfectly innocuous, with no serious gas emissions.

10.30 am

**Mr. Chope:** I am interested in what the hon. Gentleman says based on his visit to Woking. All I can say to him is that if he had attended the big public inquiry in Dorset last summer, which went on for many weeks—we have not yet received the inspector's report so I suppose it is, in a sense, sub judice—he would have found that there was tremendous scepticism and public concern about the prospect of having RDF plants in parts of the urban area surrounding Bournemouth and Christchurch.

That stems partly from concern about incineration and the resulting noxious substances and partly from the fact that getting the waste to the place where it is burnt and made into refuse-derived fuel involves transport over long distances, storage and the building of substantial plants. That is a cause of great concern in my constituency and, I understand from reading articles, in many other parts of the country, although perhaps not in Woking. We should bear that concern in mind. Why does Government amendment No. 52 specify particular sources of energy but leave others out of the debate?

The main point that I want to make concerns capacity. My right hon. Friend the Member for Bromley and Chislehurst referred to that. I have already commented on the use of "sustainable energy" in the Bill's title as basically meaning anything that the promoters of sustainable energy want—anything other than nuclear. Similarly, many people outside the House will have been misled by the references in the Bill to microgeneration. When people talk about microgeneration they probably have in mind the sort of generating equipment that my right hon. Friend the Leader of the Opposition is to put on his premises in, I think, Notting Hill, where he still lives. That windmill will generate about 400W of power.

The Minister is doing better than that because I read in *The Daily Telegraph* on Monday, I think, that he is minded to install on his premises a windmill that will generate 1kW of power. It looks as though the Minister has not seen that article, but if it did not come to him in ministerial press cuttings, he needs to get a new supplier of ministerial press cuttings. The article said that the Minister is to have a generator on his premises which will generate a maximum of 1kW of electricity. Obviously, that shows that the Minister's household uses a lot more electricity than that of my right hon. Friend the Leader of the Opposition. I will not cast aspersions because of that.

**Madam Deputy Speaker:** Order. I hope not because it is not relevant to the amendment that we are discussing.

**Mr. Chope:** I absolutely agree, Madam Deputy Speaker, but you will have noticed that subsection (3) of Government amendment No. 52 says that maximum capacity in relation to the generation of electricity is 50kW; in other words, the equivalent of a windmill 50 times the size of the one that the Minister is going to have on his house or of 50 windmills of that size in the Minister's garden. The Minister laughs, but in doing so he is probably trying to ridicule the notion that that amount of generating power in a domestic garden could be regarded as microgeneration, and that, of course, is exactly my point.

Why are we allowing the definition of microgeneration to include units that generate up to 50kW of electricity—more than 50 times what is needed for the Minister's house and more than 100 times, indeed 125 times, what is needed for the house of my right hon. Friend? When we start talking about microgeneration of up to 50kW, we are talking about very big developments—enormous windmills or whole series of windmills. Why should microgeneration be deemed to include electricity generation 50 times or more what an individual household needs? I cannot understand that. I support the principle of microgeneration and the idea of reducing the need for the national grid to operate and allowing more energy production to be, I think the expression is, decentralised. I cannot for the life of me see that if a household chooses to put up to 50kW of electricity-generating capacity in the garden or on the house that should be described as microgeneration.

I am disappointed that the Minister, when he came to look at the contents of the Energy Act 2004 and redrafted its provisions in the amendments that we now see before us, stuck to the figure of 50kW. I hope that he will explain how 50kW can genuinely be called, in popular parlance, microgeneration. I hope that my Front-Bench colleagues will think about this subject because if we are to get public support for decentralised power production, surely we need to gain the confidence of the general public. If somebody living, for example, in a seafront bungalow in Bexhill in the constituency of my hon. Friend the Member for Bexhill and Battle (Gregory Barker) could put up 50 windmills in their garden on the basis that it would be microgeneration and then sell almost all that surplus electricity into the national grid, and their neighbours could do the same thing, my hon. Friend would find that Bexhill, far from being a very attractive retirement area with south-facing views over the channel, would basically become an industrial landscape.

**Mark Lazarowicz:** If we get on to the next group of amendments, I hope that the hon. Gentleman and the hon. Member for Bexhill and Battle (Gregory Barker) will be reassured that the Bill will not allow people suddenly to put 50 windmills in their back gardens in Bexhill, and that is certainly not the intention behind it.

**Mr. Chope:** I am grateful to the hon. Gentleman for that remark so far as it goes, but I had hoped that he would explain why he feels that microgeneration needs to be defined as anything up to 50kW rather than, perhaps, 1kW, which would surely be much more consistent with the popular understanding of microgeneration. Perhaps when the Bill reaches the other place we will have to ask their lordships whether there is a possibility of introducing into the Bill something called mini-microgeneration, which could be up to 1kW rather than up to 50kW. Whatever the promoter of the Bill says—we will come on to the debate about the planning aspects in due course—the Bill will say that 50kW of electricity generation is regarded as microgeneration. That defies common sense.

**Mr. Forth:** Does my hon. Friend share my worry that if we get this wrong, we will face difficulties similar to those surrounding another technology—telecommunications masts? If we get the exemption wrong, the level wrong or the capacity wrong, we will find that the equipment can be set up without sufficient local input or controls.

**Madam Deputy Speaker:** Order. I warn the hon. Member for Christchurch (Mr. Chope) not to be tempted down the road of telecommunications masts.

**Mr. Chope:** I shall not be, Madam Deputy Speaker. However, when we discuss planning and development

*[Mr. Chope]*

orders, analogies with telecommunications masts may well be in order. However, that will be a decision for you to make at the time.

There has been some levity and repartee, and I have seen letters from people who might be described as rather hysterical about the Bill, but there is a serious issue here. If we want public support for the principle of localised, decentralised energy generation, which is Conservative policy as I understand it, we should try to allay concerns by having a definition of microgeneration that is more in accord with what the ordinary person would regard as micro, rather than macro.

My comments on electricity generation also apply to the production of heat. Think of the size of the equipment, plant and apparatus that would have to be installed to capture enough solar energy to produce 45kW thermal. Can we really describe that as microgeneration?

**Malcolm Wicks:** Perhaps it will help the hon. Gentleman if I make it clear that the provision is designed to cover not only households, but community schemes. That is why the 50kW threshold was considered appropriate.

**Mr. Chope:** I am grateful to the Minister for that intervention, but I am confused. Under clause 16, the maxima for the generation of electricity applicable to community energy schemes are not 50 kW and 45 kW thermal, but 20MW and 100 MW thermal.

**Mr. Hollobone:** My hon. Friend has stumbled across an important part of the Bill. If, for simplicity, we say that one house uses 1kW, amendment No. 39, in effect, provides that a group of 50 houses could be covered by a scheme; but clause 16 allows up to 20MW, or 20,000kW per scheme, which would supply 20,000 houses. Surely the point of the debate is to seek justification of the 50kW limit, when it would seem sensible to reduce the limit to 1kW or perhaps 5kW and thus seriously define the micro in microgeneration.

**Mr. Chope:** I am grateful to my hon. Friend for making that point. I hope that our combined forces will prompt a response from our hon. Friend the Member for Bexhill and Battle.

**Gregory Barker:** I think that everyone here is labouring under a misapprehension. I understand that the average household consumes about 10kW of electricity. The case that my hon. Friend is making is fundamentally flawed, the scale on which his argument is based is incorrect and the premise that he is advancing is nonsense.

**Mr. Chope:** My hon. Friend is long on assertions; I hope that he can justify the assertion that he has just made. According to my information, average household consumption of electricity is in the order of 3.6kW. Obviously individual figures vary, and it may be that my hon. Friend's house uses much more than 3.6kW, but my understanding is that domestic energy use averages 4,700kWh per annum. I do not pretend to be an expert; those figures are produced by the British Wind Energy Association, and a document in front of me confirms them.

**Gregory Barker:** My hon. Friend continues to labour under a misapprehension. We are referring to heat and electricity.

**Mr. Chope:** I do not understand my hon. Friend's point. I am talking about 3.6kW of energy being used each year, yet under the Bill generation up to 45kW is described as microgeneration.

**Dr. Whitehead:** One is output, the other is capacity.

**Mr. Chope:** I am sorry, but because of the rustling of papers I could not hear what the hon. Gentleman said.

**Dr. Whitehead:** The hon. Gentleman is talking about household electricity use, which is output. In the context of the installation of microgeneration devices, he is referring to capacity.

**Mr. Chope:** Maximum capacity, rather than the amount that is actually produced?

**Dr. Whitehead:** The two should not be confused.

**Mr. Chope:** One could have a large power station with enormous capacity measured in gigawatts whose output is very small because it is being run at far less than capacity, but that does not answer my question: why allow capacity of 50kW when capacity of only 1kW or 3 kW is needed to produce the power for an individual household?

Our debate today is beginning to illustrate the fact that when we have a Bill that is the subject of a large degree of consensus, it does not receive in Standing Committee the proper scrutiny and examination that can be achieved on the Floor of the House or during the Committee stage of an ordinary public Bill, when those who are concerned about the Bill or sceptical serve on the Committee alongside those who are enthusiastic about it, with the result that a real debate is had. Perhaps we shall be able to resolve the problems by the time we get to Third Reading.

The British Wind Energy Association believes that its calculation is correct, and I find it hard to understand why it should be wrong. I am looking through "Calculations for wind energy statistics" to try to address the point that has been put to me. My intellectual understanding of the matter is being challenged and I do not want that challenge to go unanswered. My hon. Friend has asserted that the average UK household use of energy is much higher than I said. I do not know whether the figure of average domestic energy use of 4,700kWh per annum is incorrect, or what he thinks should be put in its place. As I understand it, if efficiency is close to 100 per cent. one needs less capacity than one would with less efficient generators such as wind turbines, which are only 0.3 per cent. efficient because of the inconsistent nature of wind. Most types of generators have a capacity of 0.5 per cent. If the average home uses 4,700 kWh a year, the generators can provide power, as my hon. Friend the

Member for Kettering said, for 5,000 households. For example, a 1MWe wind turbine can supply energy to 559.1 homes.

The Minister defended himself by saying that the definitions of microgeneration in the Government amendments of 50kW and 45kW are set high to meet the provisions of clause 16. I hope that he accepts that the community energy schemes dealt with in that clause are subject to a much higher maximum, so Government amendment No. 39 should apply to domestic household microgeneration, not the promotion of community energy schemes.

**Mr. Nigel Evans** (Ribble Valley) (Con): In his discussion of microgeneration my hon. Friend has referred to wind power. I declare my interest as president of Country Guardian, which opposes the littering of the countryside with wind turbines and, indeed, their siting in any other inappropriate place. What size of wind turbines are we talking about? Can they be placed anywhere, including rural areas?

**Madam Deputy Speaker:** Order. The hon. Gentleman is straying into the debate on the next group of amendments.

**Mr. Chope:** You have stolen my thunder, Madam Deputy Speaker, because I was going to say exactly the same thing. However, my hon. Friend has raised a pertinent issue for the next debate.

The Minister has caused a great deal of confusion, because he said that the maximum is designed to promote community energy schemes, and will apply to groups of houses or flats or small communities comprising large numbers of households. However, in the provision, microgeneration applies to individual households or households within the curtilage of a dwelling house.

**Mr. Forth:** That was my reading of the Bill. Clause 9(6) explicitly says that a dwelling house

"does not include a building containing one or more flats, or a flat contained within such a building",

and it goes on to define a flat. It is not until clause 16, as my hon. Friend said, that community energy projects appear in the Bill. It is therefore important to maintain the distinction between the so-called microgeneration required for domestic dwellings and so-called community energy projects. I am sure that that distinction will emerge much more clearly as the debate proceeds.

**Mr. Chope:** My right hon. Friend is right. I shall not press the point any further, because I hope that when we debate the amendment that I have tabled to clause 16 he will be able to explain that there is an even higher maximum for microgeneration under that clause than there is under Government amendment No. 52.

**Mr. Hollobone:** Would the Government not be in a better position to promote community energy schemes if they lowered the limit for individual residential householders? Householders would appear to be in a good position to receive permission for a wind turbine 50 times the size of the turbine covered by the amendments. If the limit were lowered there would be more incentive for neighbourhoods and communities to get together and establish their own neighbourhood generation.

**Mr. Chope:** My hon. Friend is right. On 13 March, Ceres Power issued the following press release:

"Ceres Power, the AIM-quoted fuel cell group, announces that it has taken a major step in commercialising its technology with the achievement of a critical milestone. The Company has successfully designed, built and tested a 1 kW fuel cell stack (the 'Ceres Stack') generating sufficient power for the average home."

Ceres Power thinks that a 1kW fuel cell stack will generate enough power for the average home, but my hon. Friend the Member for Bexhill and Battle asserted that we need 10kW. An AIM-listed company says that a small, lightweight fuel cell which, I believe, almost fits into the palm of one's hand, can deliver 1kW. Surely, it is not so out of touch as to underestimate by a factor of 10 the power needs of the average home? If my hon. Friend is right, one would have to buy 10 of those compact fuel cells to supply one household's fuel needs. I hope that we can get to the bottom of the matter because, as my hon. Friend the Member for Kettering suggested, if we want to educate and encourage people to use microgeneration—my right hon. Friend the Leader of the Opposition has given a strong lead on that—we must ensure that the natives do not get restless.

We do not want people to think that they can engage in an industrial process in their back garden that would enable them to sell 95 per cent. of their output. Jam makers are subject to regulations that prevent them from selling surplus jam at Women's Institute markets. Why, then, should individuals be allowed to generate 49kW of energy and sell it to the national grid while they keep 1kW for themselves?

**Madam Deputy Speaker:** Order. The hon. Gentleman is rehearsing arguments that we have already heard.

**Mr. Chope:** I certainly would not want to rehearse any arguments again, Madam Deputy Speaker. I hope that, having listened to our debate, the Minister will explain the difference between the provisions of what he described as technical amendments and the much higher limits in clause 16. I hope that he will engage in constructive debate on the importance of not alarming the citizens of this country with the prospect of much larger generating units being sited in back gardens or elsewhere.

This has been a useful debate. I am glad that last week the Minister accepted that there was a defect in the Bill, which led to the introduction of Government amendment No. 80. When the Minister responds, I hope that he will address my concern that the definition of greenhouse gas emissions in the context of dynamic demand technologies in clause 15, which is the subject of amendment No. 80, is consequential on Government amendment No. 50, which we debated last week. That introduced a definition of greenhouse gas in clause 23 covering any of the six gases specified in the Kyoto protocol. Surely technology that increases one greenhouse gas but reduces another is not necessarily good technology. Do we not want the impact of technology on each greenhouse gas to be measured? My fear—the Minister will correct me if I am wrong—is that

*[Mr. Chope]*

amendment No. 80 would allow the Government to look at the overall impact on all six gases, rather than measuring the impact on each of the greenhouse gases separately. You will be pleased to know, Madam Deputy Speaker, that I do not propose to engage again in the debate about whether water vapour is a greenhouse gas.

11 am

**Malcolm Wicks:** With the leave of the House, I shall reply to one of the points that emerged in the latter stages of the discussion. I will not go into the sticky business of Women's Institute jam because we are focusing on global warming and the planet's chance to have jam tomorrow, so let us stick with that.

Questions were raised about the differences in the definitions of microgeneration and community schemes. Perhaps I can help the House. Microgeneration is for households and community schemes—for example, solar panels on church halls, or the wind turbine that I saw on the building at the Daventry country park when I was asked to visit it—whereas the community energy schemes referred to in clause 16 are intended to cover both small scale community installations that could be classed as microgeneration, and larger schemes such as district heating.

**Mr. Forth:** Can the Minister say a little more about what a large scheme might be in this context? We are talking about microgeneration, which would be understood by the layman in a particular way. Now that the Minister has spoken of a large scheme in the context of community projects, could he give the House some idea of the scale? What sort of size of building or installation does he have in mind when he talks about a large scheme?

**Malcolm Wicks:** The technology would determine which section applied to the scheme. It could be a new school. I was scheduled today to open the new Ashburton school in Croydon in my borough—the Ashburton learning village, which has extensive photovoltaics. I rather regret in some respects that I cannot undertake my duties in my own borough today because of the delays that have been caused. The scheme could be a new library, a big new community centre, a new church or church hall or a sports hall. I hope the House understands that those are the kind of developments that we are trying to cover.

**Mr. Forth:** It is important that we have this dialogue. Is the Minister saying that he believes that a photovoltaic installation, even on the roof of a school, would contribute to community energy in the sense in which I understand the Bill to refer to it?

**Malcolm Wicks:** I was talking about the range of possibilities. Some schemes could involve mini combined heat and power installations, for example. There is a range of heat technologies. I am sure the right hon. Gentleman has had a chance to explore some of them in his constituency, just as I hoped to find out more today if I had been able to put principle into practice by helping to open the Ashburton learning village. I hope I have provided clarification.

*Amendment agreed to.*

**Clause 8**

FUNCTIONS OF THE GAS AND ELECTRICITY MARKETS AUTHORITY IN RELATION TO MICROGENERATION

*Amendment made:* No. 40, in page 6, leave out lines 13 and 14 and insert

'the Climate Change and Sustainable Energy Act 2006.".'.—*[Malcolm Wicks.]*

**Mr. Chope:** I beg to move amendment No. 32, in page 6, line 15, leave out clause 9.

**Madam Deputy Speaker:** With this it will be convenient to discuss the following amendments:

No. 13, in page 6, line 25 [Clause 9], at end insert—

'(2A) In carrying out the review, the Secretary of State shall have regard to the desirability of—

(a) safeguarding conservation areas;

(b) protecting visual amenity;

(c) reducing noise; and

(d) avoiding risks to health and safety.'.

No. 70, in page 6, line 25 [Clause 9], at end insert—

'(2A) In carrying out the review, the Secretary of State must consult—

(a) such body or bodies as appear to him to be representative of local authorities;

(b) the Royal Institute of British Architects;

(c) the Royal Institution of Chartered Surveyors;

(d) the Campaign to Protect Rural England; and

(e) any other bodies or persons he considers appropriate.'.

No. 71, in page 7, line 3 [Clause 9], at end insert—

'"local authorities" has the same meaning as in section [Local authorities to have regard to information on energy measures in exercising functions].'.

**Mr. Chope:** In addition to speaking to my amendment No. 32, I shall say a few words about the amendments tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), which qualify clause 9 by requiring the Secretary of State to have regard to, among other things, four desirable outcomes when carrying a review of permitted development orders.

Before considering the detail of what is proposed, I shall set the matter in context. The Town and Country Planning Act 1990 contains important safeguards and restrictions on the ability of a landowner to carry out development on his land. Those restrictions are imposed on the grounds of amenity, and are a significant restriction on the principle that an Englishman's home is his castle and that he can do in it and on his land whatever he wishes.

Planning provides community protection for local people who are concerned about intrusive, insensitive and antisocial behaviour. It is reflected in Government guidance emanating in the form of policy planning guidance and appears in the latest manifestation of that—regional spatial strategies. The regional spatial strategy for the south-west of England, which is of

interest to my right hon. Friend the Member for West Dorset (Mr. Letwin) on the Front Bench, has been discussed. It is very controversial. It must be submitted to the Department by the end of March, and as I understand it—

**Madam Deputy Speaker:** Order. Interesting and controversial the regional spatial strategy might be, but it is not relevant to the amendment under discussion.

**Mr. Chope:** I shall return to section 52(2)(a) of the Town and Country Planning Act 1990.

**Mr. Hollobone:** I am listening to my hon. Friend's words with interest. Last time we discussed the Bill, we had the benefit of the presence of a Minister from the Office of the Deputy Prime Minister to deal with development issues. Does my hon. Friend share my disappointment that the Minister is not present today?

**Mr. Chope:** I do, but perhaps the Minister did not expect us to reach this group of amendments so quickly. She may be on her way to the Chamber. I know from my own experience when I was a Minister with responsibility for planning matters that this is a technical area, and a Minister for Housing and Planning can speak with much more authority than the Minister for Energy, although I accept that the hon. Gentleman is very knowledgeable about most things.

**Malcolm Wicks:** My hon. Friend the Minister for Housing and Planning is in her constituency, where many of us would like to be on a Friday. The fact that I am in the Chamber to represent the entire Government shows that we do not just talk joined-up, we do it.

**Mr. Chope:** I am glad that the Government make provision for Ministers to attend the House on a Friday, because the Government and the House decided that we should meet on various Fridays during the year. It would be rather bizarre if—

**Madam Deputy Speaker:** Order. We are meeting on a Friday and we are discussing a particular set of amendments proposed by the hon. Gentleman.

**Mr. Chope:** Section 52(2)(a) of the Town and Country Planning Act 1990 refers to a development order, which

"itself grants planning permission for development specified in the order or for development of any class specified."

In other words, the development order provides for planning permission to be granted without any notice having to be given, without any consultation with those who are or may be affected by it, without any need for a planning application, and without the involvement of any locally elected councillors—just like the planning-free environment which, to an extent, prevailed before the advent of the Town and Country Planning Act 1947.

A permitted development order can therefore be a very far-reaching curtailment of environmental protection.Clause 9 seems designed to facilitate further and far-reaching curtailment of environmental protection. That is why I am very concerned about the clause and have tabled an amendment seeking to remove it from the Bill. I recognise that the issue creates a dilemma for my hon. Friends. To what extent should we jeopardise one part of the environment, such as visual amenity, in order to benefit another part, perhaps by seeking to reduce global warming? Those are just the sort of issues that we should debate. They are not black and white, and I hope that my right hon. Friend the Member for Bromley and Chislehurst agrees that inherent conflicts and contradictions on environmental issues are best resolved locally, by locally elected representatives. Of course, that is what can be done under planning law, but could not be done under the general development order relaxation proposed in the clause.

**Mr. Forth:** Does my hon. Friend share my unease about the danger of making a presumption in favour of the ability to install what are now rather loosely known as microgenerating plants? The danger is that that will enable more and more such installations to be established, perhaps even against the wishes of individuals or local planning authorities? It is that change of presumption that is key to the provisions, which is why we have now probably got to the crux of the Bill and of the effect that it could have on our communities and in our constituencies.

**Mr. Chope:** That is absolutely right; it is the dilemma that I am hoping the majority of Members of the House will agree should be resolved in favour of localism.

I should like to illustrate that point by referring to the recently published document "Built to Last", which was produced by my right hon. Friend the Leader of the Opposition. That document, which I shall not quote extensively, sets out "Our aims" as follows:

"To improve the quality of life for everyone through ... a dynamic economy ... a strong society

and

"a sustainable environment where we enhance the beauty of our surroundings and protect the future of our planet."

We will not enhance the beauty of our surroundings if we allow monstrosities otherwise known as microgenerating plants to proliferate in our residential neighbourhoods without the need for individual planning consent.

**Mr. Hollobone:** This is a very serious issue. If a planning application for 2,000 houses were made in my constituency, for example, the Government might take the view that the best way of providing energy for the houses, on the basis of the figures before us today, would be a 25 MW community energy scheme. Presumably, such a scheme would require planning permission in the normal way. If permitted development orders are introduced, the alternative is that 400 wind turbines could be constructed on an estate of 2,000 houses. Such a development might be beneficial in terms of climate change, but in terms of visual amenity there would be many different views as to whether it was acceptable.

**Mr. Chope:** My hon. Friend makes an excellent point. I hope that he will contribute further to the debate in due course, if he catches your eye, Madam Deputy Speaker.

**Mr. Forth:** I hope that, as my hon. Friend develops his argument—indeed, our hon. Friend the Member for

*[Mr. Forth]*

Kettering (Mr. Hollobone) may wish to elaborate as well—somebody somewhere will give me an idea of the size of installation that we are talking about. It is in the context of the clause and amendments before us, in respect of which you, Madam Deputy Speaker, most helpfully guided us earlier, that we will properly consider the size of wind turbines, community energy plants and the like. If we do nothing else, we should make people outside this place aware of the direction in which we are going in the name of so-called microgeneration and what they may end up having in their communities in that context.

**Mr. Chope:** My right hon. Friend is absolutely right. I shall come to the size of some of the plants, although without the ability to use visual aids in the Chamber, I shall have to rely on the powers of description rather than on anything else.

As it stands, clause 9 is about circumventing the local planning system, despite the fact that planning is deemed by most of our constituents to be the most important responsibility of local government. That is why people argue for keeping local councils, because it is the local councillors who are in touch with people's concerns about planning issues in particular. The importance of planning as a local government function was borne out by all the research done by the Local Government Commission for England when we last looked at reorganising local authorities and considered whether we should abolish district councils in favour of unitary authorities or county councils.

11.15 am

I shall take the House rather slowly through clause 9, because it is actually very sinister. I hope that my right hon. Friend the Member for Bromley and Chislehurst, who is assiduous in considering such matters, will try to follow the provisions with me. Clause 9(1) states:

"The Secretary of State . . . shall . . . carry out a review of the effect in England of development orders made by virtue of section 59(2) of the Town and Country Planning Act 1990".

It says nothing about whether the Secretary of State has to consult anyone. Subsection (2) states:

"The purpose of the review is to enable the Secretary of State to form a view as to what provision (or further provision) such development orders should make"

about the installation of microgeneration equipment. There is no reference to what evidence, if any, should be considered by the Minister, and neither is there any requirement that he should publicise any evidence.

The most sinister and dangerous element of the clause is that the purpose of the review is not objective or neutral. As line 22 makes clear, the purpose is

"to facilitate development in England . . . of equipment, apparatus or appliances for microgeneration",

irrespective of whether such development has an adverse impact on the beauty of our surroundings or visual amenity. I can almost hear the promoter of the Bill or perhaps the Minister saying, "Don't worry; once the review is published, it will be possible for local authorities, the Campaign to Protect Rural England, the Wildlife Trusts and so on to give their input." Such a common-sense safeguard is, however, specifically precluded by subsection (3), which states that

"the Secretary of State must lay before Parliament a report of the review, including his view . . . and the reasons for it."

There is no provision for consultation on his conclusions. Even worse, there is no provision to allow for modification of his view as expressed in the review report, because subsection (4) contains this requirement:

"The report must also set out what provision . . . if any, the Secretary of State proposes to make in development orders . . . in consequence of the review."

The clause goes on to state:

"Where the Secretary of State proposes to make provision . . . in development orders in consequence of the review, he must . . . exercise his powers under section 59 of the Town and Country Planning Act 1990",

and he must do so as soon as is "reasonably practicable". In other words, there is no provision for parliamentary discussion, public debate or consultation. That is all too familiar from this Government.

**Mr. Evans:** I have grave concerns about wind turbines for a number of reasons. In a number of countries where they have proliferated, rare bird species have diminished, because of birds being killed by flying into the turbines. Is my hon. Friend telling the House that there is no opportunity for bodies or individuals who care about rare bird species that may migrate into their areas or pass through them to make representations? Can there be no representations from anyone who is concerned about the placement of wind turbines?

**Mr. Chope:** I am saying that. My hon. Friend is right to draw attention to that concern. The clause makes it clear that there is no provision for parliamentary discussion, public debate or consultation on the issue.

**Mr. Forth:** I can give some reassurance to my hon. Friend the Member for Ribble Valley (Mr. Evans). If he looks at my amendment No. 70, he will find that I am attempting to provide exactly what my hon. Friend the Member for Christchurch is asking for. Perhaps we should have a vote when the time comes. I think that the House should express its view at some point, as there is far too much cosy consensus breaking out. I hope that my hon. Friend will refer to my amendment, as I do not take sole possession of it.

**Mr. Chope:** I am grateful to my right hon. Friend for that intervention. I will indeed refer to his amendment, but I thought it would be helpful to try to progress logically and start by debating the lead amendment, which would leave out clause 9 altogether.

One way of summing up clause 9 would be to say that under its provisions the Secretary of State is expressly prohibited from listening to anyone or modifying the outcome of his review in any way. That is rather reminiscent of the Labour slogan articulated by the late Lord Shawcross after old Labour got into office after the war—"We are the masters now." The Secretary of State is the master and it is not going to be possible for

anybody to intervene in any process to say, "Hold on a minute—are you sure this is actually the right thing to do in terms of the environment?"

**Mr. Forth:** Does my hon. Friend agree that those in the environmental lobby sometimes claim that they are the masters now and resent even debating some of the policies that they advocate?

**Mr. Chope:** That is the case with some of them, but not all. If my right hon. Friend had read the open debate in the columns of one of the national newspapers within the past 10 days, he would have seen very different positions being taken on the subject by people all of whom would describe themselves as having the best possible environmental credentials. They can agree to disagree, or strongly disagree, with each other on these issues. That is why it is all the more important that there should be provision for somebody other than just the Secretary of State, whoever he happens to be at the time, to get involved in debating whether permitted development orders should be allowed to be used so that these very large generating plants can be constructed without the need for any planning permission or any chance for local involvement in whether they are a good idea.

What size or nature of development could be constructed under a permitted development order under the clause without planning consent? That is the question that several of us are concerned about, and I will try my best to answer it. I know that in due course the promoter of the Bill wants to enter into the debate to give us some assurances. We do not allow permitted development orders to deal with such things as bus stops, bus shelters, street cabinets or even telecomms masts, although we all know from our constituency casework just how controversial those can be. Not long ago, I attended a meeting of the Greater London authority, where no less a person than the Mayor of London answered a question about the location of a bus stop in Richmond. He took the view that he, as the regional authority leader, should be the sole determinant of where that bus stop should be positioned. Under the clause, we would not have that safeguard even for a large microgenerating plant, because it would all be dealt with under permitted development orders. What would our constituents have said in the past, before the health and visual amenity aspects became big issues, if any Government or Secretary of State said, "We think that all these telecomms masts should be put up without the need for any planning permission to be obtained, because it is a jolly good thing that people should be able to communicate by mobile phone"? There would have been an enormous outcry.

I suspect that at the moment people have not woken up to the exact implications of the Bill as regards microgeneration equipment, because they think of it as being on a very small scale. When they do wake up to it, it may be too late, because by then clause 9 will already be on the statute book and the Secretary of State, without anybody being able to constrain him, will have already passed the necessary orders under the permitted development process and these developments will be outwith the control of local people and their locally elected representatives.

**Mr. Hollobone:** I am very supportive of wind power. A new wind farm in Kettering, Burton Wold, is providing electricity for local people. However, it is affecting many local people's television reception. If the Bill succeeds and lots of these wind turbines are put up, people may become concerned about the effects on their environment. It is right that this House should debate these issues now before it is passed into law.

**Mr. Chope:** My hon. Friend is absolutely right. We normally find in terms of legislation that prevention is better than cure. It is no good coming back later to try to amend it, because it will be too late. Some of us have been receiving representations from constituents who are concerned about the contents of some recent legislation, and we are having to say to them that it is too late to do anything about it because it has already gone through. We should anticipate the concerns that will arise. I like to think that all Members, particularly those of us who attend on Fridays, are closely in touch with their constituents' concerns.

People are worried about how big these structures would be. According to the article in *The Daily Telegraph* of 13 March, the wind turbine that my right hon. Friend the Leader of the Opposition is seeking to fit to his house has translucent rotor blades that are 1.1m in diameter, and it will generate just 400W of electricity. The same newspaper report referred to the Minister's house in Croydon being fitted out with a 1 kW turbine—

**Madam Deputy Speaker:** Order. We are discussing the amendment, which is about permitted development orders. We have already heard about the developments involving the Leader of the Opposition and the Minister.

**Mr. Chope:** If clause 9 remains in the Bill, under a permitted development order it will be possible for all these pieces of generating equipment, whether they, belong to a Member of this House or somebody outside, to be constructed without the need for any planning permission. That is why I was about to mention the dimensions of the turbine which, according to the press report, will be placed on the Minister's premises.

**Malcolm Wicks** *indicated dissent.*

**Mr. Chope:** The Minister is shaking his head before he has even heard what I am going to say. The article said that it will have blades that are 1.75m in diameter. In the old-fashioned language of the metric martyrs, that is about 5 ft 9 in. That is a fairly significant size. However, that is a very small capacity turbine compared with the maximum 50kW capacity that is permitted under the Bill. Under clause 9, microgeneration as defined in the Government amendment to the Energy Act 2004 could have a capacity to generate 50kW. If the Minister were to table an amendment to redefine it as relating to a maximum capacity of 1kW, that might allay many concerns. However, clause 9, coupled with the provisions about the maximum capacity being 50kW, will put our constituents in grave jeopardy and cause them enormous anxiety.

11.30 am

**Mr. Nick Hurd** (Ruislip-Northwood) (Con): My hon. Friend has framed this important argument excellently. However, is not he guilty of presuming too much about the review's outcome? Having listened to him carefully, I have heard a solid case for improving the clause through the process that underpins the review, but I have not yet heard a case for removing the clause, which is the purpose of the amendment. Will he make that case?

**Mr. Chope:** I am making the case. If the clause was not part of the Bill, putting microgenerating plant in one's garden or attaching it to one's house would be a matter for planning and subject to the usual planning laws. In that case, one would make an application, fill in a form, pay a fee to the local authority and discuss it with the local planning authority, which in due course would develop a policy in its local plan process. That might cover the points that my hon. Friend the Member for Kettering (Mr. Hollobone) made about whether we should have many individual pieces of generating plant or whether one larger piece of community generating plant would be preferable. The planning process could deal with all those issues. If individuals wanted to install many pieces of plant, councillors could end up discussing the applications. They could ask questions, such as that asked by my hon. Friend the Member for Ribble Valley (Mr. Evans) about the implications for bird strike, the butterfly population and so on. However, if the clause remains in the Bill, none of those opportunities would arise. The constituency of my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) is in an urban area, where proper protection under planning laws is even more crucial, because people live close to each other.

**Mr. Forth:** I hope that my hon. Friend has not left the subject of size. For the benefit of us non-metric people, will he please tell us not only the overall diameter of the allegedly small wind turbine that will be positioned on or near a dwelling house, but how high it might have to be? I presume that height and size are important when considering visual and possible sound intrusion. It would be helpful if we could get some of those facts on the record so that people are under no illusions about what the Bill asks us to do.

**Mr. Chope:** My right hon. Friend asks about height. I am not sure whether I have much information about maximum height. However, I have a picture, which I cannot show hon. Members, but it depicts a 12.5MW biomass plant at a place called Westfield. It resembles the cement works at Westbury. I do not know whether hon. Members are familiar with the big cement works in the countryside at Westbury. It has an enormous chimney, which rises 100 m into the sky, and large warehouse-type buildings, which could, at a guess, be 50 ft to 100 ft high. There is another picture of a smaller, 5 MW plant—the Goosey lodge plant. That resembles a mini version of the Fawley refinery. I hope that that gives some visual impression of what such plant would be like.

**Mr. Evans:** The applications need to be considered before full planning, but not only for reasons of size, which is important. We worried about birds, but kids playing in backyards could be affected if the blades are large. There could be a problem, depending on where the equipment was sited. Let us ensure that there are proper rules and regulations. Local authorities can then consider where equipment will be sited. I must—

**Madam Deputy Speaker:** Order. Is the hon. Gentleman making an intervention or a speech? Perhaps he could bring his remarks to a close.

**Mr. Evans:** I shall, Madam Deputy Speaker. Does my hon. Friend agree that one of the most common problems that we encounter in our surgeries is neighbour disputes? When neighbours cannot—

**Madam Deputy Speaker:** Order. The hon. Gentleman has made his point.

**Mr. Chope:** I am grateful to my hon. Friend for that intervention. We know that neighbour disputes can end in violence and, indeed, death. I spent some time in a previous Parliament discussing the frustrations that people can experience living on each side of a hedge.

**Madam Deputy Speaker:** Order. We do not need to hear about the hon. Gentleman's frustrations in a previous life.

**Mr. Hollobone** *rose—*

**Mr. Chope:** I shall give way to my hon. Friend.

**Mr. Hollobone:** We have heard that the diameter of a 400W wind turbine is 1.1m and that that of a 1kW wind turbine is 1.75m. *[Interruption.]* I do not know whether my hon. Friend has noticed that we are being gesticulated at from the other side of the Chamber. The promoter and seconder of the Bill and the Minister are present. Surely someone can tell us what the diameter of the blades of a 50kW wind turbine would be.

**Mr. Chope:** I hope that we shall get closer to an answer to that pertinent point. Whatever the size, we know that it will be pretty large—or there may be many wind turbines. That could amount to the same thing. I can envisage that, in order to generate 50kW, one might have to install photovoltaic tiles and erect a fence that was 15ft high and 30ft long next door to one's neighbours.

**Mark Lazarowicz:** The hon. Gentleman has invited me on a couple of occasions to give my views of what the Bill might allow. Allowing a fence of the size that he outlined or, indeed, a 12.5MW biomass power station to be included under the permitted development orders would not be the desired outcome of the clause. I intend to deal with the matter in my contribution. If he is satisfied with that, perhaps he would be prepared to let other hon. Members respond to his points at an early stage in the debate.

**Mr. Chope:** That is a helpful point and I look forward to the hon. Gentleman's contribution, to which I shall have the opportunity to respond. I believe that the best way of tackling the problem is by leaving out clause 9.

Clause 9 currently discriminates against installations within the curtilage of a dwelling house, but not buildings that contain one or more flats. I hope that the Minister will deal with that point. If one's neighbour lived in a flat, one would have no worries, but if one's neighbour lived in a bungalow or a detached, semi-detached or terraced house, there are potential problems. My home in London, where I stay during the week, is a terraced house and the impact on my quality of life if my neighbours began installing such equipment in their gardens could be significant.

**Mr. Hollobone:** If one were in favour of permitted development orders, would not it appear extraordinary if blocks of flats were excluded, because their roofs would be perfect, if one were so minded, for siting a wind turbine to provide efficient energy for the dwellers.

**Mr. Chope:** Again, my hon. Friend makes an excellent point, which I hope the Minister will tackle. Why are blocks of flats—or houses that are converted into two flats—excluded when ordinary houses with land attached are included? Of course, one can get big converted houses, which stand in substantial plots of land. Under the provisions, they could not take advantage of the permitted development rights, but those living cheek by jowl in small bungalows could.

Amendment No. 13 limits the clause in the sense that

"the Secretary of State shall have regard to the desirability"

of four factors. The amendment, tabled by my right hon. Friend the Member for Bromley and Chislehurst, would be better than nothing. However, I warn him that the expression "have regard to" is a weak phrase, as we discovered in the challenge to the Government requirements on school admissions. That is why the expression in the Education and Inspections Bill, which had its Second Reading this week, has been tightened.

**Madam Deputy Speaker:** Order. We have debated the Education and Inspections Bill. We are now debating the hon. Gentleman's amendment to clause 9.

**Mr. Chope:** Absolutely, and I was addressing my remarks to the expression "have regard to" in amendment No. 13. That expression has been the subject of judicial decision making. As a consequence of that, I ask my right hon. Friend to think again about whether it goes far enough. One cannot ignore it and proceed as before, as the High Court recently ruled.

**Mr. Forth:** I plead guilty in that sense, but if we must have the clause—perhaps we will accept my hon. Friend's amendment—one decision that we might have to make, and we will have to make it on the hoof, is whether my modest and perhaps rather ineffectual amendment is at least a gesture in the right direction because it could improve the clause.

**Mr. Chope:** I certainly agree, but I have another reservation about amendment No. 13. By specifying some factors, it could be taken that others are excluded—for example, the need to safeguard the green belt, to preserve the setting of listed buildings and to protect wildlife, the point made by my hon. Friend the Member for Ribble Valley (Mr. Evans). By not including those provisions, it might be thought that they are excluded. Perhaps that is a slightly technical, whinging point that it ill behoves me to make, especially in respect of an amendment so ably drafted by my right hon. Friend.

What I like about amendment No. 13 are the specific references to visual amenity, noise and health and safety. We discussed visual amenity quite a lot in this short debate, but noise is a big unknown factor. Nothing in the Bill would limit the use of equipment at night. We know how sensitive our constituents are to night-time noise. I have personal experience of that. We once had a family house quite close to a farm that operated equipment late at night to dry bulbs produced in west Cornwall for the early English spring market. The noise was highly intrusive, but the equipment could run at night under permitted development powers because its use was related to agriculture. There was nothing that a concerned neighbour could do, except to plead with the farmer's common sense and to ask him to limit the use of the machines to daytime or to put in proper noise insulating material.

11.45 am

The other good thing about amendment No. 13 is the reference to health and safety. We are talking about big pieces of generating equipment, which may have quite high voltage, especially if they transfer energy to the national grid. All the electricity poles in my constituency have had little red signs put on them with a yellow marking that says, "This is dangerous", and barbed wire has been put around them to protect them against intruders. Do we expect the equipment to be put on land adjacent to the public highway? How will we ensure that children, vandals and so on do not trespass and endanger their health and safety?

**Mr. Forth:** In a sense, the discussion takes us back to the debate on sources of energy and the list that we considered. Up to now, my hon. Friend has rightly talked about the visual and noise effects of wind turbines. We have also touched on photovoltaics—solar panels—which are probably the least intrusive pieces of equipment. However, as he rightly explains, once we get into biomass, biofuels, fuel cells and other more exotic and esoteric sources of energy, the safety element becomes of great importance. Their location and the safety factors surely must be taken into consideration. That was partly what I had in mind when I drafted my little amendment No. 13.

**Mr. Chope:** My right hon. Friend is right, and it is why his amendment has more in its favour than it has against it. I do not mean to damn it with faint praise; safety is a significant element.

My right hon. Friend also tabled amendment No. 70, which was not on the selection list last week because it had not reached the daylight and been exposed for public discussion. It reflects the concern that I expressed that the clause as drafted does not make provision for consultation. The amendment spells out the requirement for that.

I said that I would not be too long on this group of amendments, so I sum up by saying that surely the best protection is provided by ordinary planning law, which

*[Mr. Chope]*

requires consultation with neighbours, residents' associations, parish councils and town councils. It gives the decision-making power to elected local councillors. Surely that is what we should be urging on the Government. We want to increase the safeguards, rather than reduce the protections.

**Mark Lazarowicz:** I shall speak briefly. This part of the Bill originated in an amendment tabled in Committee, and was not included in my original version. I am pleased that both Ministers and Conservative Front Benchers have made suggestions that have been incorporated in the Bill, and I am pleased that it has proved to be a suitable vehicle for such improvements.

When I said that I would speak briefly, I did not use the word in the sense in which it was applied to the 44 minutes during which the hon. Member for Christchurch (Mr. Chope) made what was described as "not a long speech". The hon. Gentleman did, however, raise an important point. Clearly, clause 9 could have different effects depending on how it was applied. I would certainly oppose it if I thought that it would result in "monstrosities" in people's back gardens, with 12.5MW biomass plants being described as microgeneration plants.

I am aware that in the debate on renewable energy, and wind power in particular, there are extreme views on both sides. There are those who oppose any form of wind turbine, no matter how large or small or whether it is in the country or on someone's house; and there are wind power enthusiasts who would favour allowing any wind turbine anywhere, whatever its size and wherever it was located. I do not support either of those extremes. The clause is intended to make it possible, in the right circumstances, for microgeneration installations to be placed on people's houses without the unnecessary bureaucracy that is too often involved at present. That bureaucracy varies from authority to authority, which lessens the possibility of wider use of the technology.

The application will have to differ from community to community. What may be possible in some areas or communities will probably not be possible in conservation areas, or areas with particular historical significance. That is why I think that the review proposed in clause 9 is essential. We cannot possibly specify every single way in which the powers will apply in every single type of community. I therefore think that the permitted development order procedure is appropriate. I trust that the Minister will tell us how he will consult, how he expects the clause to be implemented, and what principles he will apply to its implementation.

I hope that the hon. Member for Christchurch will be satisfied with whatever the Minister says in his response. He is right to ask questions, and if he is not satisfied with the answers he will be able to vote in due course. I repeat, however, that if we are serious about allowing microgeneration to be used more widely so that people can take advantage of its benefits, we must not allow too many bureaucratic obstacles to interfere with that. My hon. Friend the Member for Southampton, Test (Dr. Whitehead), who tabled the original amendment in Committee, may speak from his own experience. However, given that the clause merely suggests that a review should be conducted and laid before the House, and does not allow development orders to be made independently, I hope that Members will reject the amendment if the hon. Member for Christchurch presses it to a vote.

**Gregory Barker:** Although my hon. Friend the Member for Christchurch (Mr. Chope) spoke at great length, he expressed sensible and justifiable concerns that might well be shared by anyone who approached clause 9 in a sceptical frame of mind. I have no doubt, however, that his worries are unconnected with the intention behind the clause. I welcome what I believe to be its true purpose, which—as the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) said—is to permit the installation of domestic appliances, probably the size of a television aerial or satellite dish, which are unobtrusive in any normal sense of the word.

**Mr. Evans:** My hon. Friend has used the word "probably". Is that not part of the problem? Is it not better to establish clarity than to leave any doubt whatever? As my hon. Friend will know, we have sometimes passed legislation whose intention has been twisted out of all recognition in practice.

**Gregory Barker:** That is a good point, but this is not enabling legislation. The clause simply asks the Minister to produce a review, which would have to be laid before the House. That would be the proper time to engage fully in the debate on which we are embarking now, and to apply the necessary scrutiny and ask the questions that are being asked today. Once the review had been presented to Parliament, a statutory instrument would be required, which would have to be debated and, if necessary, voted on in the usual way. At that point I am sure that the sensible suggestions in the amendments tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) about the parties whom the Secretary of State should consult and the concerns that he should take into account in his review—such as safeguarding conservation areas, protecting visual amenity, reducing noise and avoiding risks to health and safety—will be properly debated. All we doing now is beginning the process, not reaching a conclusion, prescribing behaviour or forestalling in any way the sensible, rational debate that must follow. We believe that if microgeneration is to enter the mass market and become accessible to the domestic householder, a way must be found of making it just as easy to erect small domestic appliances as it is to erect a satellite dish or television aerial. Therefore, I do not believe that those of us who strongly support the Bill would be well served by the rejection of the clause.

**Mr. Chope:** I am grateful to my hon. Friend for his kind comments about some of the points that I made. However, can he spell out how the Bill would be made worse if the clause were omitted completely?

**Gregory Barker:** It would be worse because there would then be no compulsion on the Secretary of State to review the permitted development status, and it is important that that status is reviewed, for the reasons that I have set out. We need to streamline the process by

which microgeneration technologies can be taken up and used by the domestic user. It is absurd that things the size of a television aerial are subject to the current planning laws. It is not the intention of anyone that a 50kW wind turbine be erected in the garden of a bungalow in Bexhill. As we are at the very beginning of the process, we cannot expect the Bill to prescribe every single outcome of the Minister's review. I accept that it is broadly drafted, but I hope that the Minister may be able to reassure us that the review will be conducted under sensible terms of reference and with a clear purpose in mind—to enable the fast-tracking of small domestic apparatus, not the nightmare scenarios that my hon. Friend has suggested.

Opposition Front Benchers do not oppose the clause, and we wholeheartedly support the Bill, but we are mindful of the considerations that have been raised.

**Malcolm Wicks:** I thought that it would be useful if I intervened at this stage. Amendment No. 32 would remove clause 9—an important clause that was added in Committee on 9 February. Clause 9 requires a review of permitted development rights. That will allow the Secretary of State to form a view about the need for any further rights to facilitate the installation of microgeneration equipment on houses.

**David Howarth** (Cambridge) (LD): I wish to correct what the Minister has just said. Clause 9 would not "allow" such a review, because such a review could happen now, under existing powers in the planning legislation. Instead, clause 9 would require such a review, and that is the important advantage of it. But it does not change what could be done now.

**Malcolm Wicks:** Let me continue by saying that the Office of the Deputy Prime Minister has been conducting a review of householder development consents. The review was set up to address the problem that the planning legislation governing minor consents is unnecessarily complex, possibly too constricting and may be interpreted in different ways by local planning authorities across the country. The ODPM proposes to look at ways of simplifying the relevant sections of the secondary legislation, known as the general permitted development order, to make it easier for households to install microgeneration technology without the need for a planning application.

12 noon

The Government continue to support clause 9, as we want to make it easier for householders to install microgeneration equipment. That is its purpose. There is clearly some confusion, but this clause is about facilitating small-scale microgeneration, a kilowatt or two. We are not talking about a provision that would allow one of those 50kW jobs to be installed in a suburban back garden. We thought that was obvious, but I am happy to suggest that my colleague, the Minister for Housing and Planning, the hon. Member for Pontefract and Castleford (Yvette Cooper), will write to the hon. Member for Christchurch (Mr. Chope) setting out clearly the terms of the review so that there are no misconceptions.

**Mr. Hollobone:** Does the Minister not understand that there is concern because of the definition of the capacity of microgeneration? If the Minister had come to the House today and said that this provision relates to microgeneration up to 1kW or 5kW, we might not be having a debate of this length. However, because we are placing a capacity of up to 50kW in the Bill, under PDOs that could, despite the Minister's good intentions, lead to the establishment of wind turbines that local residents might find unacceptable.

**Malcolm Wicks:** Perhaps foolishly, I was applying a common-sense test to this. No one can anticipate that, following the Deputy Prime Minister's review, such things would be allowed. If my judgment on common sense lets me down, I apologise to the House. We have to bring some sense of scale to this. It may be helpful if my colleague the Minister writes to the hon. Member for Christchurch on this point so that there can be no misconceptions.

**Mr. Evans:** Does the Minister recognise that there are more and less controversial microgeneration plans? Small solar panels on roofs would be acceptable to the vast majority of people in this country, yet certain wind turbines, even of a small scale, might be controversial, particularly to neighbours. Does the Minister recognise that there are two aspects of microgeneration?

**Malcolm Wicks:** I understand the point that the hon. Gentleman makes. As colleagues are finding, progress and modernisation can be controversial, and there can be resistance. That is true for microgeneration, if the hon. Gentleman understands my meaning. These things are controversial, but the Office of the Deputy Prime Minister will do a review to facilitate sensible-scale microgeneration. That is all we are saying. It is a red herring to think that we are talking about 50kW plants.

**Mark Lazarowicz:** An earlier intervention from the Opposition Back Benches suggested that the review might be carried out without any form of consultation. Is the Minister prepared to give an assurance that there will be consultation in any review, as one would expect to be normal practice?

**Malcolm Wicks:** My hon. Friend encourages me to finish my speech. I have made the point that my colleague will write to the hon. Gentleman so that we can clarify these matters.

Amendment No. 13 specifies things to which the Secretary of State should have regard when carrying out his review of permitted development orders. It goes without saying that the Secretary of State would conduct a thorough review, so a prescriptive list, such as this, is unnecessary. The listing of various bodies as consultees in amendment No. 70 is also unnecessary. When there is a consultation exercise on a planning matter, the ODPM invites comments from a great many organisations, including those that represent local authorities, the Royal Institute of British Architects, the Royal Institution of Chartered Surveyors, the Campaign to Protect Rural England and other organisations with an interest in planning. That will already happen, so the amendment is unnecessary.

I want to clarify a point that was raised about permitted development orders. Should the ODPM decide, following the review, that a new permitted

*[Malcolm Wicks]*

development order is required in relation to microgeneration, the order will be tabled in the House. It will be subject to the negative resolution procedure, but the House will nevertheless have the opportunity to comment. That is in addition to the full consultation that will take place as part of the review.

In summary, amendment No. 71 is consequential on the incorporation of amendment No. 70. I oppose the inclusion of amendments Nos. 32, 13, 70 and 71.

**Chris Huhne:** I am certainly reassured by the Minister's answers, especially on the point about consultation. Members who raised that issue may have been unaware of the Cabinet Office code of practice on consultation, in which criterion 3 states clearly:

"Efforts should be made to bring the consultation to the attention of all interested parties."

I have no doubt that the Government will attempt to do that.

**Mr. Forth:** Will the hon. Gentleman give way?

**Chris Huhne:** No, because I know that the right hon. Gentleman has a great interest in absorbing large amounts of time.

The key point is that no new powers for the Government are introduced by the clause. If the Government were minded to allow the building of monstrous wind turbines, biomass fuel plants or anything else under PDOs, they could do so already. The concerns expressed from the Conservative Back Benches seem completely unfounded. The clause introduces a requirement for a review of PDOs, which will then be brought to the House in the normal way—with a statutory instrument, which, as the Minister says, requires a negative resolution. That seems appropriate and is one of the reasons why we shall support the clause and the Bill.

**Dr. Whitehead:** The purpose of the clause, as the hon. Member for Bexhill and Battle (Gregory Barker) has already suggested, is to examine whether it is possible to ensure that small-scale microgeneration equipment of various kinds can be installed by householders without their necessarily having to go through the full bureaucracy of the planning process.

At present, authorities take a different view about the planning process for particular items of microgeneration; for example, in some local authority areas one may put solar tiles on one's roof without planning permission, while in others planning permission would be required, due to concerns arising from section 60 of the Town and Country Planning Act 1990.

Similarly, if one erects a small wind turbine—we have heard about various people who are trying to do that, one of whom is me—some local authorities will say that all applications for miniature wind turbines on houses are subject to planning permission, but other authorities will not require planning permission, within particular constraints. The clause provides that if a review finds that a permitted development order is possible, after discussion in the House, the PDO will remove the requirement for the full planning process for a number of defined microgeneration devices.

We have heard the idea expressed—I am sure by inadvertence or misunderstanding—that a 50kW wind turbine might be installed on a roof in Bromley, which would be a monstrosity and insupportable—

**Mark Lazarowicz:** In every sense of the word.

**Dr. Whitehead:** Indeed, and might lead to other consequences.

The provision suggests that the PDO mechanism does not actually work at present because, as my hon. Friend the Minister said, the general permitted development order and section 60 of the Town and Country Planning Act 1990 limit the scope of development orders in terms of the extent to which they may be mediated by

"the approval of the local planning authority with respect to the design or external appearance of the buildings".

The general permitted development order makes a number of points about the circumstances under which that may happen.

For example, in local authorities generally, if a householder adds less than 15 per cent. to the curtilage of their property, that is not regarded as requiring planning permission. I am sure that the hon. Member for Christchurch (Mr. Chope) is well aware of that from discussions that he has had in his constituency. In addition, there is a range of other considerations that cause certain things that are not fundamental to the extension, or the change of the appearance of the property, to remain outside the planning regulations. If one thinks about it for a moment, that is a good thing because otherwise no one could do anything without being snowed under by the requirement to have planning permission, and local authorities could not operate because every time that someone put a porch on their house, or some such, they would have to apply for planning permission.

**Mr. Chope:** Does the hon. Gentleman accept that, increasingly, local authorities will impose a condition on a planning consent which means that the applicant is not allowed in the future to rely on the provisions of the general development order?

**Dr. Whitehead:** Yes indeed, and that underlines my point that there is a boundary on permitted development orders that local authorities can apply, and also, through the general permitted development order, a boundary on the extent to which permitted development orders apply in any event. If one applies that logic, a biomass plant might extend the curtilage of a particular properly by more than 15 per cent., which would be outside the terms of the general permitted development order. Similarly, if a wind turbine went well above the roofline or beyond the building line, that would also be beyond the terms of the general permitted development order, so there are boundaries anyway.

The difference that is suggested is very modest indeed. It would simply clarify the terms under which microgeneration devices—which were not in existence when permitted development orders were first thought about in the Town and Country Planning Act 1990—

might be attached by householders to their households, in the same way as, under other circumstances, they might introduce a roof extension or a porch to their house. The suggestion in clause 9 is that if a review agrees that that is a good idea, householders who wanted to put solar panels on the roof who, in other times and places, might have considered that it was necessary to apply for planning permission, would not after that general permitted development order was put in place have to do so in any local authority in the country, subject to all the conditions and the constraints that I have mentioned.

The result for microgeneration would be that there would be clarity throughout the country in terms of what one could or could not do. A person who was installing a modest device would not have to go through the red tape. Cost is also involved. The price of a small wind turbine, such as the Leader of the Opposition is considering for his house, comes to about £1,500. As things stand, the Leader of the Opposition would have to spend perhaps £300 or £400 of that £1,500 on seeking planning permission, with all that that entails, to get that device on to his house.

Our suggestion is both modest and economical. It takes out of the realm of red tape those modest devices within the overall constraint of permitted development orders that could aid microgeneration and thereby help householders to generate the power that they consume in their households without recourse to the national grid.

**Mark Lazarowicz:** Perhaps my hon. Friend would also confirm that special requirements under the procedure for permitted development orders, which apply, for example, to conservation areas and listed buildings, would in no way be set aside by the proposal.

**Dr. Whitehead:** My hon. Friend is absolutely right. The same applies when we consider the safety of such devices. The hon. Member for Christchurch painted a picture of almost Frankenstein proportions of large swathes of white electricity fizzing across the landscape as people put power into the national grid. The truth is that if one had a solar panel on one's roof that produced electricity when it was not being used in the house, a two-way meter could place current completely safely—without danger to small children, pets, or anyone else—into the national grid. The same would be true for other forms of microgeneration.

12.15 pm

I regret that several wild misapprehensions have been raised today, perhaps because of a lack of clarity or understanding about the proposals in clause 9. However, with the benefit of any reasonable consideration of how permitted development orders work, how a review might be undertaken and the extent of what is proposed, no reasonable Member in the Chamber could oppose clause 9.

**Gregory Barker:** The hon. Gentleman has made a useful contribution to the debate and our understanding. To summarise, he has made a strong case that if the review is conducted sensibly and sensitively, it could result in a welcome anti-regulatory measure.

**Dr. Whitehead:** We could indeed have an anti-regulatory measure whereby the red tape behind something that could be of great benefit to many people and the country as a whole could be removed without in any way undermining people's rights to enjoy their houses in the normal way, subject to any concerns that they may raise with local authorities about how their amenities might be reduced. It is useful to see such a measure in the light of being anti-regulatory when considering the development of microgeneration.

**Mr. Forth:** I am sure that we are all grateful that it has been acknowledged that these debates have real use. Some of our parliamentary colleagues have finally accepted that these occasions have value, and I am glad that they are participating in them—that is at least a small step forward. However, despite the clarification that we have been given, I am not sure that we have all the reassurance that we might need.

The problem is that the environmental fanatics have a mysterious hold over the body politic and assume that whenever they produce a Bill, it cannot possibly be debated, questioned or in any way delayed in what they think should be its seamless passage through the parliamentary process. That is unfortunate, but at least some of us have not been taken in by all that yet and, indeed, believe that it is our duty to ask questions, even about something as allegedly worthy as the Bill. I hope that the process that we have undergone hitherto has demonstrated that. Our debates have elicited useful information.

Finally, the promoter of the Bill and the hon. Member for Southampton, Test (Dr. Whitehead) have done the House a real service by setting out several arguments about the Bill that were long overdue. Fortunately, the assumption that the Bill was so worthy that it hardly needed explanation, which several hon. Members tried to make, is behind us and we are getting proper debate and explanation, which is a real step forward.

Of course, both my hon. Friend the Member for Bexhill and Battle (Gregory Barker) and the Minister intended their comments to be helpful. My hon. Friend said with great bravura and confidence that we need not worry because the wind turbines would be the size of a television aerial. If my hon. Friend was the Minister and able to give such an undertaking, I am sure that we would all be reassured. If I could press him further to guarantee that that would be written into the Bill or the guidelines, the reassurance would be great indeed. However, I am not sure whether the Minister would be prepared to go quite as far as my hon. Friend. A range of possibilities has been put before us. On the one hand, we have my hon. Friend's television aerial, and on the other, we have the wording of the amendment that we agreed this morning which refers to capacity of up to 50kW. Perhaps the reality lies somewhere between the two extremes.

**Mark Lazarowicz:** The right hon. Gentleman will recall that earlier this week, in a Statutory Instrument Committee that he was chairing, I expressed some surprise at the speedy discussion of the matter before the

*[Mark Lazarowicz]*

Committee. Does he not agree that this is precisely such a matter of detail which could, if there was a review, be discussed in a Statutory Instrument Committee, and that he might be able to pursue his points in more detail at that time? That would be a very helpful way forward.

**Mr. Forth:** It would not be as helpful as the hon. Gentleman might think. I can tell him that if I had been a member of the Committee, rather than its Chair, the proceedings would not have gone nearly so speedily. The business would have been properly scrutinised instead of being nodded through. This is something of a red herring because, as the hon. Gentleman knows, statutory instruments are not amendable, and it is simply not good enough for the Minister—

**Madam Deputy Speaker:** Order. Is the right hon. Gentleman addressing his remarks to the amendment to which he is presumably speaking?

**Mr. Forth:** I shall get around to it, Madam Deputy Speaker.

**Madam Deputy Speaker:** I should prefer it if the right hon. Gentleman addressed his remarks accordingly.

**Mr. Forth:** I was doing the Bill's promoter the honour of answering his question, Madam Deputy Speaker, but if you do not want me to do so, that is his loss.

I was saying that we are now presented with a wide spectrum of possibilities. I am now picking up the points made in this debate by my hon. Friend the Member for Bexhill and Battle, and I am about to pick up a point made by the Minister—I thought that that was what debates for. The Minister said that we have had a review of this important area of planning and development and referred to a kilowatt or two. He was trying to reassure the House, and that is very welcome, but I am not sure that his words here will be sufficient reassurance for people out there who might be worried about the potential intrusion of these microgeneration devices. It may not be enough simply for the Minister to say, "Don't worry folks. Although my amendment refers to 50kW, it won't really be anything like that; it will be a kilowatt or two."

**Dr. Whitehead:** What I attempted to explain, perhaps not as well as I might have done, was that it would not be acceptable to place a huge wind turbine of 50kW on someone's roof because the roof would not support it; it would not be within the permitted development order outline; and it would go above the roof line and outside the building line. A kilowatt or two would be about the limit for the size of a wind turbine to be placed on a person's house. With respect, the right hon. Gentleman's comments are a red herring.

**Mr. Forth:** I am grateful to the hon. Gentleman for his explanation, but are we not talking about the possibility of installations within the curtilage as well as on the building? I should think that we are then talking about a potential for much larger installations.

**David Howarth:** Will the right hon. Gentleman tell the House how clause 9 changes anything in planning law so that any of his remarks on the matter are relevant?

**Mr. Forth:** I am sure that if they were not relevant, Madam Deputy Speaker would see to that. She does not need the hon. Gentleman's assistance. We are discussing the potential in clause 9 for the whole regime to be altered in a way that we cannot predict.

**David Howarth:** But the point is that nothing in clause 9 changes planning law at all. There is no such potential.

**Mr. Forth:** I thought from what was said by the promoter and the hon. Member for Southampton, Test that that was the whole point—they want to see changes made that would remove what they see as the bureaucratic restrictions of existing planning provisions. I believe that the powers available to Ministers in clause 9 could go a lot further than is being suggested.

**Mr. Chope:** Does my right hon. Friend think that the point being made by the hon. Member for Cambridge (David Howarth), who is a distinguished lawyer, is that this whole clause is effectively a waste of time because there is nothing to stop the Minister now from consulting on a list of permitted development order changes? He does not need this Bill to do that. Why has he not done it in the past two years?

**Mr. Forth:** We have a difficult choice to make. Either everything is hunky-dory and we do not need the provision, or it is so ineffectual that we do not need to bother with it—or anything in between; take your pick.

**David Howarth:** The point of clause 9 is to place an obligation on the Minister to carry out a review that he already has a power, but no obligation, to carry out.

**Mr. Forth:** In that case, we need not have the clause at all. The Minister could give us an undertaking and we could all go home quickly.

Another of the criticisms that have been levelled at the Bill from the start is that it is in that dangerous area of gesture legislation or motherhood legislation. It is about making people feel good, especially some of the single-interest groups, which seem to influence so many Members of Parliament these days. Legislation should not be for such purposes: it should be for specific and clearly beneficial purposes. It should not be about making a gesture or making people happy, or pleasing this or that group. I am now being told that all the clause does is say to the Minister, "Do a review, old boy," but if the Minister were to say simply, "I'll do a review, don't worry," we could dispose of the matter very quickly.

The Minister said, "Don't worry, folks, wind turbines in domestic circumstances will be for a kilowatt or two." If I thought that the Minister would table an amendment—say, when the Bill goes to the Lords, as I

am sure it will—that would be enormously helpful, but at present we are stuck with only one figure to work with—the famous 50kW in amendment No. 52. Apart from what the Minister said, that is the only guidance that we have had so far.

The Minister went on to talk about "sensible-scale microgeneration", but what is sensible is very much in the eye of the beholder. It is like our good old friend "reasonable". It sounds reassuring, but in the terms of what I believe we are discussing today—potential intrusion into people's lives, albeit for the best of motives—sensible is not good enough.

The dilemma that we face goes to the heart of the Bill. That is why I am so grateful to my hon. Friend the Member for Christchurch (Mr. Chope) for setting it out, and to the hon. Member for Southampton, Test for taking the trouble and deploying his expertise to spell out how he envisages the mechanisms working. However, as my hon. Friends indicated in their interventions, we are entitled to exhibit at least some unease about the process that the Bill invites to take place.

I hope that when we come to Third Reading, we shall have an opportunity to range much more widely over the concept of climate change, the United Kingdom's role in that, and the role of microgeneration within that, so that we can set the Bill in context. That is certainly for Third Reading, not for Report. In that part of the Bill, there is a tension or perhaps a conflict between, on the one hand, the environmentalists' desire to reap the alleged benefits of microgeneration and, on the other, constraints on planning, capacity and so on. If we do not get it right there is a danger that there will be a backlash such as the one against telecommunications masts which, although in a very different way, it was thought would improve modern communications and the quality of life in general.

**Madam Deputy Speaker:** Order. I have already made a ruling on telecommunications masts. Perhaps the right hon. Gentleman would concentrate on the matters before the House.

12.30 pm

**Mr. Forth:** Indeed, Madam Deputy Speaker.

Under the Bill, we face the prospect that devices such as solar panels would be installed. Little has been said about them, because they would not be intrusive, although I accept that others may take a different view. Other devices that would be installed include wind turbines, about which a great deal has been said, as many people are worried about their visual impact, noisiness and the risk that they pose to health and safety. A more difficult problem—I acknowledge that my hon. Friend faced a challenge in trying to use description when illustration would serve much better—arises when we try to envisage what a microgenerating plant, whether it runs on biomass, biofuel, heat and power or fuel cells, would look like or how big it would be. Again, we are taking a great deal on trust, because we have only my hon. Friend's assertion that a domestic wind turbine could have blades up to 6 ft long if it was located on the ground in a back garden rather than on a building. It would therefore be a fairly tall device, but it is difficult to imagine the size of a building or an installation that would house the domestic or, more particularly, the community microgeneration plants referred to in the Bill and the amendments.

Such things are unknown and uncertain, and we have been asked to take a great deal on trust. The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) naturally says that we should not worry, as the proposals are modest and serve a terribly good cause. The Minister said that a kilowatt or two should be enough, so we should not worry. My right hon. Friend the Member for West Dorset (Mr. Letwin) is a huge enthusiast for such power, but we have a duty to look at the measure from a different angle on behalf of people who are not environmental enthusiasts. They value their present quality of life and would prefer not to worry about the climate in 50 years' time. They are, however, worried about visual amenity and the effect of the devices on the value of their property—that has not been mentioned, but it is a valid consideration. All those factors should be taken into consideration.

That is the thrust of amendment No. 13. Instead of saying that we trust the Office of the Deputy Prime Minister, the Minister and the parliamentary process to make sure that everything is okay in the end, I have attempted to ensure that the Bill includes a mechanism that will reassure people. Despite his mild criticism that I should have used another formulation in preference to "shall have regard to", my hon. Friend accepted that the amendment is a step in the right direction, as it refers deliberately and explicitly to the desirability of

> "safeguarding conservation areas . . . protecting visual amenity . . . reducing noise; and . . . avoiding risks to health and safety."

None of the changes and mechanisms in the Bill or the amendments should compromise our highly valued conservation areas, whether they comprise buildings or amenities. Visual amenity, too, is important, not just in rural areas but in many urban areas as well. People value visual amenity, whether they are in their home or garden, or going about their daily business. My hon. Friend said the devices would not just generate daytime noise but intrusive noise at all hours, which should be taken into consideration.

My hon. Friend touched on health and safety. Labour Members made some unnecessarily derisive remarks about that, but we ought to pause and consider the implications of, for example, a wind turbine of considerable size in a back garden, or one of the more exotic generating plants located on the ground inside or outside a building. There must be a distinct safety element to such installations. We all know that existing gas central heating appliances, for example, are rightly subject to severe safety regimes.

With regard to some of the proposed new technologies, some still relatively untried and untested, I am not sure whether we can be comfortable with the thought of them being inside or in the curtilage of domestic premises and running 24 hours a day or on demand—we will come to dynamic demand technologies in the next group of amendments. I wanted an explicit reference to health and safety written into the Bill to provide some reassurance that in our rush to save the planet, we did not ignore such important detailed provisions.

**Mr. Chope:** Before my right hon. Friend moves on to his other amendments, will he address the concern that

*[Mr. Chope]*

there could be several 1kW windmills in one site? For example, the owner of a property in the green belt, where no development is allowed, could decide to engage in the generation of electricity and put up 50 1kW windmills. That could create an enormous amount of noise, similar to the noise from the halyards at a marina.

**Mr. Forth:** Indeed. My hon. Friend makes an important point. Necessarily, this is all rather speculative. We have not had a chance—although we may get one on the next group of amendments or the one after that, or perhaps on Third Reading—to explore the intriguing idea of surplus energy generated for domestic requirements being sold back to the grid. If that could be made to work properly, if we could get the pricing relationships right and so on, there could be a temptation for people to put in much more capacity than they needed for their own family and domestic purposes to make some money.

I am all in favour of making money. I am still a capitalist. I know that that is out of fashion in this modern age, but I still believe passionately in profit, capitalism and even tax cutting. I am not criticising any possibility the Bill might give to the capitalist instinct in all of us, but the worry is that that incentive might induce people to install more potentially intrusive equipment and capacity than they might otherwise do. We have not considered that aspect and none of us is certain what the effect might be. That should give us some pause for thought.

I move on to my amendment No. 70. Here again, there is the conflict that has arisen a couple of times and always will when we are considering such Bills. The Minister tends to say, "Don't worry. Of course we'll consult all the right people. Of course we'll pay due regard to their views." To avoid all doubt and misgiving, it would be better to have in the Bill an obligation on the Secretary of State, in the context of the mechanisms in the clause and the aim of this part of the Bill, to consult any

"body or bodies as appear to him to be representative of local authorities".

Local authorities play a key part in the Bill since in our sitting last Friday we agreed to insert the Minister's new clause bringing them very much into play. Having brought local authorities in, it would be a good idea if they were consulted on the important provisions in clause 9. The list that I propose is not intended to be limiting or exclusive. I put into the list the bodies that I thought were relevant to the sort of considerations that I hoped would be in play in the review and the process of looking at the relationship between microgeneration and planning. Obviously, the Royal Institute of British Architects sprang to mind as a group of people to whom it would be very useful to speak, to find out how they saw the relationship between the built environment, as I think we are now supposed to call it, and all this exciting new technology.

I think the hon. Member for Southampton, Test (Dr. Whitehead) was gently pulling my leg, for which I forgive him completely, when he spoke about windmills on roofs in Bromley. I can tell him that the roofs of Bromley are sturdy indeed. Whether my constituents want turbines on their roofs is a matter for them. Of course, there is also a serious point about the relationship between whatever form of microgeneration we happen to be talking about—it may be photovoltaics, solar panels, which do not have to be on roofs, as they can be mounted away from a building, wind turbines or some of the more exotic technologies—and building design and construction, on which they all have a bearing. That is why I thought it would be proper and indeed essential for architects to be brought into the matter.

**Malcolm Wicks:** I was at pains when I spoke earlier to say that the amendment was unnecessary, because all the bodies, including RIBA, would be consulted. I do not know whether the right hon. Gentleman missed that speech, but I wonder why he is labouring the point now, when I have reassured him that they will be consulted.

**Mr. Forth:** Of course I accept the kindness and integrity of the Minister, which are not in doubt, but Ministers come and go. Who knows? He may become the Chancellor of the Duchy of Lancaster in the next reshuffle, although the possibility of filling the post seems to recede ever more into the distance.

**Malcolm Wicks:** The temptation for going is quite a strong one at this moment, so I do not regard those words as a threat at this hour, I am bound to say. The serious point is a question not of Ministers coming or going, but of the established procedure whereby the bodies will be consulted. They will be consulted. Perhaps the right hon. Gentleman should move on.

**Mr. Forth:** The Minister should not be so eager to move on all the time. Obviously I have not said this often enough, but I thought that we had finally learned the lesson that moving on is not the way we legislate in this country or in this Parliament. We legislate by careful consideration, scrutiny, debate and amendment. Those are the processes by which we try to make our legislation good and workable, rather than "moving on"—this pathetic desire that people have to rush through the legislative process because a very small and vocal number of people outside expect legislation to be introduced at their whim. We will decide the pace of legislation and what is proper, because this is Parliament scrutinising legislation, not the Minister getting his way.

Of course, I am very happy that the Minister has given his undertaking. All I am saying—it is the reason for this little debate—is that we must make a judgment as to whether we are prepared to accept his undertaking, which he gave in a kind way, or whether it is better for us to seek to include in the Bill provision to reassure not only us but people outside. It is those very people, our constituents, who may be uneasy about the process set out in the Bill. I am in the business of trying to give them a degree of reassurance. If the Minister does not want to give his constituents any reassurance, that is up to him, but I may see things differently.

**Mr. Chope:** Does my right hon. Friend agree that one of the issues that the Minister has not addressed is the stage at which the consultation will take place? My right hon. Friend's amendment deals with consultation that will occur at the beginning of the process, but the

Minister may have it in mind that consultation will take place much further down the track, just before the legislation comes to the House, which would be far from satisfactory.

**Mr. Forth:** Indeed. We know of many occasions on which so-called consultation has been carried out in such a peremptory way, or so late on, that it has had little or no impact. When I was drafting the amendment, I had in mind whether the consultation process was of any value at all. I am giving the Minister the benefit of the doubt in this case, because it may well give some added value to the legislative process and to the Bill.

12.45 pm

I mentioned the Campaign to Protect Rural England because many of the mechanisms, techniques and installations that we are discussing could have an enormous effect on our more beautiful rural areas. They will have different effects in urban areas, of course—that is a different consideration—but I thought that it was worth mentioning the rural environment.

The benefit of this part of our deliberations is that we have highlighted the difficulties that could arise if we fail to get absolutely right the balance between the desire of the promoter of the Bill, the Government and my Front-Bench colleagues to introduce microgeneration much more widely and the negative effect that it could have. I think that we have made some progress. We have teased out the issue and got it on the record and into the public domain. Ever with a mind to the legislative process in another place, I hope that we have given Members there something to think about as well.

I hope that the Minister will give us a definitive response as to how he sees the review developing and how he envisages the emergence of the constraints on such installations that we might expect. We can then go back to our constituents and say that we have obtained from him as much reassurance as is reasonable.

**Mr. Chope:** We have had an excellent debate in which almost a record number of right hon. and hon. Members have taken part. I am sorry, Mr. Deputy Speaker, that you were not in the Chair to hear the beginning of the debate, because you may find it more difficult to follow the stage that we have reached. We have made a lot of progress since the outset. The Minister started off with the view that there was no need to worry about something that was just a lot of hot air being blown from this side of the Chamber, but he, as well as the promoter of the Bill, the hon. Members for Southampton, Test (Dr. Whitehead) and for Eastleigh (Chris Huhne) and my hon. Friend the Member for Bexhill and Battle (Gregory Barker) have all joined in and said, in effect, that it is a genuine issue and therefore an important debate.

An interesting backdrop to the debate is that if we had had before us the report that the Minister was going to produce before the end of this month giving his strategy for the promotion of microgeneration, we would have been able to see to what extent the difficulty of getting planning permission, or the need to get it, is a constraint upon the development of microgeneration and one that he would wish to overcome. It is disappointing that we have been unable to see that, because we do not know what the Minister's strategy is or what he has in mind.

We do know, however, that under existing planning law the Minister could bring forward proposals to change the general development order and increase the categories of permitted development without the need for this clause. Indeed, he could have taken that course any time in the past 18 months or two years. Why has not he done so? If, as has been suggested, it is such a burning issue, why have the Government not presented proposals to change the existing general development order and what is permitted under it?

The Minister has not allayed my concern that the clause is highly prescriptive. If he is happy to provide for consultation, he does not need the clause. When my hon. Friend the Member for Bexhill and Battle is the Minister responsible—I hope that that will happen sooner rather than later—I am sure he will not be so slow in making the relevant amendments to the general development order. He will not need the Bill to do that.

There is agreement between Front-Bench Members of all three parties that microgeneration is a good thing and that it should be facilitated. If that can be done through relaxing the provisions of the general development order and allowing permitted development, there is nothing to prevent it from happening now. Indeed, the Minister could get on with it this weekend. He could put a note in his Red Box for Monday morning—so that his private secretary would see it—saying, "Get on with this." Perhaps he would have to consult the Department for Environment, Food and Rural Affairs or even the Office of the Deputy Prime Minister. However, I am sure that he could present such proposals.

The mandatory nature of the current formulation and the way in which the clause appears to exclude proper debate and consultation worry me. I shall not repeat my detailed argument that the way in which the subsections are linked results in an unnecessarily oppressive measure.

We have heard much about the amount of electricity generation that could be facilitated without the need for planning permission under the permitted development order. The Minister has assured us that he does not intend to go beyond what he and other contributors to the debate call "small-scale microgeneration". That is a good expression, but it does not appear in the Bill. If it had been incorporated, I am sure the measure would have received less detailed scrutiny because there would not have been so much concern about its intentions. People are worried about what the Bill describes as microgeneration but is, in common parlance, large-scale microgeneration, and its being carried out without planning permission.

I have considered whether we should accept the Minister's good intentions and not press the matter to a vote. I have also taken into account the assurances of the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) that he has only television aerials and satellite dishes in mind. If that is all he has in mind, it can be done at the moment, pretty uncontroversially, through the Minister's current powers. The hon. Member for Cambridge (David Howarth) made the

*[Mr. Chope]*

point that the Minister already has the power and that the clause simply makes it use mandatory. Why do we need to make it mandatory when the Minister is such an enthusiast? What is holding him back? Surely he is being encouraged. *[Interruption.]* Unfortunately, I cannot respond to hand gestures. If anyone wishes to intervene, they are free to do so.

On a serious note, if we are just talking about television aerials or satellite dishes then fine, but we need to be alert to the possibility that someone might want the equivalent of 50 satellite dishes or TV aerials because they want to have 50 1kW generators.

**Mark Lazarowicz** *indicated dissent.*

**Mr. Chope:** But what is to stop someone bulk buying 50 generators, and then putting up 50 windmills? I accept that they may be no larger than a TV aerial, but I do not know of anyone who has more than one television aerial or, for that matter, more than one satellite dish. The hon. Member for Eastleigh is looking at me in a certain way; perhaps he is the exception to my proposition.

**Dr. Whitehead:** It is subject to current planning law.

**Mr. Chope:** The hon. Gentleman comes at me with these short statements. He thinks that permitted development rights allow for one television aerial or one satellite dish without the need to get planning permission. That is fine, but unfortunately he has said nothing to suggest that the power would be used to prohibit the erection of more than one 1kW windmill generator on one particular set of premises. I am glad that I gave way to him because I recall our days in Southampton when we closely debated political issues, and it is good to renew that acquaintance across the Chamber, but he has not satisfied my concerns.

I appreciate the hon. Gentleman's point about bureaucracy and bureaucratic obstacles. I also understand how unsatisfactory some people, in particular the enthusiasts for microgeneration, might find a situation in which some local authorities allow people to put solar panels on their houses or to erect windmills without the need for planning permission, but others do not. Surely, however, it is a virtue of the nature of our society that we believe in localism, which necessarily involves individuality and diversity. He seems to want to promote uniformity and stereotyping. That cannot be a good thing. The idea of putting up lots of new windmills or photovoltaic equipment may be thought of as a good thing in some parts of the country, but why should an elected local authority not be able to decide the policy for itself?

If we remove the clause, it will not prevent the use of permitted development orders to relax the planning regime for some parts of the microgeneration industry. It will not do that at all, and any suggestion that the clause is a vital part of the Bill is misconceived. However, the Minister has, I think, accepted that as drafted, clause 9 is open to misinterpretation. He says that it does not reflect his intention, but we are dealingwith legislation that has to be precise in its content. I hope that he will support me in the Division Lobby when I put the amendment to a vote. Removing the clause from the Bill will enable the Government to table a much better drafted version in the other place to make his intentions clearer and to put safeguards on the face of the Bill. I would welcome those, but at the moment they are articulated only in terms of expressions of intention by the Minister and the promoter, rather than being guarantees, which they would be if they appeared in the Bill.

1 pm

The debate has been constructive. The size of microgeneration plants causes a lot of concern. The Government have given us assurances about that. If we vote to remove the clause, they will be able to present clearer, fresh proposals that are more in tune with their real intentions.

*Question put*, That the amendment be made:—

*The House divided:* Ayes 2, Noes 72.

**Division No. 197]** **[1 pm**

**AYES**

| | |
|---|---|
| Evans, Mr. Nigel | **Tellers for the Ayes:** |
| Hollobone, Mr. Philip | **Mr. Eric Forth and** |
| | **Mr. Christopher Chope** |

**NOES**

| | |
|---|---|
| Balls, Ed | Kaufman, rh Sir Gerald |
| Barker, Gregory | Keetch, Mr. Paul |
| Blunt, Mr. Crispin | Khan, Mr. Sadiq |
| Bottomley, Peter | Kramer, Susan |
| Brown, rh Mr. Nicholas | Ladyman, Dr. Stephen |
| Byers, rh Mr. Stephen | Lammy, Mr. David |
| Cable, Dr. Vincent | Lazarowicz, Mark |
| Carmichael, Mr. Alistair | Letwin, rh Mr. Oliver |
| Cash, Mr. William | Levitt, Tom |
| Challen, Colin | Linton, Martin |
| Clark, Ms Katy | MacDougall, Mr. John |
| Coffey, Ann | MacNeil, Mr. Angus |
| Corbyn, Jeremy | Marris, Rob |
| Cousins, Jim | McIsaac, Shona |
| Davey, Mr. Edward | McNulty, Mr. Tony |
| Dismore, Mr. Andrew | Merron, Gillian |
| Dowd, Jim | Norris, Dan |
| Duddridge, James | Ottaway, Richard |
| Foster, Mr. Don | Pound, Stephen |
| Galloway, Mr. George | Randall, Mr. John |
| Gapes, Mike | Reid, Mr. Alan |
| Gerrard, Mr. Neil | Rowen, Paul |
| Gummer, rh Mr. John | Skinner, Mr. Dennis |
| Hammond, Stephen | Slaughter, Mr. Andrew |
| Harman, rh Ms Harriet | Thornberry, Emily |
| Harris, Dr. Evan | Turner, Dr. Desmond |
| Hendrick, Mr. Mark | Vara, Mr. Shailesh |
| Hill, rh Keith | Watkinson, Angela |
| Hillier, Meg | Weir, Mr. Mike |
| Hoey, Kate | Whitehead, Dr. Alan |
| Horam, Mr. John | Wicks, Malcolm |
| Horwood, Martin | Widdecombe, rh Miss Ann |
| Howarth, David | Winterton, Ms Rosie |
| Huhne, Chris | Younger-Ross, Richard |
| Hurd, Mr. Nick | |
| Jackson, Glenda | **Tellers for the Noes:** |
| Jenkin, Mr. Bernard | **Mr. Tom Watson and** |
| Jones, Lynne | **Claire Ward** |

*Question accordingly negatived.*

**Clause 12**

PROMOTION OF REDUCTIONS IN CARBON EMISSIONS: GAS TRANSPORTERS AND SUPPLIERS

*Amendments made:* No. 41, in page 7, line 39, after 'of' insert 'any of the following'.

No. 33, in page 8, line 13, at end insert—

'( ) After subsection (10) insert—

"(10A) An order under this section shall not include provision made by virtue of subsection (2)(b) which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament."'.

No. 42, in page 8, leave out lines 15 to 17 and insert—

'"(13) In this section—

"microgeneration" has the same meaning as in the Climate Change and Sustainable Energy Act 2006;

"plant" includes any equipment, apparatus or appliance.'.

No. 43, in page 8, line 21, leave out

'subsection (7) of section 82 of the Energy Act 2004'

and insert

'section 23(2) of the Climate Change and Sustainable Energy Act 2006'.—*[Malcolm Wicks.]*

**Clause 13**

PROMOTION OF REDUCTIONS IN CARBON EMISSIONS: ELECTRICITY DISTRIBUTORS AND SUPPLIERS

*Amendments made:* No. 44, in page 8, line 34, after 'of' insert 'any of the following'.

No. 34, in page 8, line 47, at end insert—

'( ) After subsection (10) insert—

"(10A) An order under this section shall not include provision made by virtue of subsection (2)(b) which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament."'.

No. 45, in page 9, leave out lines 2 to 4 and insert—

'"(13) In this section—

"microgeneration" has the same meaning as in the Climate Change and Sustainable Energy Act 2006;

"plant" includes any equipment, apparatus or appliance.'.

No. 46, in page 9, line 8, leave out

'subsection (7) of section 82 of the Energy Act 2004'

and insert

'section 23(2) of the Climate Change and Sustainable Energy Act 2006'.—*[Malcolm Wicks.]*

**Clause 15**

REDUCTION OF GREENHOUSE GAS EMISSIONS: REPORT REGARDING DYNAMIC DEMAND TECHNOLOGIES

**Mr. Forth:** I beg to move amendment No. 72, in page 9, line 27, after 'Britain', insert

', and to the costs of installation of the equipment required, together with the likely resultant pay-back period.'.

**Mr. Deputy Speaker (Sir Michael Lord):** With this it will be convenient to discuss the following amendments:

No. 73, in page 9, line 38, at end insert—

'"equipment required" means the equipment which has to be installed to generate, connect and measure the electricity produced by dynamic demand technologies;'.

No. 74, in page 9, line 42, at end insert—

'"pay-back period" means the time over which the costs of installation of equipment required for dynamic demand technologies can be recovered by the resultant reduced electricity costs.'.

**Mr. Forth:** We are now getting to the exciting bit of the Bill: dynamic demand technologies. This is high-tech, futuristic, blue skies material. Therefore, my comments will probably be fairly limited. It is worth pausing over this clause because it explores one of the deeper, darker recesses of microgeneration, and we should try to tease it out a bit. That is the objective of my amendments.

Let us put on the record what dynamic demand technologies are. Under clause 15(4)

'"dynamic demand technology" means any technology which enables—

(a) the consumption of electricity, at a particular time, by a device connected to a network, or,

(b) The generation of electricity, at a particular time, by an electricity microgenerating system connected to a network,

to be controlled or adjusted automatically by reference to, or matters relating to, the frequency of alternating current on the network at that time".

It is now clear to everybody what we are talking about.

Under clause 15(1):

"The Secretary of State must, not later than 12 months after this section comes into force, publish a report on the contribution that is capable of being made by dynamic demand technologies to reducing emission of greenhouse gases".

Interestingly, that is slightly redolent of the reference made earlier to the Energy Act 2004, in which a similar obligation was placed on the Minister. Although he has told us that he will fulfil that obligation by the end of this month, he did not meet the deadline. Here is another deadline that will be laid on him—the Minister is looking very surprised. Refreshed by his cup of coffee, he is obviously going to tell me something.

**Malcolm Wicks:** I am not sure what deadline I have not met. The micropower strategy will be published by the end of this month. That meets the deadline.

**Mr. Forth:** My hon. Friend the Member for Christchurch (Mr. Chope), who has, as they say, done the maths, reckoned that the Minister has not made the deadline, but I am not going to fall out with the Minister over this. We have conducted these proceedings in a friendly manner so far, and I hope that that will continue, so I shall not labour the point.

**Mr. Chope:** I certainly did not intend to suggest that the Minister had not met his deadline. If he delivers by the end of this month, he will be just inside the 18-month maximum limit.

**Mr. Forth:** In that case, I unreservedly apologise to the Minister. I misconstrued my hon. Friend. I unreservedly withdraw any accusation I have made about the Minister.

1.15 pm

We can be optimistic that the 12 months mentioned in clause 15 will be met by the Minister, or, if he has been

*[Mr. Forth]*

promoted by then, his successor. There will be an appraisal of the contribution that this exciting new technology may be able to make to the whole area of microgeneration and its relationship—real or imagined—to climate change. I thought that my amendments might stiffen the measure a bit. Subsection (3) states:

> "In forming the view mentioned . . . the Secretary of State must have regard, in particular, to any matters which would prohibit or inhibit the use . . . of dynamic demand technology in any circumstance in which its use could be expected to make a contribution to reducing emissions of greenhouse gases in Great Britain."

Through amendment No. 72, I want to add

> "and to the costs of installation of the equipment required, together with the likely resultant pay-back period".

Throughout our considerations, we have rather glossed over first, the possible costs of installing the various technologies to which we have referred and secondly, who would be expected to bear them.

This may be our opportunity to clarify the assumption—at least in my mind—that it will be the user, the consumer, who will install the equipment that is referred to in the clause and throughout the Bill. If it is not to be the consumer—I think that the hon. Member for Southampton, Test (Dr. Whitehead) is about to help me on this question—who will bear the costs and what are the implications of that? Will the hon. Gentleman help us or will he leave me to speculate for a little while longer?

**Dr. Whitehead** *indicated assent.*

**Mr. Forth:** Oh good, the hon. Gentleman will let me speculate for a while. In that case, I will.

We have the possibility that the consumer will pay for all the equipment. The only other two possibilities that I can imagine—my imagination is limited, as you know, Mr. Deputy Speaker, but I shall try my best—are the suppliers or distributors of electricity, or our old favourite the Government, which usually means the taxpayer. It has to be one of those.

First, I want to identify what the costs will be. None of these measures will be cost-free; in fact, few environmental and climate control measures are cost-free—something that we can explore in much more depth on Third Reading. There will be a cost; it could be social—there could be all sorts of costs—but there is bound to be a cost for new technology and it is important that we identify it. That is why my amendment would make that a part of the process set out in clause 15, whereby the Secretary of State will on our behalf examine the new technology and report back on it. An important part of that examination would be an identification of the costs, because the technology sounds pretty expensive to me.

We have several resident experts—the promoter of the Bill, his hon. Friend the Member for Southampton, Test, the Minister and, on a good day, my Front-Bench colleagues—so an embarrassment of expertise surrounds me. I hope that at some point one of them will try to identify the possible costs—*[Interruption.]* Ah, I have had a nod and a wink from the promoter that his hon. Friend the Member for Southampton, Test will be the expert on this occasion. I very much look forward to what the hon. Gentleman has to say, because my modest amendment—I freely confess that it is modest—is intended to do something important: to bring an air of reality to the measure.

Bills such as this tend to express good hopes, good wishes, motherhood, aspirations, 50-year perspectives, saving the planet and global everything, but at some stage we have to get down to the realities on the ground, in the home and in the back garden. Who will buy the equipment? Who will install it? Who will pay for its maintenance? Who will ensure that in cases such as we have been discussing matters are recorded accurately? All those things are, or should be, relevant to any consideration of taking forward such technology. It does not come free, in money terms or many other terms, including environmental and social terms. So what my hon. Friend the Member for Christchurch and I are trying to do throughout today's proceedings is to show that we should bring greater honesty and clarity to the process involved in the Bill, and that it is not good enough to brush these things aside and say, "Don't worry, folks; it will all be very good indeed and we are doing our bit to save the planet, so let's get on with it." I believe that we should always have an eye to what is practicable, what is achievable and what is in this case acceptable in terms of costs.

This really is a modest but important series of amendments, to try to bring that perspective to this exciting-sounding technology, which—who knows?—may, if it works, and if the Secretary of State tells us in 12 months that he thinks it can work, make this idea of microgeneration even more effective. That surely would be something that everyone here would want to happen.

**Dr. Whitehead:** This is another clause that originated in a Bill that, as the right hon. Member for Bromley and Chislehurst (Mr. Forth) will remember well, had a Second Reading a while ago, and has now been incorporated—I thank my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) for assisting in that process—into the Bill.

I had always believed that it was a convention of the House that those who tabled amendments had some idea of what their amendment was about.

**Mr. Forth:** That is a very old-fashioned idea.

**Dr. Whitehead:** Clearly that is just a convention, not a requirement, and on this occasion it appears that the convention has been breached.

Dynamic demand is a system whereby a machine—be it a refrigerator, a freezer or a microgenerating device—that is not necessarily to be switched on all the time can detect the difference in the current that is coming into that device. That means, and it is potentially very important, that where a current fluctuates it indicates the extent to which there is a load on the circuit in general—that is, how much current is going around the grid and how much is therefore being supplied and used or not used. Where a machine is able to make use of current intermittently and switch itself off when it does not require that current, dynamic demand technology enables that device to do just that, and that would mean

that if dynamic demand technology were to be made available on a widespread basis for machines such as that, it would enable the grid to operate much more efficiently. It would no longer be necessary, for example, to bring in coal-fired power stations for one hour in every three months to cope with a peak; that peak could be smoothed out as a result of dynamic demand technology judging by an intelligent device how that current is going and therefore whether that machine should draw that current off or not, or should export that current into the grid or not.

The cost of achieving that is absolutely minimal, inasmuch as all that is needed is to place in each device a small piece of electronic equipment, costing probably a few pence, which could be supplied with the device when it was installed. To all intents and purposes, therefore, it is not a serious cost in the way that the right hon. Member for Bromley and Chislehurst suggested. However, the benefits, as I am sure he would agree, are enormous in terms of energy use, not just in terms of the use of the grid, but in terms of the use of energy by the specific device. So the net saving in the generation of electricity in general and the use of electricity by the device that the person has installed in their house would be enormous.

**Mr. Forth:** I am grateful to the hon. Gentleman for his explanation. If the technology is that simple, if he knows so much about it, and if it costs only a few pence, why do we need a 12-month review by the Secretary of State to establish how wonderful it all is? Why do we not just get on with it anyway? Why do we need a rather elaborate clause to achieve all the things set out in it when he seems to know about the matter already?

**Dr. Whitehead:** As the right hon. Gentleman will imagine from the account I am giving, if the system is to work well, it will require the widespread installation of dynamic demand devices into various machines that could collectively make the change to the way in which electricity is used from the grid, or exported to the grid, to achieve the savings that I outlined. A report that sets out, for example, the collective changes in manufacturing protocols that might be necessary to place the devices in machines would be a good way of going about things. I would imagine that standards, arrangements and protocols on the stage at which the devices come on stream would be part of a report to investigate the potential for dynamic demand technology and the savings that could result from it. It would be prudent and appropriate—partly because of several of the points that the right hon. Gentleman makes—to have such a report to ensure that the technology is implemented in a beneficial way, rather than a haphazard way that does not work at all. It is wise to suggest that a report making conclusions that would lead to the widespread establishment of the technology is produced in such a way.

**Mr. Chope:** Does the hon. Gentleman accept that such a report should include the provisions that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) cites in his amendments?

**Dr. Whitehead:** If the report was sensible, it would difficult for it to have no regard to such issues. However, it would, at the very least, be gilding the lily to provide in the Bill that the report should be written in a particular way—I am sure that the right hon. Member for Bromley and Chislehurst does not intend to gild any lilies in any way. On the basis of the fairly full, but succinct, information about the way in which dynamic demand technology will work that I have given, I hope that the right hon. Gentleman will agree that the provisions in the Bill for a report would be the best way to proceed and that it might thus be appropriate for him to withdraw the amendment.

**Gregory Barker:** The whole House has benefited from the short talk on dynamic demand technology by the hon. Member for Southampton, Test (Dr. Whitehead)—we are all enlightened. Likewise, my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made interesting and sensible points about the terms of reference of any possible report. If there is to be wide take-up of such useful technology, a report will be not only welcome, but necessary.

The technology would enable us to manage the relatively rare peaks that necessitate large generation capacity. In layman's terms, it would enable the fridges of the country to be turned off for a few minutes during the adverts in "Coronation Street" so that the nation could make its cups of tea, and thus negate the need for a large amount of electricity generation.

**Mr. Forth:** Does my hon. Friend think that only new appliances will be fitted with the device costing a few pennies, or does he envisage retrofitting, which, as I am sure that he will acknowledge, could cause complications?

**Gregory Barker:** I daresay that it would. I am sure that the question of new fit or retrofit costs—my right hon. Friend has raised that point—pay-back periods, methods of installation and the variety of manufactured installations would come under the scope of the sensible report that the Secretary of State would be required to commission under the terms of the Bill. I do not believe, however, that it is necessary to prescribe that in the Bill; nor do I believe that it would be consistent with the views of my right hon. Friend the Member for Bromley and Chislehurst, whom I have heard, Friday after Friday, lamenting the amount of prescriptive legislation that is brought to this House and put on the statute book. Like him, I believe in a light touch in this place, so that we legislate only for the absolute necessities of life.

Where it is possible for us to be anti-regulatory, we should be. Mindful of the good Tory principle that we legislate only where absolutely necessary, I am happy, on behalf of the Conservative party, to leave the Bill to direct the Secretary of State to commission the report. Given that these points have been fully aired by my right hon. Friend, I believe that they will be embraced in the report. I am mindful that we all need to keep our comments brief to ensure the Bill's passage.

1.30 pm

**Malcolm Wicks:** I will not comment on good Tory principles; it is hard enough to work out who are the good Tories in this debate. *[Interruption.]* It takes two to have a split—that is all.

The amendment would require the Secretary of State, when taking a view on whether it was appropriate to promote dynamic demand technologies, to have regard to the installation costs of those technologies together with the resultant pay-back period. When forming a view as to whether action in a particular area is appropriate, the Secretary of State will ensure that all relevant factors are taken into account, including costs, benefits and pay-back periods. Therefore, the amendment is unnecessary. Amendments Nos. 73 and 74 are merely consequential to the incorporation of amendment No. 72. I oppose all the amendments.

**Chris Huhne:** We, too, oppose these amendments, essentially because it seems to us that the clause already contains provisions that encapsulate them. There is no point, as the hon. Member for Southampton, Test (Dr. Whitehead) said, in gilding the lily.

First, clause 15(2) says clearly that the Secretary of State should deal with what steps are appropriate. That, I hope, would include cost—perhaps I am betraying my economics background. Subsection (3) says that

"the Secretary of State must have regard, in particular, to any matters which would prohibit or inhibit the use of any dynamic demand technology in any circumstance",

and I should have thought that cost is clearly a factor that could prohibit or inhibit the use of such technology. Certainly, before I buy something I usually like to know the cost of it. It is unnecessary to proceed any further with the amendments, and we should reject them.

**Mr. Chope:** My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has done the House a service in using the device of tabling an amendment to ensure that we have a debate. This provision was not in the Bill when it was considered on Second Reading; it was, as new clause 21, an amendment to the Bill on 9 February.

The hon. Member for Southampton, Test (Dr. Whitehead) was too modest to repeat in the full Chamber the joke that he made on that occasion, but like him I am a supporter of Southampton football club and I think that it is worth repeating it. He said that dynamic demand

"is not what despairing Southampton football club fans are demanding of their team".

It is important to put that on the record.

The other thing that needs to be put on the record is that during that short Standing Committee debate the Minister said, very frankly, that although the Government are committed to these climate change reduction technologies, they

"have done very little proactive work in this area to date—I do not understand why—although we have kept up to date with developments. It is clear that these technologies deserve closer investigation, to establish whether they could make a significant contribution to reducing our carbon emissions." —[*Official Report, Standing Committee C*, 9 February 2006; c. 97–100.]

I hope that, following those remarks, the Minister immediately went back to his Department and said, "Let's get on with this job and write the report. Don't let us wait for the Bill to get on to the statute book before we start because there is considerable potential here."

That potential is recognised in all parts of the House, and the more information we can bring to bear, the better informed the debate will be. It is agreed that any meaningful report will have to have regard to the costs and the necessary equipment.

I take the same line as my hon. Friend the Member for Bexhill and Battle (Gregory Barker), namely, that the amendments tabled by my right hon. Friend the Member for Bromley and Chislehurst would add unnecessarily to the Bill. I only wish that my hon. Friend's desire for the light-touch approach had been evident during the debate on the previous groups of amendments, when we had the chance to remove clause 9 and make the Bill no worse by so doing. However, it is good that we should agree as much as possible, and when we do agree we should be proud to say so. I therefore say that I agree with my hon. Friend on the amendments being unnecessary. However, I say also that had my right hon. Friend not tabled them, we would not have been able to have this short but important debate on a potentially impressive area of new technology.

**Mr. Forth:** Hon. Members present will know that there is a well worn technique called the probing amendment, and my intention was to do a bit of gentle probing. Look at the fruits that have emerged as a result: we have had a proper debate; we have had the benefit of the expertise of the hon. Member for Southampton, Test (Dr. Whitehead); and we have had an outbreak of consensus, which is not normally appealing to me. I freely acknowledge that, as a result of all the contributions made to this little debate, my amendments are indeed otiose and that I do not need to press them. However, we have illustrated the value of debate and of the amending process, even if the amendments are only probing. How much richer will be the proceedings of the House that can be studied by people outside and how much more they will learn as a result of our debate than if we had just rushed through the Bill in an unseemly manner, without examining it properly.

For all those reasons and in the cause of making a little progress, which I am now confident we can make, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment made:* No. 80, in page 9, leave out line 39.—*[Mr. Watson.]*

**Clause 16**

PROMOTION OF COMMUNITY ENERGY SCHEMES

**Mr. Forth:** I beg to move amendment No. 75, in page 10, line 13, at end insert—

'(2A) In the exercise of his duty under subsection (1) the Secretary of State must consult—

(a) such body or bodies as appear to him to be representative of local authorities;

(b) such distributors and suppliers of electricity as he considers relevant; and

(c) the Health and Safety Executive.'.

**Mr. Deputy Speaker:** With this it will be convenient to discuss the following amendments: No. 76, in page 10, line 25, at end insert—

'"local authorities" has the same meaning as in section [Local authorities to have regard to information on energy measures in exercising functions].'.

No. 58, in page 10, line 41, leave out '20' and insert '4'.

No. 59, in page 10, line 42, leave out '100' and insert '20'.

No. 15, in page 11, line 1, leave out Clause 17.

Government amendments Nos. 47 to 49.

**Mr. Forth:** It is always a pleasure to have one's modest amendments grouped with Government amendments. It reinforces the point that the value of our proceedings is that the Government have been able to table many amendments to improve the Bill as they see fit. No doubt, the Bill will benefit from that in the long run. We shall judge the Government amendments in a moment, but their presence validates the process in which we are engaged in a useful fashion. Conscious of the clock, I shall keep my remarks fairly brief on this occasion and skip lightly through my amendments and the Government's.

Clause 16 raises the slightly shadowy concept of the community energy scheme. Even though a definition is attempted, it is not at all clear to me what a community energy scheme will be, of what it will consist, what its scale might be and—harking back to our earlier debate—what the size or scope of the required equipment might be. If I am not mistaken, it was in the context of community energy schemes that my hon. Friend the Member for Christchurch (Mr. Chope) and some of my other hon. Friends, including my good friend the hon. Member for Kettering (Mr. Hollobone), voiced some reservations about the megawattage that might be required to power a community.

My concern is to ensure that when setting about the process of promoting the schemes the Secretary of State will have to consult what I consider to be the relevant bodies—local authorities, distributors and suppliers of electricity and the Health and Safety Executive. The aim is to ensure that the schemes are seen in the proper context. Although we might go into it on Third Reading, I shall not on this occasion explore in detail precisely what a community energy scheme might mean and how it might work, because the subject gets a bit complicated when we get into issues such as qualifying premises, the fact that there must be at least five dwellings, relevant plant, and so on.

However, if the concept is to be promoted we must tease out what it means. Clause 16 refers to investment and the provision of advice and assistance. Considerable commitments would be made by the Government, communities or electricity generators and distributors, but it is not clear how the balance would be struck. Amendments Nos. 75 and 76 seek to ensure that the Secretary of State consults the relevant parties before plunging into the attractive but unclear concept of community energy.

**Mr. Hollobone:** In my constituency of Kettering, major planning applications for thousands of houses are about to be submitted. The local rumour is that there will be two applications, each for 5,000 houses. If those applications were determined by the local authority but did not include a community energy project, under clause 16(1) could the Secretary of State insist retrospectively on the inclusion of such a scheme, which might meet with the approval of local residents, even it were not in the local plan?

**Mr. Forth:** My hon. Friend is perfectly correct to ask that question, which is relevant not just to his constituency but to every other constituency. However, we can only speculate about the matter until the Minister helps us, as he has frequently done, by providing clarification.

Clause 16 refers to the Secretary of State's duty

"to take such steps as he considers appropriate to promote community energy projects."

That appears to have a wide application—in fact, it is almost unlimited. Given the clause's explicit aspiration to promote such schemes and projects we can assume that the presumption is in their favour, rather than against them. Amendments Nos. 58 and 59, which were tabled by my hon. Friend the Member for Christchurch, rightly deal with the need to limit such projects. The clause says that generation will not exceed 20 MWe. Earlier, there was a dispute about the typical consumption of a single household, but whatever it is to the nearest kilowatt, 20 MWe represents a considerable generating capacity.

**Mr. Hollobone:** I paid careful attention to my hon. Friend the Member for Bexhill and Battle (Gregory Barker), who helpfully clarified the fact that the consumption of a typical household would require a generating capacity of 10KW. A plant with a generating capacity of 20 MWe could therefore provide enough power for 2,000 houses.

**Mr. Forth:** That leads me to ask whether—and I make no apologies for the circular nature of our debate—a plant that can provide power for 2,000 houses can be considered to be engaged in microgeneration. We keep bumping up against that problem, which has led to unhappiness about the Bill, despite its laudable objectives.

**Mark Lazarowicz:** A great deal of debate and public comment on the Bill has focused on microgeneration. Although that is an important part of the Bill, may I reiterate that the measure deals not just with microgeneration, but with the wider encouragement of renewable energy? It is therefore wrong to view the clause as a microgeneration clause. Community energy may well be promoted by microgeneration, but the purpose is not microgeneration per se.

1.45 pm

**Mr. Forth:** I am grateful to the promoter of the Bill for that explanation. Nevertheless, I think that he would concede that we are talking about potentially quite large generating plants of a capacity that would provide power for a community, however defined. My hon. Friend the Member for Kettering gave us one definition. The 20MW figure mentioned in the clause suggests potentially 2,000 households or more, depending on—

**Mark Lazarowicz:** Indeed. The clause could facilitate district heating schemes, but it would not change the planning regimes that apply to such schemes. The planning measures that we discussed earlier are entirely separate or microgeneration-directed. The clause has no effect on planning regulations that would allow district heating schemes to be established. All it would do is encourage them.

**Mr. Forth:** Once again, I am grateful. I do not know whether that reassures my hon. Friend the Member for Kettering, but it moves us forward. That is helpful.

**Mr. Hollobone:** The explanation does not reassure me. The difficulty that I have is that the Bill will probably reach the statute book after major planning applications for thousands of houses in Kettering are determined. Local residents might want district heating schemes, but by the time the applications are determined there will not be the provisions in legislation to encourage the local authority to provide that.

**Mr. Forth:** My hon. Friend spells out the reality of the parliamentary process. With the best will in the world, let us assume that the Bill receives its Third Reading in June, which seems the most likely outcome now. It must, quite properly, still go to the House of Lords and undergo scrutiny there. We are talking about Queen's consent to such a Bill towards the end of this year. Even if it were to be implemented immediately—many of the provisions envisage a longer perspective beyond that—we should assume that the provisions are likely to start having effect some time in 2007, or more likely in 2008. That is a good thing for those who think the Bill is a good thing, but it would be no quicker than that. I cannot give my hon. Friend any comfort. That is the likely time scale for the Bill's progress.

My amendment No. 15 would remove clause 17 from the Bill. If I have time, I might mention the Government amendments. The problem that I have with clause 17 is that, on the face of it, it threatens to place additional burdens on parish councils, which are the bodies least able to do justice to the sort of duties that would be placed upon them. I have looked up a few figures, which suggest that a typical parish council has a population of about 1,700. They vary enormously, as you, Mr. Deputy Speaker, will know better than most of us, given your constituency.

**Gregory Barker:** Can my right hon. Friend specify which part of the clause imposes a duty on a parish council? It states that a parish or community council "may encourage" various schemes.

**Mr. Forth:** The answer to my hon. Friend is probably a moral duty.

**Gregory Barker:** Do we in the House legislate for moral duties?

**Mr. Forth:** I am sure that we do, perhaps more frequently than I would like. By the very writing of such a clause, we are inviting parish councils to give greater priority to this sort of activity than they might do to other activities. My worry is that given that parishes are, by definition, modest organisations with modest resources, as soon as we start telling them in the law of the land that we would like or expect them to do various worthy things, that takes them into dangerous territory.

**Chris Huhne:** Does the right hon. Gentleman recognise that clause 17(3) states:

"Nothing in this section authorises a parish council or community council to provide any financial assistance",

and goes on to specify the various ways in which such assistance might be provided?

**Mr. Forth:** Of course, but the worry is that Government amendment No. 49 seeks to leave out subsections (3) and (4), although we will not know the reasons why until the Minister gets to his feet.

I think that what is proposed is a worrying development that exemplifies a degree of over-enthusiasm by people who are keen on the Bill. Courtesy of a Government new clause that we debated last Friday, we have already amended the Bill to bring local authorities generally into the process. Although some of us were not desperately happy with that, we envisaged that county and perhaps district councils could have a role to play; mysteriously, the Greater London assembly did not appear anywhere, and we are still wondering about that lacuna. Reaching out to parish councils as the clause seeks to do is a step too far. I am not sure what added value parish councils, excellent though they are, could bring to the complexities of the subject that we have dealt with today and last Friday.

I want to elicit more information about how a parish council can come anywhere near to doing the sort of things that are spelled out in clause 17, which refers to the encouragement and promotion of microgeneration of items such as efficiency in fuel use and reduction in energy use, as well as

"production in their area . . . of biomass, or . . . any fuel derived from biomass".

I must admit that that is not quite what I thought parish councils were supposed to be all about. I would be very surprised if they were prepared to give priority to the activities set out in clause 17 over and above what we would normally expect them to do.

Matters become even more mysterious when we look at the amendments standing in the Minister's name. I struggled to understand his desire to insert the words

"whether offered or provided by public authorities or by any other persons".

That is an intriguing phrase. I do not know what he envisages in referring to "any other persons", but perhaps he will tell us in due course. Furthermore, Government amendment No. 48 states:

"Assistance provided under subsection (1) may, if the council giving the assistance think appropriate . . . be made subject to conditions, or . . . otherwise be provided on such terms as the council think appropriate."

Again, I am not sure what is envisaged, as the amendment could mean a lot or not very much at all. I look forward to hearing the Minister explain just what his amendments would mean on the ground, day to day, to a typical parish council, with the limited resources that parish councils necessarily have.

The most intriguing of the Minister's amendments is the one that I mentioned in reply to the intervention made by the hon. Gentleman—Government amendment No. 49, which seeks to remove the one reassurance that features in the whole clause. What are we to think of that? Subsection (3) states:

"Nothing in this section authorises a parish council or community council to provide any financial assistance by—

(a) making a grant or loan,

(b) giving a guarantee or indemnity, or

(c) investing by acquiring share or loan capital."

Initially, I thought, "Thank goodness for all that; it seems to make sense", as did the further provision in subsection (4), but now the Minister seeks to remove all that provision. The implications are intriguing. I assume that he is now content with the thought that a parish council could set out to make grants or loans, give guarantees or indemnities or invest by acquiring share or loan capital. That moves us into really bizarre territory.

**Martin Horwood:** The right hon. Gentleman is taking up a great deal of our time speculating on what the Minister might think or believe. Perhaps if he drew his remarks to a close, he might find out the answer.

**Mr. Forth:** No doubt the hon. Gentleman thinks that he is being very clever and helping the process, but he has not been here long enough to know that it does not quite work that way. Thanks to the excellent selection and grouping of amendments, my little amendment is the lead amendment in this group, so I get to speak first. If the hon. Gentleman would contain himself, we might just find that the Bill will make a little more progress than he may have anticipated, but being patronising and impertinent will not help his cause.

My amendment would remove clause 17 in its entirety, because it is wrong to direct the no doubt laudable aims of the Bill at the level of parish councils, which have much more relevant things to do with their very limited resources. We need to hear a lot more from the Minister about what his amendments mean and, in particular, why he wants to remove the reassuring element in subsection (3). I look forward to that.

**Malcolm Wicks:** I am sorry, but I am losing my voice; I trust that it is contagious.

Amendment No. 75 lists a number of bodies that the Secretary of State would have to consult when exercising his duty to promote community energy schemes. As part of the normal course of exercising any duty, the Secretary of State would consult relevant bodies. In the case of the promotion of community energy, such bodies would include local authorities, the energy industry and the Health and Safety Executive. I do not see the need to have a specific list in the Bill. Amendment No. 76 would be consequential on the incorporation of amendment No. 75 in the Bill.

Amendments Nos. 58 and 59 relate to the capacity limits that form part of the definition of a community energy project. I accept that limits of 20MW for electricity and 100MW for thermal energy may appear relatively large, but this is just one aspect of the definition. The key parts of the definition are those that ensure the schemes are for community purposes. The capacity limits were deliberately set high to ensure that the definition encompasses future community schemes that may be larger than existing schemes. I am content with the definition as it stands.

Amendment No. 15 and Government amendments Nos. 47 to 49 refer to clause 17. I tabled that clause in Committee in response to a similar clause drafted by the hon. Member for Bexhill and Battle (Gregory Barker). All levels of local government have a role to play in tackling climate change and alleviating fuel poverty. The right hon. Member for Bromley and Chislehurst (Mr. Forth) shakes his head, but I beg to differ. Clause 17 enables parish and community councils to play their part in encouraging or promoting energy-saving measures in a variety of ways. The measures listed are perhaps only a starting point, since the clause allows for further energy saving initiatives to be added in the future as new techniques become available.

There are of course differences between parish councils in terms of their relative population sizes, their resources, and the services that they offer. Notwithstanding that, offering advice and assistance on local energy-saving measures sits well alongside the initiatives that the Government are promoting on neighbourhoods and the existing advisory and information-giving roles of parish councils. I remain of the opinion that the clause should be part of the Bill. Indeed, I think that there is an especial connection between parishes and microgeneration.

Government amendments Nos. 47 and 48 make it clear that a parish or community council may on application provide information about goods or services offered or provided by other persons within their area for the purposes of clause 17. The intention of the amendment is to supplement the existing power under section 142 of the Local Government Act 1972, which deals generally with the provision of information by local authorities. During the discussion on the clause in Committee, I suggested that I would return on Report to the question of whether parish or community councils could make small grants or loans to assist with measures for saving energy in their areas. I hope that hon. Members, particularly the hon. Member for Bexhill and Battle, who spoke so eloquently on the issue, will be pleased to see that amendment No. 49 removes the restrictions in subsections (3) and (4) on the giving of grants or loans for local energy-saving measures.

Amendment No. 49 would allow parish or community councils to give financial assistance, when appropriate, to those whom they think would benefit from it. It would be for them to determine any conditions that they may wish to attach to it .

I therefore ask hon. Members to support amendments Nos. 47, 48 and 49 but, for the reasons that I have given, to oppose amendments Nos. 75, 76, 58, 59 and 15.

2 pm

**Gregory Barker:** The final group contains an interesting range of amendments. My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made sensible points, as usual. I share his concerns about the need for community consultation and participation in local decision making. He is right that the Secretary of State should pay due regard to those issues in drawing up his report. However, I take great

*[Gregory Barker]*

comfort from and, indeed, endorse the Minister's comments and do not believe that my right hon. Friend's amendments need to be incorporated into the Bill.

I thank the Minister for tabling Government amendments Nos. 47 to 49. As he rightly said, an issue was raised not only by me but by other members of the Committee. If my right hon. Friend had read the reports of our Committee proceedings, he would have known about the extensive and useful discussion of the subject that we held Upstairs.

Much has been said about microgeneration but the measure is about a great deal more than domestic appliances. It is about decentralisation of energy. Although it constitutes only a modest step, I hope that it is the first step in a significant direction for the country's energy policy, which will encourage much greater decentralised energy. If we are to move towards a decentralised model, that will require more community schemes. In many, although not all cases, especially in rural areas, the most effective, efficient and cost-effective way of embracing the new model will not be individual householders adopting their own kit but an efficient, small community form of domestic heat and power generation. I do not mean windmills or even solar or photovoltaic technology but gas-fired, combined heat and power or biomass fuel technology. Those work best, economically and efficiently, if they are adopted by several householders coming together on a relatively small scale. They are especially applicable to rural areas. Surely it is best for those schemes to be brought together in a democratic forum, where everyone in a village could have a voice, feel that their concerns were incorporated and the result was a genuine community plan. It is important to have a facility—it is only a facility—so that, in some circumstances, there is an opportunity to give some sort of financial encouragement when there is community consent.

I am mindful of the time and I do not want to hold matters up. I thank the Government for their amendments and support them.

**Chris Huhne:** I agree with the hon. Member for Bexhill and Battle (Gregory Barker). We are happy with the consultation arrangements. As I said earlier, there is already a general duty for consultation. There is a general Cabinet Office better regulation Executive code of practice on consultation. Doubtless the right hon. Member for Bromley and Chislehurst (Mr. Forth) is aware of that. It is relevant to the case that we are considering.

**Mr. Forth:** It is the second time that the hon. Gentleman has mentioned the code of practice. Does he have any more faith in that code of practice than in the ministerial code, which has been the subject of so much recent discussion?

**Chris Huhne:** The ministerial code is a little beyond the purview of the debate, suffice it to say that there is a considerable framework in both the statutory requirements for consultation and the code of practice. Whether Ministers practise what they are undertaking is a matter for the House to consider in a particular case.

The right hon. Gentleman had a good reply on amendments Nos. 58 and 59 in terms of the community projects and not microgeneration. I am happy to associate the Liberal Democrats with support for Government amendments Nos. 47 to 49, precisely because of the enabling provisions for parish and community councils to promote energy schemes, should they wish to do so.

**Mr. Chope:** I was disappointed with the Minister's response to amendments Nos. 58 and 59. He said that the figures in the clause are much larger than we need in the current climate, but that they will encompass future schemes. The figures are grotesquely large, especially when coupled with clause 16, the purpose of which is to promote energy schemes. Amendment No. 59 would reduce the figure by 80 per cent., so leaving 20 per cent. of what the Government want, which is 4MW in the case of plant for the generation of electricity. That would be a very large plant.

Renewables East says:

"One 1.8 MW wind turbine at a reasonable site would produce over 4.7 million units of electricity each year, enough to meet the annual needs of over 1,000 households, or to run a computer for over 1,620 years."

Amendment No. 58 would allow 4MW, which would be a large enough piece of plant to have for a community purpose, promoted by the Government under the provisions of the clause.

**Malcolm Wicks:** It may help if I give an example. I am advised that the university of Edinburgh halls of residence have a gas-fired combined heat and power plant. Clearly, a number of students will be in those halls of residence who should not be there at that time of night, but it is an indication of the scale that might be required under the heading of community energy.

**Mr. Chope:** I am grateful to the Minister for intervening. If the university already has such a plant, I cannot understand why we are saying that we need clause 16 to enable it to have one, but that is a separate debate. It goes back to the theme that has run through the last two Fridays—that there is a lot of stuff in the Bill which is exhortatory and not necessary, because most of the things that it promotes can already be done. I had the privilege of receiving a university education in Scotland, albeit not at Edinburgh, but at St. Andrews university. I doubt whether it would want to put up these large wind turbines, even if they are for the benefit of the students.

A 1.8MW turbine—about half the limit that my amendment would introduce—would have rotor diameters ranging up to 65 m and towers ranging from 25 to 80 m in height. The Government are asking for something that is 20 times as large as that.

**Mark Lazarowicz:** Of all the exaggerations, the idea of a 1,000 m rotor, which is the logical conclusion of the hon. Gentleman's argument, is the most ridiculous that we have heard. Does he accept that no planning legislation would be changed by the clause? All the planning requirements that will apply to such a "monstrosity", to use his word, would apply in such a case. Nothing would be changed by the clause as far as planning controls are concerned.

**Mr. Chope:** I accept that the clause would not affect the planning controls. What worries me is that it is entitled "Promotion of community energy schemes", and the scheme that I have described is precisely the kind that the Government would have a duty to promote if the Secretary of State thought fit.

It is absurd to suggest that wind turbines would have to be 20 times as large in order to generate 20 times as much as 1.4MW. I am envisaging, say, 20 1.4MW turbines, which would constitute a gross intrusion on any community. The Minister mentioned biomass. We do not need those excessive limits even for biomass. According to a helpful written answer published on 10 February 2005, the total output from the 11 biomass power plants operating in this country amounted to only just over 100MW. There is no need for such high limits to accommodate one biomass plant. I fear that we are talking not about community schemes, but about enormous schemes.

**Mr. Letwin:** I hope my hon. Friend will accept that those of us who support the measure do not just want biomass and wind turbines, although of course they are important. We also want to decentralise the electricity generation system, so that communities are served by smaller power plants rather than the country being served by 1,000MW or 2,000MW plants through a vast grid. In that context, surely, the limits proposed by the Minister are reasonable.

**Mr. Chope:** I am grateful for that intervention, because it returns me to a major issue for my constituents. They will be expected to take most of the waste fuel from the whole of Dorset so that it can be converted to energy. What worries my constituents and me is that the proposed plants are so grotesquely large. It is causing a good deal of consternation. We think it would be better to have smaller plants in small Dorset towns—perhaps one in Dorchester, in my right hon. Friend's constituency—than to have waste transported across the county to those very large plants. I recognise the virtue of the plants, but a plant with a capacity of up to 20MW cannot be described as a modest plant. A 4MW limit would allow much more local combined heat and power, which is greatly preferable to the centralisation that we are experiencing in my constituency.

**Mr. Letwin:** I see the force of my hon. Friend's argument, but I understand that his favoured method of generation is nuclear. The lower of the two limits, 20MW, is approximately 1 per cent. of the likely size of nuclear power stations. We are talking about rather smaller stations than those that he is proposing elsewhere.

**Mr. Chope:** I am not suggesting that we should have nuclear power stations, although nuclear generation would be possible at Winfrith in Dorset. Unlike my right hon. Friend, I believe in a mix of energy from different sources, including nuclear. I should like the proportion of energy from nuclear power to increase beyond the present 20 or 21 per cent. level. I am certainly not suggesting that we should use this provision to set up the equivalent of nuclear power stations. That is a wild red herring. I wish to ensure that the principles of decentralised energy production are carried through, but I do not see that happening properly if we allow individual units of production to generate as much as 20MWe or 100MWt. That is why I tabled the amendment. I do not intend to press it to a Division, but unless the Bill is changed in the other place, it will cause much consternation in local communities. They may feel threatened by community energy schemes, not assisted by them.

The large figures are counter-productive for the purposes that my right hon. Friend the Member for West Dorset (Mr. Letwin) and I agree are worth while. We are not at odds with each other on that, but I think that it would be much better to include in the Bill provisions that would encourage community combined heat and power schemes in small towns in Dorset, instead of them all being concentrated in Ferndown, as is proposed at present. I do not know whether my right hon. Friend gave evidence at the public inquiry, but I did so and suggested that we should have fair shares across Dorset and I am pleased that he agrees with that proposition.

This is a useful group of amendments and I am sorry that the Minister has not accepted the reductions. I hope that we will have the chance to reflect on that in due course. We wait with bated breath for the Minister's report before the end of the month, which will inform our debate on Third Reading and mean that we may have a much more informed debate on the whole issue of climate change and sustainable energy.

I shall not comment further on the amendments relating to parish councils, except to say that I am very concerned that the Government amendments—tabled at the behest of my right hon. Friend—could result in parish councils, which have to raise all their money from people living in the parish because they do not get any grants from Government, being encouraged to go on a mad spending spree. Let us hope that that does not happen.

**Mr. Forth:** My hon. Friend has parishes in his constituency, but I do not, because my constituency is in a London borough. Can he give me some idea of the staffing and resources that a typical parish council might have? What is his judgment on whether they could begin to fulfil the aspirations set out in this clause?

**Mr. Chope:** I cannot generalise, but Burton parish council, for example, has one part-time clerk and tries to meet once a month. Hurn parish council, which is much smaller, has probably fewer than 1,000 residents, although it includes Bournemouth international airport. It also has only one part-time volunteer to assist it. We delude ourselves if we think that clause 17 is of great significance, but it could lead to larger parish councils running up substantial bills.

**Mr. Forth:** Does that not mean that there is a risk that the alleged benefits of microgeneration will be unevenly spread? If some enthusiastic parish councils promote them as the clause suggests, but others do not have the resources to do so, someone somewhere will miss out.

**Mr. Chope:** As always, my right hon. Friend makes a fair point. We do not have parish councils in the

*[Mr. Chope]*

metropolitan areas, so this is very much an issue for rural communities. Sometimes parish councils get together to develop policies on a co-ordinated basis across a county—there is an effective organisation called the Dorset Association of Parish and Town Councils which might be able to produce a collective response to the demands set out in clause 17.

I do not think that I can take the matter any further at the moment, without risking the possibility that we might not be able to complete the Report stage today. I have always made it clear to people who have discussed the issue with me that my concern is to ensure that the Bill is properly scrutinised, rather than that it should be wrecked. That is why I want to put on the record my concern that e-mails have been flying around suggesting that by speaking and participating in this debate one of my hon. Friends is guilty of something greater than denying the holocaust. One might describe that as a slight exaggeration. I am sure people will realise that there are people who could be described as eco-fascists, and we must not allow them to browbeat us into doing anything other than scrutinising this important legislation.

**Mr. Forth:** I assure my hon. Friend that I will not be browbeaten by eco-nuts, eco-fascists or any other odd people. I am always prepared to engage in serious debate and scrutiny of Bills, be they well-intentioned or otherwise. I congratulate the hon. Member for Edinburgh, North and Leith on steering his Bill to this stage in its development. With a bit of luck, we might just be able to get started on Third Reading today, which would be a giant step forward and would reward the patience that the hon. Gentleman has shown, as well as his politeness and his courtesy—qualities not shown by some extraordinary, unpleasant people outside the House who, being either ill-informed or malicious, think that bombarding Members of Parliament with vaguely threatening material can somehow change the way we work. I hope this debate has demonstrated that that is not, and will not be, the case, no matter how strongly they may feel about this or that issue.

We have had a useful debate on this group of amendments. I am not sure that we have quite got to the bottom of the meaning and importance of community energy schemes and projects, or that we are completely satisfied that there will be sufficient protection against the development of what could be substantial generating plants. We have been given reassurances, and I hope that they are carried through in whatever way may be appropriate—in guidance and so on. I hope that one of the things that has emerged strongly from this debate is that we must get the balance right between the desire for good things such as microgeneration, sustainable energy and renewables on the one hand and people's quality of life on the other. It is one thing to attempt to look decades ahead and save the planet in the next century, but it is quite another to take care of the quality of people's everyday lives today, and that should concern us as much, if not more.

We will probably have to agree to disagree on parish councils. Few parish councils will have the resources available or will be prepared to give sufficient priority to this kind of work, over and above what they do day by day in their communities. There has obviously been some interesting to-ing and fro-ing between my hon. Friend the Member for Bexhill and Battle (Gregory Barker) and the Minister about how to get the pitch about parish councils right. My view, which I expressed in my amendment, is that it would probably be better to leave them out of it altogether. However, at this stage of the Bill, I will be content to let matters rest there.

We have had helpful explanations. The Minister has been helpful throughout. He has given us his explanations in his usual courteous way, and the promoter of the Bill has been much more helpful today than he was last Friday. He has been rewarded by some good progress on the Bill. I am very grateful that he brought along his hon. Friend the Member for Southampton, Test (Dr. Whitehead), who has put us right in his knowledgeable way. I am sure that the Bill will be that much the better for it. So, for all these reasons, I am not going to press my amendment to the vote. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Clause 17**

PARISH COUNCILS AND COMMUNITY COUNCILS: POWERS IN RELATION TO LOCAL ENERGY SAVING MEASURES

*Amendments made:* No. 47, in page 11, line 19, leave out from 'area' to 'or' in line 22 and insert

'(whether offered or provided by public authorities or by any other persons),'.

No. 48, in page 11, line 25, at end insert—

'(2A) Assistance provided under subsection (1) may, if the council giving the assistance think appropriate—

(a) be made subject to conditions, or

(b) otherwise be provided on such terms as the council think appropriate.'

No. 49, in page 11, line 26, leave out subsections (3) and (4).—*[Gillian Merron.]*

**Clause 23**

INTERPRETATION

*Amendments made:* No. 50, in page 15, line 30, at end insert—

' "greenhouse gas" means any of the following—

(a) carbon dioxide;

(b) methane;

(c) nitrous oxide;

(d) hydrofluorocarbons;

(e) perfluorocarbons;

(f) sulphur hexafluoride;'.

No. 51, in page 15, leave out lines 31 and 32 and insert—

' "microgeneration" means the use for the generation of electricity or the production of heat of any plant (which, for this purpose, includes any equipment, apparatus or appliance)—

(g) which, in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (2), and

(h) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (3);'.

No. 52, in page 15, line 34, at end insert—

'(2) Those sources of energy and technologies are—

(a) biomass;

(b) biofuels;

(c) fuel cells;

(d) photovoltaics;

(e) water (including waves and tides);

(f) wind;

(g) solar power;

(h) geothermal sources;

(i) combined heat and power systems.

(3) That capacity is—

(a) in relation to the generation of electricity, 50 kilowatts;

(b) in relation to the production of heat, 45 kilowatts thermal.

(4) The Secretary of State may by order amend subsection (2) by adding to the sources of energy and technologies for the time being listed any other source of energy or technology for the generation of electricity or production of heat if he considers that the use of that source of energy or technology would cut emissions of greenhouse gases in Great Britain.

(5) The power to make an order under subsection (4)—

(a) is exercisable by statutory instrument, and

(b) includes power to make such supplemental or consequential provision (including provision modifying this section) and such transitional or saving provision as the Secretary of State thinks fit.

(6) No order under that subsection may be made unless a draft of the order—

(a) has been laid before Parliament, and

(b) has been approved by a resolution of each House.'.—*[Gillian Merron.]*

**Clause 25**

COMMENCEMENT

*Amendments made:* No. 53, in page 16, line 2, after '1,' insert

'(Local authorities to have regard to information on energy measures in exercising functions),'.

No. 54, in page 16, line 2, after '10,' insert

'(Building regulations relating to emissions and use of fuel and power: time limit for prosecutions), (Building regulations relating to emissions and use of fuel and power: report regarding compliance),'.

**Clause 26**

SHORT TITLE AND EXTENT

*Amendments made:* No. 55, in page 16, line 13, after 'Sections,' insert

'(Local authorities to have regard to information on energy measures in exercising functions),'.

No. 56, in page 16, line 13, after '10' insert

', (Building regulations relating to emissions and use of fuel and power: time limit for prosecutions), (Building regulations relating to emissions and use of fuel and power: report regarding compliance)'.—*[Gillian Merron.]*

**Title**

*Amendment made:* No. 57, line 3, after 'sources,' insert

'compliance with building regulations relating to emissions of greenhouse gases and the use of fuel and power,'.—*[Gillian Merron.]*

*Order for Third Reading read.*

2.25 pm

**Mark Lazarowicz:** I beg to move, That the Bill be now read the Third time.

I am glad that Members have co-operated to ensure that the Bill reached this stage. It received twice as much consideration on Report as most Government Bills, which may or may not be a good thing. If issues are raised on Third Reading, perhaps, with the leave of the House, I can respond to them through interventions, but I shall say no more at this point.

2.26 pm

**Mr. Forth:** This is the bit we have all been looking forward to, because I hope that with your permission, Mr. Deputy Speaker, we shall be able to range much more widely than when we were constrained by amendments and new clauses.

My remarks, sadly, probably will not be able to be concluded by 2.30, but I am sure that we can look forward to another full day of debate on Third Reading, to do the Bill proper justice. I should like to open with a quote from the Prime Minister's very good evidence to the Liaison Committee on 7 February. He said that

"whether the climate changes or not is not going to depend on the UK".

That sets a useful frame for Third Reading. By the way, the Prime Minister went on to say that climate change

"is dependent on those huge economic motors and in particular China and India".

That is one aspect that I hope we shall be able to explore on Third Reading, given the title of the Bill.

The long title of the Bill gives us some good guidance for framing our debate. It talks variously about

"the reduction of emissions of greenhouse gases",

which we have to a large extent touched on today, in respect of the contribution that might be made by microgeneration and so on; "the promotion of microgeneration", on which we rightly spent a long time; and

"the use of heat produced from renewable sources".

There is a cornucopia of important issues that we can and should explore on Third Reading.

**Mr. Hollobone:** My right hon. Friend referred to the international context for the Bill. On 12 January, I received a response to my parliamentary question about carbon dioxide emissions, which stated that the UK would reach a total of 525 million tonnes by 2020 compared to 556 million tonnes at present, so there is likely to be a decrease. However, in the United States the amount is set to rise from just over 5,000 million tonnes to 6,763 million tonnes by 2020.

**Mr. Forth:** I am grateful to my hon. Friend, and later in my remarks I shall quote further from the Prime Minister on exactly that point. The Prime Minister spoke words of very great wisdom. He has a clear view of the realities of climate change, emissions and the like and I am sure that we shall want to explore that, too.

One of the things on which we may want to spend some time, and which has been somewhat neglected up to now—largely because nobody saw fit to table probing amendments or examine it—is the reference in the long title to

"the adjustment of transmission charges for electricity".

That could be an important aspect of the Bill, should it become an Act, and of its impact on our everyday lives. We have not really explored that point and I do not think that it was really covered on Second Reading. I hope that Third Reading will offer us an opportunity to look at that part of the Bill in much more depth.

**Mr. Weir:** Is the right hon. Gentleman not aware that that wording refers to a change in transmission charges for renewable energy in the Scottish islands?

**Mr. Forth:** I look forward to hearing the hon. Gentleman seeking to contribute to the Third Reading debate and telling us a lot more about the Scottish islands—a subject that does not arise very often in the House. Perhaps he could discuss hydroelectricity and give us some inspiration about the contribution it could make to reducing emissions—

*It being half-past Two o'clock, the debate stood adjourned.*

*Debate to be resumed on Friday 12 May.*

## Remaining Private Members' Bills

### VEHICLE REGISTRATION MARKS BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 16 June.*

### FAMILY LAW (PROPERTY AND MAINTENANCE) BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 7 April.*

### HUMBER BRIDGE BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 16 June.*

### BOROUGH FREEDOM (FAMILY SUCCESSION) BILL [*LORDS*]

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 20 October.*

### LICENSING ACT 2003 (AMENDMENT) BILL

*Order for Second reading read.*

**Hon. Members:** Object.

*To be read a Second time on Friday 16 June.*

### BREAST CANCER BILL

*Order read for resuming adjourned debate on Question [20 January], That the Bill be now read a Second time.*

**Hon. Members:** Object.

*To be read a Second time on Friday 24 March.*

## EU-Morocco Fishing Agreement

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Watson.]*

2.32 pm

**Jeremy Corbyn** (Islington, North) (Lab): I am very pleased that we have managed to hold this Adjournment debate on the European Union-Morocco fishing agreement, which has enormous significance for many people living in the Western Sahara region. I know that this is a complicated day for us all, so I am really grateful to the Under-Secretary of State for Environment, Food and Rural Affairs for being on the Front Bench to answer the debate. I also thank my hon. Friend the Member for Stroud (Mr. Drew), who has taken an enormous interest in issues surrounding Western Sahara and Morocco. Unfortunately, he cannot be here today, but later in my speech I want to quote from something he sent me.

In 1974, the Spanish occupation of the Western Sahara ceased. Morocco then marched into that part of the Western Sahara and declared it to be Moroccan territory. There ensued a war that lasted some years, which was very brutal and resulted in many deaths and much destruction. The Polisario Front, which led the campaign for the independence of the Western Sahara, secured the support of the African Union and many people all around the world. It was ultimately expelled from the territory and 165,000 Sahrawi people live in refugee camps in Algeria at the present time. I have had the good fortune to visit those camps in the Western Sahara. *[Interruption.]* I think I am losing the attention of some Members of the House, Mr. Deputy Speaker, who appear to be having a meeting of their own in the Chamber while we should be discussing Morocco.

**Mr. Deputy Speaker (Sir Michael Lord):** Order. The hon. Gentleman is quite right. Hon. Members will either listen to the debate or leave the Chamber.

**Jeremy Corbyn:** Thank you, Mr. Deputy Speaker.

I was explaining that the Sahrawi refugees live in refugee camps in Algeria. They have created an effective and sustainable community. Illiteracy has largely been conquered and there are good education and health services. That is thanks to the support of Algeria, yes, but also because of a great deal of aid from the UN, the European Union and our Department for International Development.

The refugees' dream and hope is to return to Western Sahara. Part of the arrangements surrounding the 1991 ceasefire was that the United Nations, through its organisation MINURSO—United Nations Mission for the Referendum in Western Sahara—would arrange for a referendum to be held on the basis of the 1974 census so that all the Sahrawi people could vote on whether they wished to achieve the independence to which they are entitled under the terms of international law. Tragically, the referendum has never been held because of disputes about the electoral roll and, I believe, Moroccan intransigence. The situation remains in a degree of stalemate.

Law is very much on the side of the Sahrawi people. The issue has been taken to the International Court of Justice. The Sahrawi claim, put by the Polisario, for the independence of Western Sahara is endorsed by a large number of countries and, especially, the African Union. It is worth mentioning that it is the only example in Africa of a border dispute involving an African country and what it claims is part of its territory—the Western Sahara—in which the African Union supports the independence movement. The situation is thus unique.

My hon. Friend the Minister is aware of many of those issues because he is a former Foreign Office Minister. He is well aware of the concern and support of many of us for the Sahrawi people and what we believe to be their legitimate claim. The arrangements that are made for agreements between international bodies such as the United Nations and the European Union, and representatives of the Sahrawi people, are thus highly significant. I therefore want to bring to the attention of the House and the Minister the fishing agreement between the European Union and Morocco.

Morocco, like any other country in the world, is entitled to conclude a fishing agreement with the European Union—about that there is no dispute. However, it is not entitled to conclude a fishing agreement that includes the waters to the south of the recognised border between Morocco and what I shall term for the benefit of this contribution "the occupied territories"—Western Sahara—which makes up a significant part of the coastline. The waters are rich in fish, and the area is also rich in minerals and phosphates, which is part of the reason behind Morocco's determination to hang on to its illegal occupation.

The purpose of the debate is to draw the attention of the House and the Minister to the agreement that is about to be ratified by the European Union and to ask what the British position will be. Let me quote from a group called Fish Elsewhere. In answer to the question:

"Did the EU Legal Opinion say that fishing in Saharawi waters was legal",

it says:

"The legal opinion then discusses under what circumstances would EU vessels be legally allowed to fish in the Western Sahara. It concludes that it would only be legal providing it was not 'carried out in disregard of the interests and of the wishes of the local population'. The legal opinion states that it 'cannot be prejudged that Morocco will not comply with its obligations under international law vis-à-vis the people of Western Sahara', hence we cannot be sure that the Agreement would be illegal."

There is thus an area of debate and discussion. Fish Elsewhere has done a great deal to draw the attention of EU member states to the situation.

I understand that the Minister cannot comment on the foreign policy implications of the situation because he is a Department for Environment, Food and Rural Affairs Minister—I would not expect him to be able to do that—but will he inform the House what position the British Government intend to take? The EU is divided. France and Spain strongly support a fishing agreement and Morocco's claim that it has the right to fish in the waters off Western Sahara, but a number of other countries are very doubtful about the legality of the matter and do not want the EU to conclude an "illegal" agreement that would then be challenged in the International Court of Justice. Many of them also have a great deal of sympathy with the plight of the Sahrawi people.

I go back to the legal opinion that I just read out, which talked about the local people. Ever since the expulsion of the Polisario from Western Sahara in the

*[Jeremy Corbyn]*

1970s, a large number of Moroccan settlers have been moved in. It could be argued that those settlers are the local people. I would argue that although they are obviously resident there, the legality of that residence is in question, and the local people are those who were expelled and who now occupy the refugee camps in Algeria.

Will the Minister indicate to the House that the British Government are prepared to vote against the EU-Morocco fishing agreement if it includes the waters off the Western Sahara—those of the Sahrawi people? Will he do his best to ensure that as many other countries as possible vote accordingly?

There is an issue here of simple human justice. An area of land, which under the decolonisation procedures should have become a newly independent territory, was occupied. Since then the Polisario Front has kept the people together, campaigned for justice and the right of return, and gained a lot of international support. If we condone that occupation by agreeing to Morocco's "right" to fish the waters off the Western Sahara, we are condoning the occupation and the illegality of what Morocco is doing. The people who stand to gain from that are a number of extremely large, powerful fishing companies, particularly in France and Spain, and those who stand to lose are the poor people who have lived out all these years in the refugee camps in Western Sahara. I hope that when he comes to reply the Minister will be able to offer some assurance on these matters.

I would like to quote from a letter to me from my hon. Friend the Member for Stroud who, like me, takes a very close interest in matters concerning Western Sahara and is a strong supporters of the Sahrawi people. He says:

"I am deeply concerned at the implications of this agreement. It flies in the face of the pressure that the UN has been applying over the years to try to resolve the situation in the Western Sahara. I am appalled that narrow EU fishing interests have been prioritised over the wider rights of the Saharawis and this gives a green light for Morocco to carry on with its illegal occupation of land and waters. What safeguards have been put in place to ensure that over fishing does not take place thus removing a potential source of revenue for a future independent Western Sahara? Surely the EU realises the sensitivity of this issue and should not put narrow economic interests above its long held political view in support of the UN that a referendum should be held on the future of the territory."

To put it simply, I hope that this EU fishing agreement does not go ahead in so far as it takes away the fishing area of the Western Sahara people. I hope that we get a very strong declaration of support for a UN-organised referendum so that the people of the Western Sahara can, once and for all, decide their own future. If they wish to live in an independent country, in what was formerly a Spanish colony, it is their right to do so. That is a right enshrined in international law, and above all it is our duty to try to support that right within international law.

2.43 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw):** I congratulate my hon. Friend the Member for Islington, North (Jeremy Corbyn) on the commitment that he has shown on this issue over many years. He has an interest not only in Western Sahara but, for the purposes of this debate, in any potential impact of the EU-Morocco fisheries agreement on that part of the world.

May I start by apologising to my hon. Friend for the fact that, as he acknowledged, many of the points that he raised are the responsibility of the Foreign and Commonwealth Office? I know that he held discussions with the Minister for the Middle East, my hon. Friend the Member for Pontypridd (Dr. Howells), back in the autumn, and he may want to renew that contact now. I shall certainly make sure that the concerns that he has raised today that are relevant to the Foreign Office are communicated to my hon. Friend.

The proposed new fisheries partnership agreement between the EU and Morocco is due to come into force in May 2006 for a period of four years. It is made under the provisions of the European common fisheries policy and, as my hon. Friend said, the Commission has competence to negotiate such agreements on behalf of the EU. The agreement has yet to come before the Agriculture and Fisheries Council for adoption, and we are still waiting for an opinion from the European Parliament. If they have not already done so, I urge my hon. Friends the Members for Islington, North and for Stroud (Mr. Drew), who has a deep interest, to raise their concerns with Members of the European Parliament, who have a role to play in these matters.

From a purely fisheries perspective, the agreement reflects the new fisheries partnership approach based on the Fisheries Council's reforms of 2004 in respect of such agreements. For example, article 6 of the protocol to the agreement provides for more than a third of the EU's financial contribution to be used for the implementation of a national fisheries policy based on responsible fishing and on the sustainable exploitation of fisheries resources. That reflects the improvements to such third-party agreements in terms of their transparency and sustainability that were championed by the United Kingdom in particular. The agreement is based on the scientific assessment of stocks in Moroccan waters and consequently excludes fishing possibilities for cephalopods and shellfish, which have been over-exploited.

In addition to the fisheries aspects of the agreement, my hon. Friend has raised its potential effect on the disputed status of Western Sahara. I give my hon. Friend and the House the following assurance. The UK Government would not support an agreement if we felt that it would prejudice the question of the status of Western Sahara. The delimitation of the agreement is identical to that of the previous EU-Morocco fisheries agreement, which expired in 1999. The UK Government's position remains the same: the status of Western Sahara should be dealt with under the United Nations process. We regard the sovereignty of Western Sahara as undetermined, pending UN efforts to find a solution and we fully support that UN process.

As my hon. Friend also said, the European Commission has recently produced legal advice that suggests that there is nothing in the draft fisheries agreement that is inconsistent with international law governing the status of Western Sahara. The Fisheries Council will clearly want to explore that advice further when discussing the draft agreement. The UK Government are considering the Commission's advice in discussion with other member states who, like us, have been seeking reassurance on the matter, and we have placed a reserve on our position.

I am aware of concerns expressed by War on Want and others that few Sahrawis will benefit from the agreement because of the structure of the fishing industry in the areas concerned. The Commission has expressed the view that the Western Sahara people will benefit from the agreement, but I have asked the Commission to study and respond to War on Want's evidence as a matter of urgency.

Morocco is obliged under international law to ensure that in non-self-governing territories such as Western Sahara economic activity does not adversely affect the people. It is clear in paragraph 24 of the letter of 29 January 2002 from the UN's legal advisers to the Security Council that the exploitation of the resources of such territories must be conducted for the benefit of the peoples of those territories on their behalf or in consultation with their representatives.

**Jeremy Corbyn:** Does my hon. Friend accept that, in that regard, "people's" includes those who are in the refugee camps in Algeria?

**Mr. Bradshaw:** It is not for a Fisheries Minister to express a view on who properly speaks on behalf of the people of Western Sahara. I am sure that my hon. Friend has his own view, but that too is an issue on which he will have to seek confirmation from my colleagues in the Foreign Office.

We are concerned to ensure that obligations that are self-evident in the case that we are discussing are honoured. The European Union, including the UK Government, is considering how best to ensure that those obligations are respected in the event that the proposed new fisheries agreement is agreed. I hope that, with those comments, I have at least somewhat reassured my hon. Friend.

*Question put and agreed to.*

*Adjourned accordingly at eleven minutes to Three o'clock.*

# Westminster Hall

*Tuesday 28 February 2006*

[MRS. JOAN HUMBLE *in the Chair*]

## Business Rates

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Mr. Dhanda.]*

9.30 am

**Steve Webb** (Northavon) (LD): Good morning, Mrs. Humble. I am delighted that my debate has excited the attention of the House. The allocation of business rates revenue is important to my constituents and many others.

The current local government finance structure does not fully recognise or reward local authorities' contribution to economic growth.

"Local authorities bear many of the costs of economic development although they do not benefit from the increased revenues it generates. Since 1990 business rate revenues have been paid into a central pool so that local authorities get no direct individual or local benefit."

Those well chosen words are not mine, but those of the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), the previous but several local government Minister—and how right he was.

The serious issue that I want to raise is about what happens to the taxes that businesses in our constituencies pay. The key point is that since 1990, business rates have been set nationally; they are now known not as business rates, but national non-domestic rates. The money paid by local businesses, although collected locally, is passed straight to central Government and reallocated, not according to where it came from, but loosely on a per capita basis. I shall come back to that point in a moment.

Why am I—apparently uniquely—interested in that? It is because in South Gloucestershire, the unitary authority where my constituency falls, something strange has been going on since 1997. In that year—the year I was first elected—businesses in my constituency paid just under £45 million in business rates, but we in South Gloucestershire received £53 million. So in 1997–98, we were net beneficiaries by £8 million of the business rate system; those figures come from a written answer provided to me by the Department concerned. It has all gone wrong since then, because in every succeeding year we have put more into the national pot than we have taken out. In 1998–99, there was an immediate swing: local businesses paid nearly £60 million, but received only just over £55 million. There was, as it were, a £4 million tax on South Gloucestershire businesses—money that they paid in tax that did not benefit the local community.

Time would permit me to go through each succeeding year, but I shall not. Suffice it to say that in each and every year since then there has been a substantial South Gloucestershire tax—a levy on our businesses, money that did not return to the local area. I am delighted to see that my constituency neighbour, the hon. Member for Stroud (Mr. Drew), has joined us; he will want to make a lengthy contribution to the debate. The extent to which South Gloucestershire businesses overpay business rates—that is, pay money that does not benefit South Gloucestershire—has knock-on effects on the area of Gloucestershire that he covers.

So the tax was £4 million in 1998. Things got very bad in 2001–02, when the tax became £14 million. In this place, we toss figures such as £14 million around as though they were spare change, but in the context of the budget of a local authority which, as I shall say repeatedly, is one of the worst funded in the country for other elements of local authority funding, £14 million is a huge sum.

I am not making a party political point; the council is run in a joint administration by all three political parties. This year, the all-party council signed up to a budget that involved getting rid of travel tokens for disabled people, which had been in place for a long time. That has been controversial locally, but it is the kind of difficult choice forced on that local authority because of its very tight financial position. Those business rates that we do not get back really matter.

In the most recent year for which figures are available—the current year—it is estimated that £11 million more is paid by local businesses than is received from the national pot. The issue is a running sore. Cumulatively—I am sure you were wondering what the cumulative figure was, Mrs. Humble—£53 million more has been taken from South Gloucestershire businesses than was given back to South Gloucestershire people since the Government came to power. To give an idea of the scale, that is more money than was stolen in the Bank of England heist—it is that kind of rip-off. That huge amount of money goes out of the local community and does not come back.

I have been doing a bit of investigation to try to work out why that has been. What has caused that switch around? One of my local councillors—Councillor Dave Hockey—raised the issue with me. He said, "Did you realise that all this money is going out of the area on business rates?" I said that he was not right, because I had asked a question in Parliament and found that, surprisingly enough, we were net recipients. I had asked the question four or five years previously. The first time I asked, we had been net recipients. I thought that surprising, because we had low unemployment and lots of business; one would have imagined that we would not have been. I just left the issue alone. It was through the assiduousness of one of my councillors, who said, "Go and have another look", that I realised how much things had changed.

Why have they changed? Back in 1997–98, local businesses were paying £45 million in business rates. This year, they are paying double that—£93 million. That is strange, because official Government policy is that business rates do not go up by more than inflation each year. In a sense, the answer to that is obvious when one thinks about it. However, on the face of it, business rate increases each year, in terms of the rate poundage, are capped by retail price inflation. How can it be that businesses are paying double over a period of just eight or nine years?

Two things are going on. First, I think I am right in saying that business rate revaluation happens every five years, so we are probably on our second revaluation over the period. In a growing area where business land is in short supply, rates have gone up substantially. However, I am still astonished that the burden has

*[Steve Webb]*

doubled, because the revenue that we have got back has gone up by only 60 per cent. That is the root of the problem; the bill has more than doubled.

Not only South Gloucestershire is involved, although it is particularly affected by the phenomenon; other parts of the country are also affected. Across the country as a whole, Greater London is the only standard region that pays more than it receives. That will not surprise the House unduly. It is not the whole of Greater London—outer London is a net recipient—but inner London, and the particular cases of the City of London and Westminster. I am reliably informed that Westminster pays more in business rates than the whole of Birmingham, Manchester and Liverpool put together, so there are clearly very big imbalances. I pre-empt any criticism that I might end up with some very simplistic recommendation by saying that simply arguing that we should retain business rates locally is not of itself a sufficient response, because there are very big imbalances. I accept that point.

I feel in a slightly Bob Geldof mood this morning. I do not mean exactly, "Give us your money", but "At least give us our money", or "Give us some of our money"—that would be a start. I am a very modest man. I do not say, "Give us your money", but "Give us some of our money." That would be nice.

**Mr. David Drew** (Stroud) (Lab/Co-op): I thank my near neighbour for giving way and I am sorry that I missed the first minute of what he said. My only disagreement—the hon. Gentleman has not come on to this—is that it is not the district's money. The money should be restituted to where it comes from, which is the immediate area. I have always believed—to be fair, the Government considered this issue in their review of business rates—that at least part of the money should go back to the relevant parish or town, where there are representative bodies. Where I live, in Stonehouse, there is the bulk of the industry. It is a running sore that we put all the value into the local economy, but get nothing out of it. Does the hon. Gentleman agree? He is a new localist, surely.

**Steve Webb:** I am grateful for that comment. Obviously, the issue does not arise in quite the same way. South Gloucestershire is a unitary authority, so there is not the same issue between county and district as in the hon. Gentleman's area. However, there is an issue about towns and parishes, and if the Government are willing to address the point about locally raised money being spent locally, there might well be an argument for going further, to the towns and parishes. That is an interesting point.

As I say, not only South Gloucestershire is involved, but the City of London, Westminster and other parts of inner London. How does the system work at the moment? Since 1990–91, central Government have set the rate, which applies to the local tax base—the rateable value of non-domestic properties. The money is sent centrally and allocated per capita—although that is something of a simplification, as is everything in local government finance, given that there are issues about multi-tier authorities, police authorities and so on. Broadly speaking, the money returns per capita and not according to where the business activity is.

Someone who is concerned about social justice, such as myself, might say, "Why are you moaning? Is business not a good thing? Jobs are good news. You should be glad that you have the jobs. Stop complaining and talk about something else." However, it is not that simple. Although I welcome the fact that unemployment in my constituency is below the national average and that we have had prosperity—they are obviously good things—businesses and rapid economic growth bring costs as well as benefits. Today, I am asking for the system more accurately to reflect the costs of growth and not simply its benefits.

What are the costs? One of the constant headaches in our area is the lack of infrastructure. I always think that my constituency is the nicest place in the country in which to live. The quality of life, the environment and so on are some of the things that make that the case. Judging by letters that I receive and people's complaints, the traffic congestion, the difficulty of getting affordable housing and other such issues sometimes make it not the nicest place in which to live. All those matters are exacerbated by rapid economic growth. In a sense, steady economic growth is far more manageable, but that is not what has taken place in South Gloucestershire. There has been rapid growth, thousands of new houses have been built and the infrastructure has not kept up. Had the business rates money been retained locally to a greater extent we could have done much more to accommodate the growth.

Let us consider traffic congestion. Each time another business park is built there are huge traffic implications: major highways works and so on. The roads network simply cannot expand fast enough; nor indeed should it. Dealing effectively with traffic congestion has been a huge ongoing issue. There is an area known locally as the north fringe of Bristol—that winds up the people of South Gloucestershire greatly, because it is in South Gloucestershire, although we all know where we are talking about. It has a lot of employment and it will have thousands more houses because of the Deputy Prime Minister's intervention. It has gridlock at certain times of day. When the council tries to reroute anything or change the phasing of the traffic lights, it often makes matters worse. Such things cannot be fixed on the cheap. Dealing with the highways infrastructure and the consequences of business growth is a long-term job that requires serious investment. If more of the business rates were retained locally, there would be a better match between the additional jobs, the revenue that comes from those rates and the costs that follow.

**Mr. Eric Pickles** (Brentwood and Ongar) (Con): I am enjoying the hon. Gentleman's analysis, but I am unclear whether he is talking about retaining locally a greater proportion of the business rate—a specified sum in respect of growth—or the whole of the business rate. The Government's scheme redistributes it around the country. If it is not redistributed, certain parts will never have sufficient funds to deal with their economic needs. How would he address those things?

**Steve Webb:** I am grateful for the hon. Gentleman's intervention. I tend to look upon my speeches as the equivalent of a thriller novel: they build gradually to the exciting denouement. He might be the sort of person who turns straight to the back page to find out

whodunnit. If he bears with me, I will address his point, although I will give him a teaser in respect of my conclusion so as not to keep him in suspense too much.

Essentially there should be wholesale local retention of business rates but with some sort of equalisation mechanism to offset the extremes that would result. The consequences would be a substantial rebalancing of funding, which is currently far too centralised, but with local discretion at the margins. That is what I would like, but I will return to the point in more detail later.

Infrastructure costs result from rapid business growth. Planning is perhaps a neglected topic, in the sense that every council has a planning department. South Gloucestershire's planning department assesses major projects such as highways schemes and business park developments. It deals not just with Mrs. Jones's home extension but with things that have knock-on effects for the whole area, the local plan and the entire strategy. That is a big job. The planning department has, at times, been completely swamped by large applications. The process needs to be resourced properly. Clearly, as there is a lot of industry and business in the area, there are big issues about waste disposal and other environmental concerns.

There are also big knock-on effects on public transport. Clearly, and quite properly, we cannot just build our way out of the roads problem by constructing yet more roads, as to do so would change the character of the area. It is far better to give people realistic alternatives. Public transport is grossly underfunded in South Gloucestershire. The authority has no natural centre; the centre is outside the authority, in Bristol. People travel into Bristol but they do so by travelling across the authority. They travel to the north fringe of Bristol—the south fringe of South Gloucestershire. The situation does not lend itself to cheap public transport. It is not as if everyone lives on the outskirts of the big city and goes in to work, and all we need is a series of bus routes in and out. A much more messy set of public transport arrangements are needed, involving arterial and cross-country routes.

There are also many people living in relatively small towns and villages, and many of the public transport services are simply uneconomical. The provision of one commuter bus in the morning and one in the evening for people who live in a small village might be all that is economical. Yet, a bus service cannot be run on that basis.

Substantial knock-on effects are involved. South Gloucestershire has an extremely high level of car ownership, so more businesses and jobs mean either massive congestion or serious investment in public transport. We have not really received that investment. Retaining the business rates would enable South Gloucestershire to do more work in that area.

I want to mention one further cost, which is not an obvious one despite its importance: the cost of housing. One might imagine that lots of businesses, jobs and growth would mean lots of people with lots of money who could afford to buy their new Barratt homes on the big new estates. One might imagine that there is no problem. However, what happens is that people move into the area because of the jobs and buy up the houses, because they can afford to do so. That has consequences for the local sons and daughters, for local families and for people in rented accommodation. There is a dearth of rented accommodation, because owner-occupation is high, partly because of the jobs and the prosperity. Affordable housing is also in short supply, because the buying power of the people moving in for the jobs is substantial.

How does the council meet the housing need of the people who are not part of the process that I am discussing? How does it ensure that sons and daughters can afford to get a foot on the housing ladder? Surprisingly, for a prosperous area such as the one I represent, one of the biggest issues that people come to see me about every week is the lack of affordable housing to rent or to buy. That would not be obvious to an outsider. It would be easy to think that lots of jobs mean that people can afford houses and that there is no problem. However, housing is one of our biggest problems. Were we able to retain more business rates locally, the council, in partnership with housing associations or whoever, would be able to do more to ensure a better supply of affordable housing in the area. The jobs and so on are not unalloyed good news.

There is a sting in the tail. The other thing that people say is, "You get all these jobs and people moving in, so the council must be rolling in it." When a new house is built the people who move in pay council tax. However, let us consider what the funding formula does. It examines how much can be raised in council tax from all the houses and how short that amount is of what is needed, and it is involved in filling the gap. In other words, every extra house and extra bit of council tax comes off what the Government make available to the local authority in the other bit of the funding formula. Each extra person and extra house does not benefit the council at all; the money comes off what the Government give in the revenue support grant or in the formula spending assessment.

It gets worse. People then say, "Hang on a minute. The Government give you back money for every child in your schools and for every elderly person using your social services." However, when one examines the league tables, one sees that South Gloucestershire is ranked either second or third from bottom in the entire country for the amount of money per pupil in its schools, the amount of money for elderly people needing social care and so on. It is the infamous triple whammy.

Businesses come into the area, but there is a proportion of the authority's money that we never see. The council tax revenue is simply knocked off what the Government give, so we do not see that. The cost of educating each new child and looking after all elderly people is greater than the money that central Government give to pay for education and care. We make a loss on each person who moves into South Gloucestershire. It is an indisputable fact that population growth is a loss-making activity there. The argument of, "Jobs are great. You are a prosperous area. Tough—go and whinge somewhere else", does not stack up. Things are much more complicated than that. That is why there is a strong case, particularly in South Gloucestershire, for greater retention of local business rates.

Let us consider the Government's thinking and what consultation they have carried out. Obviously, they undertook their own balance-of-funding review. The issue was critical. It was about how much of the council

*[Steve Webb]*

tax that is raised locally was spent locally. At the moment, to put it crudely, it is about a quarter. To put it roughly, business rates amount to a fifth to a quarter of council spending on average. If we were to relocalise business rates, instead of raising locally a quarter of what is spent locally, the amount would be about a half. I consider, as the Minister probably does, that raising locally only a fifth to a quarter of the money that is spent locally is the wrong balance to strike.

The Government do not set up a balance-of-funding review if they do not sense that the balance has swung too far and that there is too much central control and not enough local discretion. Clearly, we are talking about a continuum and there is no exact right figure, but relocalising business rates could lead to a fairer, more equitable balance of funding—half local, half national.

The House will not be astonished to learn that, when the review consulted, almost all local authorities wanted relocalisation, to change the balance of funding and to reduce what is called the gearing problem. The House will know that, when a local authority needs to raise extra money, it cannot do so through the half that it receives in block grant from central Government, because that is fixed. It cannot raise the extra money from the quarter that it receives in business rates, because that is fixed. So the £1 on the whole budget becomes £4 on the quarter that is raised locally. In other words, the gearing problem is that 1 per cent. on the whole budget becomes 4 per cent. on the council tax.

If the council could get some of the money through the council tax and some of it through the business rates, the gearing would become not 1:4, but 1:2. In other words, marginal increases become less of a hit on council tax payers and marginal cuts become less of a benefit to council tax payers, but such matters are less acutely focused on one particular sector, and that must be right. It is another advantage of relocalising the business rates.

One argument for relocalisation is that local authorities that are depending directly on businesses for revenue have more incentive to work closely with them. History does not show that that has always been the case. Before 1990, one of the reasons why business rates were nationalised—it is funny to think of the Thatcher Government nationalising things—was the feeling that local authorities were a bit out of control in respect of what they were doing to businesses and that some of the increases were arbitrary. It was felt that increases were sometimes large and unpredictable and that, because businesses did not vote, they were a soft target. I understand such arguments and I shall return to them.

Over the 15 years since, there has been a cultural change. There is clear evidence that local authorities see it as their role to work closely with local businesses. Economic development partnerships and strategic partnerships are now much more in the warp and weft of what local government does, so there is much less anxiety that a reckless, malicious local government would fling taxes on businesses because it was easy to do so, with no regard for the consequences.

Understandably, the business community has its reservations about allowing local authorities to set business rates without let or hindrance. One argument that is often used is that businesses do not vote, so why should local authorities be allowed to levy the tax and be in the position of taxation without representation? The fact that local authorities can tax businesses, but businesses cannot vote them out would be an argument against corporation tax. Businesses do not vote in national elections either, but we still tax them, so I am not sure that that argument stacks up. As well as being council tax payers and private citizens, the voters are employers, employees, shareholders and consumers and all have an interest in a prosperous local economy. The local electorate is not indifferent to the level of business rates, so the argument is not straightforward.

Clearly, we need to avoid arbitrary changes and huge swings. Business needs a certain amount of stability and predictability. I shall come back to the safeguards. As I agreed with the hon. Member for Brentwood and Ongar (Mr. Pickles) by implication, there would need to be an alternative sort of equalisation. For example, if Westminster City council were allowed to retain its business rates, it would be paying citizens to live here because of the amount that it would raise. Obviously that would be an absurd extreme. The City of London could be paying for world cruises. Matters are not as simple as that, but an equalisation mechanism could still allow local authorities to determine what business rate local businesses could bear and what was appropriate for the services that they have to provide because of the presence of rapidly growing businesses, and that is what I am arguing for.

The Local Government Association said that, when the national business rate system was introduced, 29 per cent. of all council spending came from business rates. Now the amount is 20 per cent., so it has fallen from just under a third to a fifth. No one is suggesting that there should be a huge shift, but that change has happened partly because of the inflation cap on business rates and partly because of huge hikes in council tax. It has meant that, within the local economy, far less is now being borne directly by business. Speaking as an economist, I say that in one sense business does not exist. It is shareholders, employees or customers. Any tax will ultimately be incident on the consumers, the employees or the shareholders. To say that so much of the tax is on business is slightly a misnomer. I hope that hon. Members understand what I mean by that.

**Mr. Pickles:** As he has reminded me that he was an economist, I am sure that the hon. Gentleman will consider my question easy to answer. Assuming that we accept his plan for a more modest redistribution, what additional amount would the Government have to put in to ensure that the poor parts of the United Kingdom received a sum equal to their needs?

**Steve Webb:** The hon. Gentleman refers to equalisation. In other words, the Government must ensure that there is not a disproportionate result from the City of Londons, the Westminsters and so on at the expense of the areas that have relatively low business rate revenue. Clearly, there is a redistributive consequence. For example, if South Gloucestershire

authority keeps more of its business rates and ends up as a net beneficiary, someone somewhere will end up with less money. There needs to be a transitional process of getting from here to there.

The proportion of local tax paid by business has now fallen to a fifth. Many people would consider that that has not been a carefully planned, calculated, long-term strategy, but that it has just happened. It has been the year-by-year consequence of substantial above-inflation council tax rises and nominally, at least, inflation-linked business rate raises.

**Mr. Drew:** The hon. Gentleman has not mentioned the rural domain where there has been a careful plan to keep businesses in place by reducing business rates substantially, half through central Government and up to half through local authorities. That is vital in the sense that it is often why some businesses can stay in operation. I do not want him to lose the thought that there is a planned way in which to operate business rates, although it is a bit more confusing. It is wrong to consider that it is an urban model. We need a level of subsidy for rural businesses, otherwise they will go out of business. I am sure that the hon. Gentleman agrees.

**Steve Webb:** The rural post offices that have survived in my constituency have benefited from business rate relief, as have small shops. In many ways, greater local discretion on such things enables local authorities to be more responsive to precisely those sorts of local needs, instead of there being a national system.

If there was a worry that it would be unacceptable to allow councils free rein to jack up the business rates as much as they wanted—and, perhaps, to keep council tax down as a result—what sort of safeguards could we have? Various options have been considered. The balance-of-funding review came up with something. One interesting suggestion is to link council tax increases to business rates increases. That would mean that councils would not be free to jack up the business rates just because businesses do not vote, and to freeze the council tax, because any decision about increasing business rates would have a consequent effect on the electorate—albeit that increases would be more fairly shared. I am not unsympathetic to that kind of idea. I do not in general like shackling local discretion, but if there is an anxiety that history has shown that total freedom has been misused, there might be at least a transitional need for some sort of link.

There might also be some mandatory consultation process with business, although I am slightly sceptical about that, because businesses have felt in the past in respect of business rates that they went to consultation meetings and then everything went through exactly as it did before. Therefore, I am not sure how one could enforce mandatory consultation that actually changed anything.

There could be intermediate options between having a national rate, as at present, and an entirely local rate. Getting rid of the inflation cap on the national rate would help to offset the imbalance between council tax and business rates. Some element of growth money could be retained locally—I will come on to that topic shortly—or there could be a national rate for large businesses, for consistency across the country, but a variable rate for small business. Therefore, various reform options could be considered.

What conclusion did the balance-of-funding review come to—other than that there needed to be another review, of course? One option was that local authorities might be allowed, at the margins, to keep some of the growth money; the local authority business growth incentive scheme was mentioned. I must admit that I had forgotten about that scheme until I did a bit of research. I remember sitting in the House in November 2002 and hearing the Chancellor talk about it. His pre-Budget report of that year stated that the Government intended to explore ways to build on local government reforms by allowing

"local authorities to retain some or all of any increases in business rates revenue to spend on their own priorities."

I remember sitting in the House in November 2002 and thinking, "At last we have a local government finance reform that might benefit South Gloucestershire." Little did I know! The pre-Budget report went on to say:

"Under any proposals, the additional revenue would come from increases in the tax base generated by local authorities successfully encouraging growth, and not from increasing the tax on existing business."

In other words, this scheme was not going to be about local authorities putting up taxes; it was going to be about local authorities encouraging growth and keeping some of the fruits of growth. In November 2002, I thought, "It is great that this has been announced by the Chancellor. It probably needs to be announced another four times at six-monthly intervals, but then it will happen."

Nothing happened for rather a long time. Then, the following summer, we had a consultation paper on the scheme. It came up with various criteria that the scheme should adopt. The first was to give

"local authorities an incentive to maximise local economic growth".

Occasionally, I want to add the word "sustainable" to such phrases—but that subject is, perhaps, for another day. The second was

"that the scheme should give local authorities additional revenues to spend on their own priorities".

We are all in favour of that. The next principle was

"that the incentive should be consistent with Government aims for growth in all regions of the country and reductions in the persistent gap in performance between regions".

That is an interesting principle because—to stray slightly—part of the reason why we have such growth in South Gloucestershire is the imbalance in the national economy. Personally, I think that too much growth is being forced on an already overheated area, with some of the costs that we have been talking about. Another principle is

"that the scheme should be as intelligible and transparent as possible."

That reference to "intelligible and transparent" is interesting.

After the consultation in the summer of 2003, another two years went by. In July 2005—more than two years later—the final details of the local authority business growth incentive scheme were produced, which I thought was great because, at last, councils were going to get to keep some of their business rate growth money. In July 2005, the Minister for Local Government

*[Steve Webb]*

explained how the scheme would work. The main aspects were summarised in the accompanying press release:

"Business growth will be measured in terms of the increase in a local authority's rateable value during a calendar year."

That is a reasonable way of doing that. It also said:

"The starting point . . . will be their rateable value"

at the end of December 2004. Next, the press release went into local government finance mode:

"Each authority will have a 'floor'".

That is a target; this scheme is about giving local government more discretion, and the first thing the Government do is set a target. They say that each authority will have a

"target level of rateable value growth that must be reached to gain from"

the scheme. But it is not as simple as that: an authority will have a floor, which

"will be the baseline minus a national adjustment factor".

Therefore, we have a target, a floor, a baseline and a national adjustment, despite the fact that this scheme is meant to give local authorities more control.

There is also a scaling factor:

"A scaling factor of 70 per cent. will be applied to all revenues gained above the floor to calculate the amount of revenue that can be retained locally."

However, there is a ceiling, which is

"the maximum revenue that an authority can keep".

That

"will be based on a modified form of the Environmental, Protective and Cultural Services (EPCS) part of Formula Spending Share (FSS)."

We should remember that the criteria for that are that the scheme should be "intelligible and transparent". The press release states that that will be phased in as follows:

"The level of the ceilings for the first three years of the scheme will be 3 per cent., 6 per cent. and 9 per cent. respectively, of modified EPCS FSS."

In a sense, I do not care—if we get some money, I just do not care. The press release then goes on to mention "two-tier areas" and so forth.

The press release then includes a statement on which I would be grateful to hear the Minister's response, because I would like to know what it means for South Gloucestershire. It states:

"Authorities that fail to retain money under the scheme will be re-based, to give them a fair and meaningful challenge in the next year, and a new lower floor will be calculated, determined from their new starting point."

What does that mean for South Gloucestershire? In February 2006, the money was announced: 250 local authorities got money out of this scheme. It is precisely the sort of thing that I am talking about—growth, and local authorities keeping some of their business rates. Money was given to 250 authorities—the amount was about £100 million—but South Gloucestershire got nil. This is what I thought: how can a scheme be devised for fast-growing authorities to help them retain more of their business rates, and we get nothing?

I have come up with Webb's law of local government finance, which is that every reform of it produces the worst possible outcome for South Gloucestershire. I have discovered since I became an MP that that is an immutable law. When the Chancellor announced the scheme in November 2002, I could not conceive of any authority in the country failing to gain—and I thought that if any authority would gain, it would be mine.

I hope that the Minister can explain what happens now. I presume that this is what has happened: we have had year after year of rapid growth, but at the moment when that was measured, our growth had decelerated. I will not call for a retrospective business growth incentive scheme, because that would go against the transparency and coherence point, but I hope that Members are beginning to see where I am coming from. We have had years of rapid growth, with its associated costs, and yet the system has not reflected that. Now that South Gloucestershire has not qualified under this year's scheme, will it be easier for it to qualify next year—or not? I do not understand whether that will be the case.

I query the scheme—and that is not only because we did not get any money out of it. It feels like a classic case of people saying, "We've got the balance-of-funding review, and then we've got another review—the Lyons inquiry—so we can't make any decisions about anything, so we will just fiddle around the edge." This has all the hallmarks of the Chancellor having created yet another fiendishly complex scheme that has a whole set of bureaucracy—administration, central targets and so forth, which will no doubt need to be abolished once we have some sort of relocalisation—and I think that the philosophy behind it is very peculiar. What is it saying exactly? Is it saying that local authorities should grant more planning permissions for new businesses, so that they get to keep some of the business rates? That would be a strange incentive mechanism. I am not entirely sure what authorities are meant to do that they are not already doing. Local authorities promote local enterprise; what additional things are they supposed to do to try to generate extra money? What is the incentive mechanism? What is the scheme trying to incentivise? I am not clear on that.

**Mr. Drew:** Does the hon. Gentleman agree that one way to cut through a lot of the problems would be to do what we are starting to do with housing development—although the Government have been taken there kicking and screaming—which is to consider an element of land value taxation? It should be put formally on the table that what is wrong with this country is that we have never taxed land fairly and effectively. That is as true for business as for housing development. The Government are on to something in considering a planning gain supplement, although they have not gone all the way. Does the hon. Gentleman agree that the Government could do the same for business rates—that is, sweep them away and consider proper land value taxation?

**Steve Webb:** I know that the hon. Gentleman is a close follower of Liberal Democrat policy and manifestos. I have been incredibly restrained in not mentioning site value rating, but I feel that this is the moment to do so. If I were talking about a more wholesale reform of business rates, we would certainly advocate looking into the taxation of site values; but that is in the medium

term. My priority, as the hon. Gentleman will gather, is to try to do something more immediate about the real financial crisis faced by local authorities—well, by my local authority.

So, is it just me? Are we talking about special pleading from one local authority? Actually, we are not: paragraph 160 of a 2003–04 report by the all-party Select Committee on the Office of the Deputy Prime Minister says, in the context of relocalising business rates, that

"In the Committee's view it must be a priority to make a change in the balance of funding."

The Committee concludes:

"The Committee therefore recommends that the Government returns business rates to local authority control as soon as possible, but no later than 1 April 2006."

I know that the Department likes to follow the Select Committee's recommendations, so it has a busy month ahead if it is to meet that deadline.

We are not just talking about the special pleading of one local authority; the issue is bigger than that. It is about the balance of funding between central and local government, which has got out of kilter. An all-party Committee, representing all parts of the country, thought that that would be the right structural change. It so happens that, in my judgment, such a change would benefit my area, but there are also good conceptual arguments for it.

So where are we now? The Lyons review considered the same issues once again and, funnily enough, came up with many of the same answers as the previous review. Interestingly, Sir Michael Lyons said that not all businesses opposed the relocalisation of business rates. There are two reasons why some businesses actually supported it. First, some of them wanted local discretion for funding transport, road improvements and regeneration; I did not mention regeneration because it is not a particularly big issue in my area, but clearly it is in some parts of the country. Secondly, there is a feeling among businesses that links with local authorities have weakened since business rates became national, because there is no need for that dialogue, and that has tended to undermine those relationships. But still we are waiting.

In conclusion—I hope that I have not deprived anyone of the chance of contributing to the debate—if someone came to the issue cold, they might think, "Don't be ridiculous; you're talking about a prosperous area. It has plenty of money, and people there don't have any problems. Just leave it alone", but if they looked at the matter in a bit more detail, they would realise that things are not that simple. They would realise that jobs and prosperity are great, but come with an infrastructure cost that is not being met, and that every additional person who moves into South Gloucestershire is a net drain on its exchequer. That is a strange situation: the Government are setting up an incentive scheme to encourage local authorities to generate business growth, yet when the local authority gets business growth, it loses money. That cannot be right.

Sorting out South Gloucestershire's problem will be part of a bigger structural reform that, as the Select Committee said, has its own justifications. We should make the balance of funding more even, so it is not three quarters to one quarter, but half and half; that would be much better. We should try to have a system whereby local communities, and council tax payers who also wear other hats as employers, employees and customers of local businesses, can decide on the right balance for themselves. That has to be right. For too long, under successive Governments, there has been a drift towards central Government telling local government what to do. We should relocalise business rates, with appropriate adjustments for the imbalance of business rate revenue, but should then allow local authorities to change rates at the margin to reflect local priorities.

Perhaps I have made the odd comment that was not wholly appreciative of some Government schemes, so I will end on a note of consensus. All three parties represented here today are apparently in favour of localism. I am reliably informed that the new Conservative leader believes in localism. I do not know whether that is in the pamphlet that he is sending to Conservative party members, but most good things are, as far as I can see. I hope that he is in favour. The Government are the new localisers, I am told, and we are localisers, too, so there is every chance of all-party agreement on the issues that I raised. I hope to go back to south Gloucestershire at the end of the week with that £11 million to give back to the local community.

10.16 am

**Mark Hunter** (Cheadle) (LD): I start by congratulating my hon. Friend the Member for Northavon (Steve Webb) on raising the subject today and on securing this debate, but I caution him against making too many security arrangements for taking a cheque back with him at the end of the week. One always feels optimism about such matters, but it may be slightly too optimistic to hope that the Government will turn the matter around in that space of time.

It is clear that the issue is of great importance to the community in South Gloucestershire, and the sentiments expressed by my hon. Friend are shared by businesses, residents and councils the length and breadth of the country. It is widely accepted that the overall system of local government finance is somewhat discredited, to say the least. After all, if there was no fundamental problem with the system, the Government would not have set up the wide-ranging Lyons review, and it would not have taken so long for that review to report to Parliament. Our debate has highlighted one of the key reasons why the system is in crisis: the lack of control and accountability for the financing of local services.

The fact that local communities and their elected representatives do not determine their own fate when it comes to funding for local services is a major factor in the public's lack of confidence in local democracy as a whole, and business rates are a shining example of the kind of centralism that stifles much local decision-making. It always seemed strange to me, in the three years when I served as council leader in Stockport, that we were obliged—by law, I believe—to consult the business community when formulating annual budgets, yet whatever was said, and however much the council listened, we could alter neither the rate nor the total amount that we raised from it. That was one of the more bizarre aspects of an already strange system.

There are a number of arguments for retaining the status quo—frankly, there always are—but I have not seen any compelling evidence that shows conclusively

*[Mark Hunter]*

that businesses would move out of high-rate areas into lower-rate ones. That did not happen when the rates were localised, and I do not believe that it would happen now. Neither do I believe that councils are itching to increase local taxation. In fact, according to the Audit Commission, the steep increases in council tax since 1997 have largely been caused by the gearing and the central control of the system that we are debating. The attitude seems to be that Government believe that local matters are best dealt with from an office in Whitehall, and that denigrates our democratic system.

I find it patronising, at best, to be told that democratically elected representatives are somehow unworthy of, or not to be trusted with, tax-raising powers. As my hon. Friend the Member for Northavon said, local government—I am sure that the Minister will agree—has moved on since the days when Militant Tendency occupied Liverpool city hall, and when councillors might be tempted to let rip with such powers. These days there is a much more professional and—dare I say it?—business-like approach in town halls throughout the country, where local authorities, including the Liberal Democrat one in Liverpool, work closely and constructively with their partners in the commercial sector. Anyway, as we all know, this Government are not afraid to cap.

A new system of localised business rates could not be implemented overnight. Transitional arrangements could be put in place to offer assurances to businesses. For example, we could start by localising only part of the rate, with the other part remaining linked to inflation, or maintain the national system for large businesses at least in the short term.

Businesses are an integral part of their community and it would be doing a disservice to local representatives to suggest that they would abuse any powers in this area. Businesses would then have a much greater stake in their local authority. Safeguards can be applied to the system, by linking business rate levels to council tax increases, for example, if that is required, once the two systems have converged. By localising rates in this way, we would be restoring accountability to the system and encouraging responsibility.

The fact is that my party is asking not for more but for fairer taxation. Recent trends mean that the burden of local authority finance has been shifting away from businesses to council tax payers, and it falls disproportionately on those in our community who are least equipped to pay it. It is not just that businesses in South Gloucestershire are being ripped off; what really rankles is the fact that pensioners and people on low and fixed incomes are paying for that.

**Mr. Pickles:** I am sorry to say that I am not entirely following the hon. Gentleman's argument. Although he was saying that his party was not looking to increase taxation, the hon. Member for Northavon has just said, very bravely, that an additional sum would have to be added to the pot to take care of equalisation. That has to come from somewhere and it is obvious that it is coming from the Government. Is the hon. Gentleman perhaps not entirely right when he suggests that he is not looking to increase taxation?

**Mark Hunter:** I thank the hon. Member for Brentwood and Ongar (Mr. Pickles) for his intervention, but my hon. Friend the Member for Northavon has already indicated that these issues can be dealt with via the equalisation mechanism, which would be necessary. In any event, if the point of what I am trying to put across today is not clear by the end of my remarks, I should be happy to converse further with the hon. Gentleman.

It rankles with us that people on low and fixed incomes are paying for all this. On a very limited scale, raising money from businesses at a local level, through business improvement districts, has proved successful and I do not see why those successes cannot be repeated more widely.

There is a risk involved in changing a policy like this, but I believe the Government should be bold in handing powers back to local authorities. We have heard plenty of rhetoric from Ministers about the localism agenda and empowering communities, but that is about as far as it has gone. Local government has seen creeping centralisation for far too long and, as a result of that centralisation and the gearing effect, council tax for the vast majority of people is spiralling.

I hope that when Lyons finally reports, he will take on board views like the ones expressed by my hon. Friend the Member for Northavon this morning, because after all, one of his key tasks is to restore confidence in the system of local government finance, and reallocating business rates to local councils would be an excellent place to start.

10.23 am

**Mr. Eric Pickles** (Brentwood and Ongar) (Con): Mrs. Humble, this is the first time that I have served under your chairmanship. It is always slightly unnerving to discover a member of one's own intake in such an august position, but I shall do my best to keep my side up.

It is a great pleasure to follow the hon. Member for Northavon (Steve Webb). I spent part of my life listening to his dissertations in various Committees. I had not realised, until now, how much I missed his input and I am pleased to have this additional fix. It is a pleasure to listen to the hon. Member for Cheadle (Mark Hunter). I commend his criticism and his urging the Government to be bold in returning powers to local authorities.

One of the highlights of my recess was listening to the *Today* programme, when the Minister of Communities and Local Government introduced double devolution. It was immensely interesting to hear that, as he moved from *Today* to *The World at One* and *PM*, the right hon. Gentleman was faced with the same question—"Which powers are the Government proposing to devolve to local authorities?"—which touches on local government finance and the business rate. I did not have the opportunity to listen to *The World Tonight*, but by the end of *PM*, he was not capable of giving a single example. I suppose that if one is in charge of such immense powers, it is sometimes difficult to let go.

I thought that the hon. Member for Northavon was courageous—so much so that I am sure his statements will appear in numerous copies of *In Touch*—when talking about redistribution under his proposals. At one point, I thought that he was suggesting that an additional sum of money was to be put in the pot by the Government to take care of the equalisation problem. However, the hon. Member for Cheadle assured me that that was not the case, so it must be the reverse; we must be dealing with a set sum.

The hon. Gentleman talked about transitional relief, which must mean that net recipients will receive less and there will, perhaps, need to be a cushioning effect—perhaps a floor—which he criticised so regularly in relation to additional economic growth. There must be a floor, which means that over a period of years the poorer parts of the country will receive less financial help. That is a brave statement, particularly when—I am looking at the Under-Secretary of State, Office of the Deputy Prime Minister—the hon. Gentleman seems to be targeting Labour seats. The red rose may be featuring in this particular thing. Nevertheless, the hon. Gentleman is a great man, and if we can get his words around the nation, so much the better.

I return for a moment to what the hon. Gentleman was saying with regard to local authorities being the beneficiaries of new business. He was right to say that the comprehensive performance assessment form is a little bit complex and is difficult to fill in, but he has to understand that there is a problem of management that does not just relate to new economic growth, which is almost exactly mirrored in the CPA regime. South Gloucestershire has almost certainly lost out where a number of authorities lose out: it is impossible in the forms to put the information in any kind of context.

The hon. Member for Northavon talks about his local authority having a process of growth, which has not been taken into account when it arrives at a particular point. One often sees that in the CPA forms, because one cannot work out precisely where an authority has come from in order to give the appropriate rating. That can be done within the form to assess the economic growth; however, although the direction of travel can be worked out, the speed cannot. If South Gloucestershire is given another base, it would probably take three or four times before that captures what is happening, by which time the process would have moved on again. There is a legitimate criticism to be made in respect of that.

The hon. Members for Cheadle and for Northavon were a bit sniffy about the business rates consultation. I am old enough to remember the old system. I participated in the last rates consultation when business rates were localised, and I participated in the first one thereafter. In the last one, everyone demanded a lower increase in the business rate and in the next one they demanded a higher increase in the domestic rates. It was an interesting experience.

I think that what divides the good authorities from the bad is whether they treat the rates consultation meeting as a straightforward decision about how much to put up the council tax. The good ones treat it almost like a "state of the nation"; they try to work closely with their business communities, they lay out their plans and the ways in which they want to take the authority forward and consider ways of helping local business. As the hon. Members for Northavon and for Cheadle said, no serious local authority can expect to be able to offer prosperity to its citizens unless it works closely with the business community.

I was kind of interested—or rather, I was beyond interested; I was fascinated beyond belief—by the lack of commitment to site value rating. It took a prompting from the hon. Member for Stroud (Mr. Drew) to elicit from the hon. Member for Northavon some general support for site value rating. I think it would be fair to say that unless the balance of funding is properly addressed, any problems in our current financial system will almost certainly be exaggerated. Firms in an area where land values are higher, such as local high streets, will end up with much larger tax bills, which will put many firms out of business and encourage new development on cheaper greenfield sites. I see the Minister nodding. It will also mean that two pieces of land of the same size in the same area will be taxed equally, irrespective of the use to which they are put. So, for example, a garage development would pay the same as a next-door office block of the same floor size. That does not strike me as terribly sensible.

I must commend to the House the comments of the Liberal Democrat housing spokesman in 2002—I have had a temporary lapse and cannot remember his constituency—who said:

"Such a tax would raise significant sums"

and that it would be a tax on regeneration and development. That does not strike me as a terribly good thing. He added:

"Such a tax would also end windfall gains to which people contribute nothing."—[*Official Report, Westminster Hall*, 24 July 2002; Vol. 389, c. 277WH.]

I am not entirely sure that that is an avenue that I want to go down, because I do not particularly want to tax regeneration and redevelopment.

**Steve Webb:** I think that it was my hon. Friend the Member for Torbay (Mr. Sanders) that the hon. Gentleman was referring to.

**Mr. Pickles:** It was indeed.

**Steve Webb:** The hon. Gentleman wanted to spoil the denouement of my thriller, and I want to do the same to his: will he, at the end of his speech, say that he is for or against the re-localisation of business rates?

**Mr. Pickles:** I have decided now that, as in a great movie, there is an arc: a first part, a middle, and a final section. I am still towards the middle, but to keep everyone on their toes, I shall say that towards the end I shall make an announcement.

The hon. Member for Northavon mentioned being a little uncertain about why the amount collected in business rates had gone up. No doubt he was very clear in his mind about the Government's undertaking, in statements to Parliament, that the business rates would be revenue-neutral. That clearly has not been the case, as the hon. Gentleman, I think, hinted. There has been a 7.4 per cent. increase in real terms, in the process of revaluation of the business rate. The hon. Gentleman is right to suggest that that is quite an important part of business expenditure. In fact, the business rate is the third largest sum that a local business must put out, after

*[Mr. Pickles]*

wages and rent. It is to be regretted that such a rapid change—particularly in areas that have enjoyed considerable economic growth since the last revaluation—was not cushioned with a subsidy from central Government, as has been normal. Business rates have been higher this year for medium and large firms.

We spoke a while ago about complexity with reference to councils' ability to adjust and claim for additional economic growth. All those problems have been mirrored in the low take-up of small business relief; it is suggested that local firms are losing out on half of that. As a result, to finance the transitional relief, the Government have capped the reductions in bills on properties where revalued rateable values have fallen. That is the so-called downward phasing. The Royal Institution of Chartered Surveyors has said that some firms will be paying almost 50 per cent. more than their true liability and that

"it is absurd that those whose businesses have suffered and whose rates bills should be reducing, find they have to pay a financial penalty to protect what are usually the more successful businesses from increases in rates bills."

It is a shame that the small business relief is not automatic. Firms must fill in forms to claim it, discouraging take-up, but the largest multiplier will still automatically be levied on medium and large firms, irrespective of the take-up of small firms. Like the means-testing of benefits, on which the hon. Member for Northavon is a considerable expert, the paperwork will discourage many small businesses from applying. The Government figures reveal that almost half of all small businesses have not anticipated the relief.

We are now moving into the final phase of the arc that I described. I can understand why all this fuss was created. I look back to the time when I was a council leader. There were firms in local authority areas not far from the one that I represented—Bradford—where firms were so desperate, because of the penal nature of the taxation, that they went to the extraordinary length of removing roofs from factories to avoid it. If that had happened in an authority on which I was a representative, I should have found it deeply shaming.

There was a feeling that the business rates could be squeezed until the pips squeaked. That proved not to be so.I have always felt that the recession that we faced in the steel and textile towns of the north of England was made quicker and deeper by what happened. It was not the cause, because things were going against a trend, but there comes a time when people ask, "Shall we try and go on for a little longer, in case there is an upturn?" and decisions are taken. However, that is ancient history. I do not think that there are many authorities in the country, regardless of political control, that would even contemplate that. We have seen the effects and they are not particularly pretty.

My party is considering these matters, and I have an official statement to make on its behalf. It is the kind of thing that one reads on the way home, thinking, "This will go down quite well":

"Conservatives would not necessarily oppose schemes that will give local councils a direct financial incentive to boost economic activity in the area but would avoid higher taxation."

By Jove, I cannot believe it—whoever wrote that must have a bonus! However, it says nothing. My party is considering the issue, but speaking as an individual, not as a spokesman for my great and glorious party, I think that the day when we repatriate business rates cannot come soon enough. Indeed, there are good and solid economic reasons for repatriating them, but I am not entirely sure that I want to go down the line suggested by the hon. Member for Northavon, because I do not really want to rob the poor.

Before we can make a final decision on this hard issue, we must be clear in our minds about the effect that the balance of funding has on the multiplier. The biggest issue—whether we are talking about business rates, local income tax or council tax—is always resource equalisation. We clearly cannot have the poorest part of the country being starved of resources and the richest part retaining everything, although, in truth, I cannot imagine any political party allowing that to happen, because down that route would lie madness.

So, the short answer, as we dip towards the end of the arc of the great novel of business rates, is that my party is, as hon. Members can imagine, looking at the issue quite closely. It is one of the great issues on which we all, regardless of party, must make a decision. Although my party is not, at the moment, opposed to returning business rates, it is not saying yes. On the other hand, I am saying yes.

10.42 am

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** Mrs. Humble, it is a pleasure to see you in the Chair, and I associate myself with the ever-courteous remarks of the hon. Member for Brentwood and Ongar (Mr. Pickles) in that regard. I congratulate the hon. Member for Northavon (Steve Webb) on securing the debate and particularly on his success in persuading so many colleagues to stay away and allow him the opportunity fully to develop his position and his argument. The debate provides a useful opportunity to discuss the allocation of business rates generally and in the 2006–07 and 2007–08 settlements.

The hon. Member for Northavon is particularly concerned that local authorities are unable to keep the business rates that they collect, and I sense that the debate is part of the campaign that he has mounted to return business rates to local authorities, among his other objectives. It was interesting that, speaking for himself, the hon. Member for Brentwood and Ongar agreed with the hon. Member for Northavon, but that he did not quite agree with him when he spoke for the Conservative party. That was quite an interesting balancing act.

I shall try to outline the Government's position and their view of the status quo, as well as respond to several of the points that have been raised and set out the way forward. However, in contrast to the hon. Members for Northavon and for Brentwood and Ongar, my conclusion will be no surprise when I arrive at it in a few minutes' time.

In 2006–07, for the first time, we have announced two-year grant allocations for every local authority in England. We have put a premium on the stability and predictability of funding, so that councils can plan

ahead for better service delivery. The first full three-year settlement will be introduced alongside the next spending round. In the interests of further stability, we have made grant floors a permanent part of the grant distribution system. Floors guarantee a minimum year-on-year grant increase for all authorities.

South Gloucestershire has benefited from the extra money that we have invested in local services in recent years. For the 10-year period to 2007–08, we have been able to provide South Gloucestershire district council with an average annual increase in general grant of 5.7 per cent. in cash terms.

The business rates system makes a significant contribution to the funding of local authorities. However, as far as local authorities are concerned, there is no correlation between the business rate that is collected in their areas and the business rate that is allocated to them. In fact, most authorities are net gainers, benefiting from the large business rate contribution from the City of London, Westminster and some other large authorities, as the hon. Member for Northavon acknowledged

Business rates help support all tiers of local government in an area. For the South Gloucestershire area, that means that business rates are provided for South Gloucestershire district council, Avon fire and rescue authority and the Avon and Somerset police authority.

Before 2006–07, business rates were distributed to authorities on a pound-per-head basis. From 2006–07, they will be distributed under the same formula as revenue support grant.

It is important to consider not just the distribution of the redistributed business rates but revenue support grant and principal formula police grant. We refer to those three elements collectively as formula grant. From 2006–07, the Government have introduced a new system to distribute formula grant. Under that system, the distribution of formula grant is determined wholly by four elements: relative needs amount, the relative resource amount, the central allocation—an amount per head—and the floor damping scheme.

The relative needs and resource elements should be broadly familiar to hon. Members because the system has long contained formulaic estimates of relative need and relative ability to raise council tax. The central allocation makes explicit what was always implicit in the system—that after taking account of differences in relative needs and resources, some grant is allocated on a per-capita basis. Finally, to ensure that each authority gets a reasonable increase in grant, the Government set a guaranteed minimum percentage increase in grant each year—the floor. The cost of that is met by scaling back grant increases above the floor.

Once we have worked out an authority's allocation of formula grant, we need to work out how much of each of the elements that make up formula grant an authority receives. We do that as follows. First, we subtract the amount of principal formula police grant, if any, that an authority receives from its formula grant. We then split the remainder into revenue support grant and redistributed business rates, in proportion to the England totals of those elements.

As I explained, every local authority receives a proportion of the redistributed business rates. So in the South Gloucestershire area, the result of all those calculations is that the district council will receive £41.016 million in redistributed business rates in 2006–07, Avon fire and rescue authority will receive £19.904 million and Avon and Somerset police authority will receive £52.761 million.

**Steve Webb:** I am grateful to the Minister and I am following the detail closely, but will he consider the sentence that he has just said? He said that South Gloucestershire would get £41 million back from the business rates, but South Gloucestershire businesses paid £92 million in business rates this year. I have been talking about a gap of £10 million or £11 million hitherto. Is the Minister saying that, from next year, because the reallocation is done on a different basis, there will be a huge gap between the local business rates that are paid and received back?

**Jim Fitzpatrick:** I shall discuss what is going to happen when I seek to clarify the issue of the local authority business growth incentive, which the hon. Gentleman mentioned.

I was going to say that the hon. Gentleman had based much of his speech on the amount of business rates collected by South Gloucestershire and the amount of redistributed business rates that it received. However, I was also going to say that, if we look at the figures for 2004–05, we see that whereas South Gloucestershire businesses contributed just over £84 million to the pool, South Gloucestershire received £68.796 million in redistributed business grants. As the hon. Gentleman says, there was a differential, but South Gloucestershire residents also benefited from the amount of business rates provided for the fire and rescue and the police authority that cover their area. Avon fire and rescue authority received more than £9 million and Avon and Somerset police authority received more than £20 million. It is therefore true that South Gloucestershire is a net contributor of business rates to the pool, but the amount is perhaps not as much as hon. Members may have been led to believe.

The hon. Member for Northavon described the local authority business growth incentive scheme very accurately and fully. The first grants, totalling £110 million, have been paid to authorities in 2005–06. As he said, South Gloucestershire received no grant under the scheme in that period. An evaluation of the first year of the scheme is under way and will determine what changes could be made to improve the scheme's effectiveness. At this time, therefore, there is no precise answer to the hon. Gentleman's question.

It is right that local businesses should contribute to the funding of local authorities. It is also right that we should use the grant in the settlement, including redistributed business rates, to ensure that all councils are able to set realistic council tax increases. The most important factor in that is the stability and predictability of Government grant. As I have said previously, we ensure that every authority receives at a least a minimum percentage increase above the previous year's formula grant, after adjusting for changes in funding and function.

Under the Conservative Government, if the calculation of an authority's grant was below the level of the previous years, that authority had to live with it.

*[Jim Fitzpatrick]*

Since 1999–2000, the Government have ensured that every local authority receives at least the same amount of grant as the previous year, on a like-for-like basis. This year we have also provided authorities with grant allocations for two years. That means that they can take both year's grant settlements into account for their medium-term planning.

I started by saying that the issue was complicated. As the hon. Gentleman will appreciate, we have been considering the local government financing system for some time. The arguments that he has put forward in favour of a re-localisation of business grants are not new. In 2004, the balance-of-funding review acknowledged that re-localisation of business rates could give councils greater incentives to promote economic development and improve links with businesses. However, it also noted that businesses had serious concerns, including risks to productivity and competitiveness. They argued that the proposal would be likely to harm relationships between business and local government. The report noted that re-localisation of business rates was not an easy option and that further work would be required.

Following that review, the Government established an independent inquiry under Sir Michael Lyons to consider the case for changes to the system of local government funding, and to report and make recommendations by the end of 2005. As part of that inquiry, he was asked to assess the case for giving local authorities more flexibility to raise additional revenue, and to analyse options for shifting the balance of funding, including, among others, the reform of business rates.

In September 2005, the Government agreed with Sir Michael to extend his inquiry so that it could consider issues relating to the wider functions of local government and its future role, as well as, and prior to, making recommendations on local government funding. Sir Michael will produce his final report at the end of 2006, which will contribute to the comprehensive spending review of 2007.

The extension to Sir Michael's inquiry will enable us to make well-informed decisions on local government finance. We believe that we should make changes to local government funding only when we have a clear and complete understanding of what we want local government to do. That understanding must be shared not only by central and local government but by all those who help to deliver services and, most important, by the people whom they serve—the general public. In short, we must settle function before funding.

Some of the arguments regarding business rates have been helpfully set out in Sir Michael's interim report and consultation paper, which was published on 15 December 2005. The Government welcome that publication as a useful contribution to the debate on the future role and function of local government and the way it is funded; however, it is an interim report, not a final one. Sir Michael has not come to firm conclusions, but has set out some of his thinking to date and begun an important process of consultation on the role and function of local government.

In his interim report, Sir Michael sets out a number of the arguments that have been made to him about whether local authorities should have a role in the setting of business rates and whether business rates should be re-localised. He notes that arguments have been made previously, not least to the balance-of-funding review, which the hon. Gentleman mentioned, about the contribution that the re-localisation of business rates could make to changing the balance of funding. Local government has supported that position for some time, although as Sir Michael notes, it too recognises that business rates play an important role in the equalisation system for supporting services across the country. As such, they could not be wholly retained locally without significant other reforms.

Sir Michael also notes that there are arguments against re-localisation, as evidenced by the representations from, among others, the CBI and the British Chambers of Commerce. They have expressed concern that local control of business rates would make tax bills less predictable and could lead to an increase in the taxes paid by business. It is clear from Sir Michael's interim report that there is a range of views on the subject. Sir Michael confirms that he

> "will continue to explore the interactions between business and local government in many of the areas my remit covers. This will include further consideration of how changes to business rates could improve the ability of, and incentives on, local authorities to support and promote economic development, including looking at current exemptions and discounts."

We have always made it clear that there are difficult decisions to be taken on local government funding. That is why it is important to take the time to get them right. Any substantial reform has to be set firmly within the wider context of a clear, shared understanding of the role of local government. We will make no decisions on the re-localisation of business rates or on any funding issues within Sir Michael's remit until we have received and considered his final report, which is due at the end of this year.

With the extension of Sir Michael's remit, there is now an opportunity to promote a greater understanding of local government among the public. We encourage all concerned to contribute to the next phase of Sir Michael's inquiry so that he can offer the best possible advice in his final report. In this way, we are confident that Sir Michael's work will provide the platform for fundamental and lasting reform.

This debate is an example of the interest in the funding of local government, and I am grateful for the opportunity that it has provided to hon. Members to air their views, including, so extensively, the hon. Member for Northavon. Sir Michael is also keen to see a wide-ranging debate on the issues relating to his inquiry. I encourage hon. Members to ensure that he is made aware of their views so that he can take them into account.

Finally, I agree with the hon. Member for Cheadle (Mark Hunter) that, sadly, there will not be a cheque in the post before Friday. However, Sir Michael will bring forward proposals in due course that I hope will command general support.

10.56 am

*Sitting suspended until Eleven o'clock.*

## Industrial Relations

11 am

**John McDonnell** (Hayes and Harlington) (Lab): First, I declare my interest as chair of the National Union of Rail, Maritime and Transport Workers parliamentary group as set out in the Register of Members' Interests.

I am grateful to be able to raise the important issue of industrial relations within the railways industry. I am sure that the Under-Secretary of State for Transport, my hon. Friend the Member for Halton (Derek Twigg), will agree that the men and women who work on our railways perform a magnificent job in helping to keep Britain moving. It is a 24-hours-a-day, seven-days-a-week, 365-days-a-year task. Railway workers know better than anyone that for the railways to work effectively, there has to be co-operation from all involved: the cleaners, railway workshop grades, train maintenance staff, track workers, catering staff, signal technicians, office staff, call-centre operatives, station revenue protection staff, signal operators, guards and drivers. They all work together in all hours and, sometimes, appalling conditions, to ensure that our trains keep running. In fact, prior to privatisation, British Rail's work force were judged the most productive of any rail service in Europe. A recent Catalyst study confirmed the efficiency of the service and the contribution that the work force make to that.

Railway workers continue to do a brilliant job, despite having to pick up the pieces of the disastrous privatisation undertaken by the last Conservative Government. Privatisation not only crippled our railway system, but saw the privateers make huge redundancies and attack wages and conditions so that the income of the vast majority of railway workers even fell behind average earnings during the period of privatisation. Although our rail staff remain in the private sector, they are magnificent examples of public servants. They retain the ethos and commitment of the public service, and often have to work in severe conditions; for example, there has been a huge increase in staff assaults, and they now find themselves on the front line of a risk of terrorist attacks.

I know that my hon. Friend the Minister—indeed, all Members of the House—will agree that our rail staff should be treated fairly and with respect, and that they deserve a fair framework for industrial relations. I hope that he will reassure them today that the Government share those aspirations and are willing to act to achieve a fair framework for industrial relations in the modern railway industry.

I shall highlight three areas of concern: the role of the Association of Train Operating Companies in industrial relations; the role of the Government in industrial relations; and the industrial relations problem of the future of the railways pension scheme. The purpose of ATOC, as it is known in the industry, is a mystery to me and many of my colleagues. What is it? I checked its website, and it is not a statutory body but a voluntary organisation whose role is to serve as

"the voice of the passenger railway".

The website goes on to say that the association

"represents train companies to the government, regulatory bodies, the media and other opinion formers on transport policy issues."

That sounds exceptionally good.

Members of ATOC—the TOCs, or train operating companies—are paid handsomely for their work. Indeed, according to a recent study by Professor Jean Shaoul of the university of Manchester, the combined total income of TOCs rose by 26 per cent. from £4.8 billion in 1997 to £5.8 billion in 2003.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): My hon. Friend describes an organisation, ATOC, that seems to have worthy aims. Will he tell the House how frequently ATOC has met the railway trade unions to discuss issues of common concern, such as those that he has mentioned: training, pensions, and staff assaults? Would not that be a worthwhile forum in which to resolve some of these problems?

**John McDonnell:** The answer is never. That is the principal point that I wish to make about the role of the association, because train operators have been subsidised with never less than £1 billion a year—indeed, in 2003–04 the amount reached £1.8 billion—all of which is funded by the taxpayer. They have made profits of £1 billion, yet without the subsidy, train operators as a whole would have made a loss every year. With such generous public support, therefore, the Government should be keen on train operators showing a bit of commitment to social partnership by at least meeting the unions.

**Mr. George Galloway** (Bethnal Green and Bow) (Respect): Will my hon. Friend confirm that the taxpayer is subsiding private train operators between two and three times as much as the taxpayer subsidised British Rail before privatisation?

**John McDonnell:** I welcome that intervention, and refer back to the Catalyst report, which demonstrated the driving down of public interest from the Government and the public support for British Rail. Even in those circumstances in which there was less public subsidy being provided, the Catalyst report, for which transport experts and economists were independently consulted, judged that British Rail was one of the most productive and efficient systems in Europe.

Since then, privatisation has resulted in more and more public subsidy being poured into the private sector, which has been creamed off in profits for over a decade. That is the point. With such generous public subsidies, one would expect, and the Government should expect, ATOC at least to show a bit of commitment to social partnership. ATOC regularly meets the Government and other stakeholders in the industry, but, as my hon. Friend the Member for North-West Leicestershire (David Taylor) said, it does not meet the representatives of staff—the rail unions. Indeed, it has refused to meet the unions to discuss anything, not only industrial relations.

We know—there has been evidence of this in previous debates—that there has been a continued rise in staff assaults on the railways. Many Members, particularly in London, have participated in the safer stations campaign and have called for improvements to protect passengers and staff, but that does not seem to matter to

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ATOC. It does not see any benefit in meeting the rail unions to discuss an industry-wide approach to this problem; it simply refuses to meet the unions to address this basic issue.

**David Taylor:** On a point that links to the core of the debate, does my hon. Friend hope that ATOC will resist the apparent suggestions for the hiving off of the British Tranport police, who tackle staff assaults and are tooled up to improve the record in that respect?

**John McDonnell:** I concur with my hon. Friend's sentiments; this is another issue on which one would expect ATOC to meet the rail unions to discuss and place on an agenda. If we are to discuss the safety and security of staff and passengers on the railway system, one would expect ATOC to come to the table with the unions, but it does not meet on anything. We all agree that there is a need to plan and develop industry-wide training and skills. Does ATOC discuss that with the unions? Forget it; ATOC was not interested when an approach was made by the unions. There is a growing crisis with railway pensions, which I shall discuss later. That is a key issue for all concerned—employers and employees—but ATOC would rather not talk to the unions about that either.

Members will find it astonishing that ATOC will not agree even to meet the unions to discuss what could literally be matters of life and death. After the appalling terrorist attacks on London, the Mayor, Ken Livingstone, rightly had discussions with the railway unions on future safety and security matters on London Underground. All sides thought that those talks were productive and helpful in developing our response to terrorist attack.

Those discussions throw into sharp relief the fact that there is no forum for similar discussions with the train operators. The unions have sought meetings with employers through ATOC to discuss improved transport security following the terrorist attacks, but ATOC, which receives billions in public subsidy from the Government, still refuses to meet the unions even to discuss that basic issue. That is unacceptable. I hope that my hon. Friend the Minister agrees that that cannot be allowed to continue. As he knows, we have already had a meeting on this issue. The rail unions and the TUC have also had meetings with the Government to try to sort out the matter. Can he assure me that the Government will now intervene and ensure that there will at least be a dialogue between the rail unions and ATOC? The unions stand ready and willing to attend a meeting with ATOC, wherever and whenever that can be arranged, to discuss these critical issues, and we are asking the Government to intervene if ATOC refuses. I hope that my hon. Friend will be able to give that assurance because we know that the Government take an active interest in railway industrial relations.

That takes me to my second point.

**Tom Brake** (Carshalton and Wallington) (LD): Before the hon. Gentleman moves on to his second point, will he clarify the extent to which he thinks dialogue should take place between ATOC and the rail unions? Does he believe it should include pay, pensions, which he mentioned, and terms and conditions?

**John McDonnell:** I think that there is an opportunity now to establish a framework in which all matters of common interest to employers and employees in the railway industry can be placed on the table. That should start with a discussion about conditions and the future of the industry. There is an opportunity to return to a co-operative relationship on wages negotiations to avoid the multiplicity of negotiations that take place at present. It will be for both sides to decide how they go forward.

The key issue is to get people around the table. If we can get employers and unions around the table to discuss some of the basic planning of the industry's future—for example, safety, security and response to terrorist attacks—that would engender the opportunity to lead on to other matters by mutual agreement. The issue is the principle of the employer talking to employees and union representatives about these critical matters.

The Government have a role to play. If we are to seek a partnership in this industry, as we seek it in every other industry, there is an onus on the Government to persuade ATOC to come to the table and not to have a stand-off or to be unco-operatively belligerent to basic discussions and dialogue with the industry.

There is also the role of the Government. The Government's role in industrial relations in the railway industry at present is unwise, and even worse than unwise. It is unnecessary and, to put it bluntly, can be seen as unfairly interventionist on the side of employers rather than the unions. It is not a balanced approach. Many in the industry and certainly many railway workers believe that the Government in key instances are letting them down.

The matter needs to be explained because most people find the Government's role unbelievable. I presume that the Government, following heavy lobbying from the private train operators and our mysterious friends in ATOC, have decided in their wisdom to retain powers used by the now defunct Strategic Rail Authority. Those powers allow the Secretary of State for Transport to intervene directly in industrial relations within the industry.

First, the Government can veto pay and conditions agreements between the rail unions and private train operating companies. Secondly, the Government can waive penalty payments incurred by private train operating companies involved in industrial disputes. Thirdly, the Government can provide compensation—this is staggering, and I do not know of any other example in any other industry, public or privatised—to private train operating companies that have lost revenue through involvement in industrial disputes. In other words, on top of the billions of pounds of subsidy and profit already paid to private train operators, it is now Government policy to bankroll private train operating companies in their disputes with the rail unions. That is subsidising a subsidy. It is subsidising industrial relations failure on behalf of employers.

**Mr. Galloway:** I am grateful to my hon. Friend for allowing me to intervene again in his admirable speech. I congratulate him on obtaining this debate because it is timely and important.

The first time that I met the Secretary of State for Transport, 31 years ago, he was pressing Trotskyite tracts on bewildered railwaymen at Waverley station in Edinburgh. He metamorphosed, as have so many new Labour Ministers, into a man applying the lash to militant trade unionists, as he now sees them, in the railway industry. That was unbelievable enough, but my hon. Friend has just told the Chamber that despite taxpayers providing subsidies of between two and three times the amount of those previously provided to British Rail, the Association of Train Operating Companies has now resuscitated a power that would allow it to compensate maverick employers who will not meet their employees for the failure of their industrial relations strategy. Perhaps he will repeat what he said so that the Chamber can be sure of what he said. Can it really be true, even of this Government?

**John McDonnell:** There is a Trotskyist analysis of how we have arrived here, but we can talk about that later.

If the left was demanding a Labour Government to subsidise unions in disputes, my hon. Friend and I would describe it as a transitional demand. That is the ludicrousness of what is going on. If we told the Government that we expected them to subsidise unions and to pay them so that there is no loss to the work force when they go on strike, there would be uproar in the *Daily Mail* and *The Sun* would run pictures of my hon. Friend the Minister—

**David Taylor:** Rightly so.

**John McDonnell:** Rightly so for its readership. My hon. Friend would be called Red—

**David Taylor:** Red Twigg.

**John McDonnell:** When the issue is explained to people, they feel disbelief that a Labour Government should subsidise employers in dispute so that they lose nothing in that dispute. Many of us were shop stewards before coming to the House and it beggars belief that that is happening. In practical terms, the reality is that that provokes and prolongs disputes because there is no loss to the employer.

**Tom Brake:** The hon. Gentleman clearly objects to subsidies, but does he believe that there are cases—for example, 7/7, when I understand that train operating companies received a subsidy—when the use of Government money is appropriate?

**John McDonnell:** What I resent is not subsidies to the railway industry, but subsidies being creamed off into profit by the private sector. In addition, I resent subsidies being used in industrial disputes to strengthen the hand of employers to achieve their objectives in those disputes. If there is to be a level playing field, it should be level for industrial relations. Otherwise, industrial relations in the railway industry are soured rather than having a proper climate and framework.

I shall give some examples. Richard Branson of Virgin Trains and Brian Souter of Stagecoach can expect payouts from a Labour Government whenever they take on a rail union. That is beyond belief. Not only is it obviously wrong, it is an unprecedented and dangerous departure from existing policy on private sector industrial relations. It could have widespread implications beyond the confines of the railway industry. Where will the Government next intervene to prop up multi-million-pound private companies in their battles against the unions?

What about the cost of that ill-conceived policy? In answer to a parliamentary question on 14 March 2005, I was told that the Strategic Rail Authority has paid a staggering £23 million to compensate private operating companies for revenue losses during strike action between March 2003 and November 2004. That £23 million could have provided investment in the rail service.

**David Taylor:** Can my hon. Friend give any examples of how using taxpayers' money in this way has prevented emerging disputes or has improved industrial relations in the transport sector?

**John McDonnell:** I would welcome the Minister giving an example, if he can find one, of where else this policy operates in government or elsewhere. I know of no other example.

The sum of £23 million may not sound a great deal, but it could be used, for example, to build a new secondary school or refurbish a primary school, or it could be used to invest in a medical centre, but it goes straight into the profits of private operating companies to enable them to defeat a union that possibly has a legitimate case for industrial action—one would have to judge each case individually—that, in normal circumstances, would have been resolved through negotiation but is prolonged as a result of Government intervention.

**David Taylor:** It would pay for a thousand graduate teachers.

**John McDonnell:** My hon. Friend says from a sedentary position that the money would pay for a thousand graduate teachers. Instead, it is pocketed by Branson, Souter and others in ATOC.

During the same period, according to a study by Professor Shaoul of the university of Manchester, private train operators received more than £1.5 billion in public subsidy and made profits of £200 million. That is incredible, and it is important that we get it on the record, as the average person in the street would not believe what the Government do to prop up the industry and employers who want to provoke industrial relations disputes. This is an astonishing abuse of public funds, and there must be further proper scrutiny of the policy.

**Mr. Ian Davidson** (Glasgow, South-West) (Lab/Co-op): In the interest of putting things on the record, does my hon. Friend have any additional information about how the £23 million was distributed among the companies that received it?

**John McDonnell:** That is one of the questions that I would like to ask the Minister. The answer should be

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placed on the record, as it is important that when the travelling public step on their train they know how much the train operating company receives from the Government to prop up any industrial action that it may wish to provoke.

**Mr. Galloway:** I do not know when such payments began—I missed that part of my hon. Friend's comments—but I wonder whether they helped subsidise Brian Souter's vicious, fascistic, anti-Government campaign on clause 28, which may have had a different number in Scotland. Using money from his business, this Brian Souter launched a blistering, homophobic, bigoted and prejudiced campaign against the Government who gave him millions of pounds.

**John McDonnell:** Strange bedfellows on the overnight sleeper to Scotland—that is all that I can say.

On the point raised by my hon. Friend the Member for Glasgow, South-West (Mr. Davidson), I have some information in respect of Scotland. A written reply to a parliamentary question from my hon. Friend the Member for Islington, North (Jeremy Corbyn) in May 2003—that was during the period of the Strategic Rail Authority—states that

"the Strategic Rail Authority (SRA) has made payments of £12.65 million to National Express in respect of revenue loss by ScotRail arising from industrial action."—[*Official Report*, 15 May 2003; Vol. 405, c. 340W.]

That is a matter for the Scottish Executive, of course, but that is how much was paid out to one company under the SRA.

What bewildered Members of this House is that, on the demise of the SRA, the Government took those powers to themselves, when they could so easily have stepped back at that stage, and declined to receive such powers or to engage in the continued subsidy of industrial relations provocations by employers.

I wish to ask my hon. Friend the Minister some questions so that we can put the matter on the record. I hope that today's debate will prompt further public and parliamentary scrutiny of the whole process. First, how long have the Government—and, before them, the SRA—pursued this policy? That is the point that my hon. Friend the Member for Bethnal Green and Bow (Mr. Galloway) made. How long has this been going on? I ask the question because some confusion has been created by some of the responses to the Transport Committee. The issue was briefly raised in that Committee on 26 November 2002 as part of its inquiry into the SRA. In an exchange at that meeting, the Chairman asked Richard Bowker of the SRA:

"Is it true that you volunteered to underwrite any problem that should arise for any company in relation to a strike?"

Mr. Bowker replied:

"No, not at all. We remain of the view that the companies who are the most appropriate people to negotiate and to manage industrial relations are the Train Operating Companies."

Yet we know from subsequent parliamentary questions that four months after that Select Committee hearing, the Government, through the SRA, were already paying National Express compensation to the tune of millions of pounds for revenue lost in a dispute involving ScotRail. Was the Select Committee misled? Did Mr. Bowker not know that that was the intention? We need clarification on that.

Will my hon. Friend also clarify when the Government and the SRA started the policy? Precisely when did it start, and who took the decision? Do the Government use taxpayers' money to provide direct or indirect financial support to private companies during industrial disputes, or to veto private sector pay-and-condition agreements, in any industry other than the rail industry? Is this industry unique, or are hidden subsidies provided to other employers by the Government?

Under what statutory arrangements do the Government believe that they can use such powers? It would be useful to clarify exactly the statutory arrangements, as several hon. Members would seek to amend the legislation. Did the Government or the SRA take legal advice on the issue? What legal advice was provided, by whom, and can it be made publicly available? Hon. Members would, at the least, want to clarify whether this is a legitimate role for the Government and whether legally the Secretary of State has such powers.

**Mr. David Drew** (Stroud) (Lab/Co-op): Will my hon. Friend ask an additional question? He will know that new franchises are about to come into operation. I have been told by union activists that the companies that are taking on those franchises may use the opportunity further to reduce trade union rights and activities. Should not the Government insist that the franchises include right and proper processes for trade union officials and members to engage in industrial relations? It would be an absolute disgrace if such activities were to be reduced.

**John McDonnell:** It would be useful if this debate were to send a message to companies that seek to provoke industrial relations breakdowns, or to reform, change or cut pay and conditions, and are willing to take on the unions on the basis that their activities will be subsidised by the Government. We must send out the message that Members of this House will examine and scrutinise every penny of taxpayers' money that is used to subsidise industrial relations provocations. At this key stage of the tenders being transferred, we run into danger by feather-bedding employers and train operating companies that are willing to risk industrial relations in the industry to enhance their profits.

**David Taylor:** Is there not a myth about industrial relations in the rail industry? Even in the peak years—if we can call them that—of Thatcherism between 1979 and 1996, there were just a handful of industrial disputes. They were regrettable, but there were just a handful. The number quintupled between 1997 and 2004, not least because the negotiations involve 73 different bodies, including 25 train operating companies, 10 infrastructure companies and so on.

**John McDonnell:** That leads back to the original point, which is that there should be some discussions between the Association of Train Operating Companies and the unions. That might enhance the industrial relations climate by overcoming the dog's breakfast of negotiating structures that exist.

I shall finish off with a couple of questions to the Minister. Will he tell me when the powers were taken and when the decision was made to provide the SRA and the Government with those powers? At what level of Government was that decision made? It smacks of a decision centred on No. 10. It astounds me that No. 11 and the Treasury would agree to such a scale of subsidy to the private sector being made in such an unaccountable way.

This leads me to my final question on the matter. Will the Minister explain the formula or the criteria used to determine whether a private train operating company can receive support in this way? Is there a checklist of actions that the company has to have undertaken? Is an assessment undertaken by the Secretary of State of whether the company has acted reasonably in seeking to settle the dispute?

I have another example of where the Government intervene in industrial relations; it is happening at the moment in the Prison Service. The Home Secretary has the opportunity in law to intervene to prevent industrial action in the Prison Service. However, he has that power only on the basis of making an assessment of whether it is reasonable to do so, and he assesses the behaviour and the activities of the partners within that industrial relations framework. Do similar procedures exist in the decision-making process through which the Secretary of State for Transport awards significant sums of money to the companies? Does the Secretary of State consider the behaviour of and actions taken by employers in seeking to resolve the dispute, or in seeking to prolong or provoke it?

Will the Minister tell me which companies have received such financial support, and how much support have they received? It would be very useful to get on the record, down to the last penny, how much Branson and others have been trousering from Government on the basis of disputes that they have provoked.

**Ms Katy Clark** (North Ayrshire and Arran) (Lab): My hon. Friend has already mentioned that substantial subsidy has been given to First ScotRail in respect of an industrial dispute in Scotland. Recently, powers relating to railways have been transferred to the Scottish Executive. It would be helpful if the Minister told us what discussions had taken place with the Scottish Executive on the issue, and if he confirmed that it was within the Scottish Executive's powers to decide not to continue with the policy and not to provide subsidy to private companies in this way.

**John McDonnell:** That is an important question. My understanding is that the Scottish Executive have a role in the matter, but we need clarity on that. Are the Scottish Executive being hamstrung and controlled by the Secretary of State for Transport in their operations to facilitate improvement of the industrial relations climate? It would be useful to get on the record the specific roles that each of the partners within Government play.

In the current dispute between the National Union of Rail, Maritime and Transport Workers and Virgin Trains, more than 300 guards have been striking on Sundays since 1 January, after the Virgin board vetoed a settlement of the dispute over the erosion of Sunday pay rates. In that dispute, we have the barmy situation of Virgin bosses blocking a settlement that would have cost them no more than £6 per guard per Sunday to settle. In an answer to a written parliamentary question, my hon. Friend the Minister confirmed that Virgin Trains was in discussion with its franchise manager—the Government—on the current dispute. With regard to this dispute, will he assure me that the Government are not providing the train company of our multi-billionaire friend Richard Branson with any financial support? I hope that the Minister can provide answers to these questions, and I hope that he will also reassure us on the threat to railway pensions.

**Tom Brake:** I want to put a hypothetical situation to the hon. Gentleman. It is possible that one of the train operating companies—probably not Richard Branson's—will risk bankruptcy as a result of an industrial action. What does he think the appropriate Government response should be in such circumstances?

**John McDonnell:** To bring it back into public ownership. It is as simple as that. That would solve the problem overnight and be a shining example of the Government's actions for the future.

**Mr. Davidson:** My hon. Friend has asked a large number of very detailed questions of the Minister, who is a fine man and will want to be as helpful as he possibly can. Does my hon. Friend agree that if the Minister is unable to answer all the questions in detail today—I see that he is here unprotected by a Parliamentary Private Secretary—it would be reasonable for him to give a clear undertaking to provide in writing an answer to any questions that he is unable to answer?

**John McDonnell:** I do not say this as a quotation from Shakespeare's "Julius Caesar", but the Minister is an honest man. Therefore, I am sure that he will provide us with all the detailed responses that we have asked for. I do not expect him to do that in sufficient detail today, but I would welcome it in writing. We would then have the opportunity to place that matter on the record in a further debate. The debate does not end here: the issue will come back time and time again, every time there is a dispute in the railway industry and every time we identify a single penny going from the taxpayer to the employer to subsidise disputes. This is the first part of the campaign to get some sort of fair and just industrial relations framework in the railways industry.

**Mr. Davidson:** And the answers will come up at his trial.

**John McDonnell:** From a sedentary position, there was a reference to trials. We no longer shoot people in our movement for betrayals. *[Laughter.]* Some regret that.

I move on to address the issue that is souring the industrial relations climate at the moment, which is that of the railway pension scheme. As the Minister will be aware, the scheme is under threat due to significant deficits in a number of different sections of the scheme. A number of sections are okay and can manage the deficits, but a number are not. The deficits have been caused by factors similar to those facing other industry

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pension schemes, including poor financial returns—I accept that—but also irresponsible employers exploiting pension holidays during the early years and the actuary's change to mortality assumptions on the basis that pensioners are living longer.

However, the threat to the railway pension scheme has been significantly compounded by the fragmentation and privatisation of the railways, specifically by railway employers enjoying surpluses built up during the latter years of British Rail when thousands of railway staff left the industry in preparation for privatisation. The rail employers have not been prepared to use those surpluses or the billions of pounds profit made from privatisation to fund the schemes adequately.

The structure of the railways means that train operating and infrastructure companies' contracts cover only a number of years before they are re-tendered, which introduces instability into the system. The Minister will be aware that that has acted as a disincentive for train operating companies and other rail contractors to take on the liability of additional contributions now, or to recoup any overpayments from surpluses in the future. It is a structural problem in the industry.

The problem has been compounded by the fact that, following privatisation, the unified railway pension scheme was fragmented into more than 100 different sections, which has meant the loss of the economies of scale and financial stability provided by the unified scheme. As a whole, the private train operating companies, Network Rail and its contractors are entirely dependent on public subsidy for their continued survival. Does the Minister agree that the Government have a clear responsibility to assist in resolving this problem?

There is plenty of scope for the Government to act. In the immediate term, they could use their position as the primary funder of the railway industry to provide comfort letters to the actuary to allow for deficits to be repaid over a longer period than the five years currently proposed. That would add some security to the system, which is increasingly in disarray. I understand that there may be plans to provide such comfort letters to cover the train operating companies, and if that is the case, it is most welcome. I hope that it will apply to all railway companies whose pension schemes are suffering from severe deficits. Even if comfort letters are provided, they will not address the fundamental problem of the fragmentation of the railway pension scheme, nor the tendency of various railway operators and employers to act in their own short-term interests.

Does my hon. Friend the Minister agree that the pension system could be made more efficient and secure if the railway pension scheme reverted to a unified fund, rather than the array of individual sections? Does he agree also that it would introduce immediate economies of scale and facilitate stability, long-term planning and more prudent management—essential prerequisites of a healthy pension scheme? There could be strong financial incentives for the Government to move towards a unified pension scheme.

The Minister knows that every time a train operating franchise changes hands or splits, the pension scheme is restructured to take account of the change of franchise, with pensioners, deferred pensioners and contributing members allocated or re-allocated to various sections of the railway pension or to new sections that are being set up. Pensions are complicated enough, and that adds only complication upon complication. Furthermore, all those changes require the input of actuaries, lawyers and other professionals, and there must be an enormous administrative burden.

The costs associated with the changes to pensions are borne not by the private companies but by the Department for Transport. Will the Minister tell us how much money the Government have spent in that way since the railways were privatised? Do the Government believe that it represents value for money? Does he agree that it would be far better value for the Government and a better deal for railway workers if there were a unified pension scheme again?

I thank my hon. Friend the Minister for taking the time to listen to my concerns, and I hope that he will be able to answer my questions, if not today then in writing to us, so that we can read those responses into the record.

Our railway workers need their concerns raised in this place. When the Government were elected, they went out of their way to impress upon the media and all who would listen to them that their relationship with the trade unions would mean fairness not favours. When it comes to industrial relations in the railway industry, the sense is that the whole process has been reversed. The privatised companies are getting the favours, and the rail staff are not getting any fairness. I hope that the Minister will tell us today how he intends to change that, and I hope that he will at least provide us with a commitment that the Government will consider the matter again.

As I said earlier, this is the start of a campaign that will not go away. This is the first debate in a long campaign that we hope will not only secure a fair industrial relations framework for the railway industry but create an effective climate for railway workers, passengers, the Government and taxpayers.

11.43 am

**Tom Brake** (Carshalton and Wallington) (LD): I congratulate the hon. Member for Hayes and Harlington (John McDonnell) on securing a rare debate on the subject of industrial relations in the railways. He said that he will seek to pursue the matter further and to secure a further debate, and I would welcome that. I compend him for following the matter attentively. The trail of parliamentary questions included in our pack demonstrate how assiduous he is in following the issues, whether they are industrial relations, pensions or the relationship between the Association of Train Operating Companies and the unions.

On that point, I am as surprised as the hon. Gentleman is about the unwillingness of ATOC to enter into discussions. We might have a difference of opinion about the areas it should be willing to discuss, but I support the general principle that it should be willing to enter into discussions. I agree with his comments about the role that the workers in the rail industry have to play

in keeping the country moving, and about the very important role that they played in keeping us on the move during the recent terrorist incident.

Prior to the debate, I sought feedback from several sources, including the unions, individual staff and the industry on the state of industrial relations in the railway industry. I was not overwhelmed by representations from those different sources. Perhaps the unions direct their attentions to the hon. Gentleman. I hope that that is not the case, and I encourage them to share their concerns more widely than appears to have been the case in this instance. It confirms the anecdotal evidence of my recent travel experiences, which is that, generally, industrial relations on the railways are good.

I received some information from Network Rail about the level of industrial action within its organisation. According to the company, there has been only one incident of industrial action since it took control in October 2002. It has been a period of relative calm. That is in contrast with past years. I have been commuting in and around London on the trains for the past 23 years, and during that time, there have been some very bad periods when many travellers have had to seek other ways of getting to and from work, whether walking, cycling, using the tube instead of the train or vice versa.

That is not to say that there are no areas of dispute or disagreement, as the hon. Gentleman highlighted. Sometimes, they are resolved quickly, and I am sure that he welcomes the swift action that Metronet Rail took in relation to Blue Diamond. The cleaning contract was quickly terminated after it was revealed that the cleaning contractor was not paying workers the agreed rate. It had its contract withdrawn—a substantial contract that was worth £20 million over three years.

I hazard to say that there are some examples of quite good relations between some of the main players and the unions. However, the hon. Gentleman, through his series of parliamentary questions, has rightly drawn attention to the dispute between the National Union of Rail, Maritime and Transport Workers and Virgin. He referred to the essence of the dispute—an issue about Sunday pay rates, involving 300 guards—and revealed that one of the more surprising aspects of the dispute was the role that the Government have played in providing subsidies to train operating companies involved in disputes. As he stated, and parliamentary answers reveal, Virgin is in discussion with the franchise manager—the Government—about that issue.

I do not think that the hon. Gentleman answered my question in an intervention about whether it is appropriate to pay subsidies to compensate the train operating companies in relation, for instance, to a terrorist incident. There are perhaps circumstances in which it is perfectly legitimate for those companies to receive support. However, in relation to industrial disputes, we need much reassurance from the Government that such support does not feed the dispute, rather than seek to resolve it. At £23 million, the sums of money involved are not insubstantial, and I hope that the Minister will be able to provide more detail about which train operating companies have received that subsidy, so that we can consider whether some of the smaller companies would have gone out of business if they had not received it. The hon. Member for Hayes and Harlington said that there is a clear way forward: the Government should take control and bring the companies back into the public sector. However, it would be useful for Members to know whether some companies might have gone out of business without some of the subsidies.

**Mr. Davidson:** Having listened with some interest to the hon. Gentleman, I am not clear whether he supports the Government being able to indemnify companies for their losses. Can we have a clear statement of the Liberal position on that matter?

**Tom Brake:** I thank the hon. Gentleman for his intervention and I hope to be able to give him a clearer picture in the next few minutes. I believe that there may well be circumstances in which what has been described is appropriate but, as the hon. Member for Hayes and Harlington said, we need to hear from the Minister what criteria the train operating companies have to satisfy to qualify for the subsidies. We also need to hear whether there is anything on the other side of the argument. In other words, are the Government actively providing incentives to ensure that industrial disputes are resolved amicably? Is everything on one side of the argument? I hope that the Minister will respond to that point.

**Mr. Davidson:** Do I take it that the answer about the Liberal policy is, "Don't know"? I ask the question because the issue is not solely of academic interest, as the Liberals are in a coalition in Scotland and there is a potential impact on the position of ScotRail. It would be helpful to me as a Scottish Member to know unequivocally whether the Liberals are in favour of the procedure. If the hon. Gentleman cannot tell me today, perhaps he could write to me, as the Minister does, after the debate in order to make me aware of the position.

**Tom Brake:** It is a departure to request that Opposition Members write to Government Members to explain their position, but the intervention from the hon. Gentleman was legitimate, his point was valid, and I will pursue it and give him a detailed response. The Minister for Transport and Telecommunications in Scotland is a Liberal Democrat Member of the Scottish Parliament, so clearly the hon. Gentleman is entitled to a response, which he will receive soon, I hope.

**John McDonnell:** The hon. Gentleman is right. If there is to be subsidy in an industrial relations dispute, what criteria do the Government use? At the moment, if there are criteria, they are used to judge whether the money goes to the employer. If there is to be that Government intervention, we might as well have criteria whereby the Government decide who they will back. They might well be sending a cheque to Bob Crow and saying, "You've got it right this time, Bob; we'll give you the dosh." That is the ludicrous situation that we are getting into if the Government are going to intervene in industrial relations.

**Tom Brake:** I am happy to let the Minister respond to that point and say whether he will seek to make a financial contribution to Bob Crow's funds—I am sure that he will have clear views on that.

*[Tom Brake]*

The hon. Member for Hayes and Harlington rightly highlighted the concerns of the unions.

**Stephen Hammond** (Wimbledon) (Con): On the point about funds to Bob Crow, let us consider what Nick Wright, head of communications for ASLEF, has said, which is that it is easier to negotiate with the TOCs and the franchise operators in the run-up to the renewal of the franchise. So in fact the Government are giving money to Bob Crow and his friends, because they have the power in the balance of negotiations at that time. That is the countervailing argument to the one advanced by the hon. Member for Hayes and Harlington (John McDonnell) earlier.

**John McDonnell** *rose—*

**Tom Brake:** I give way again.

**John McDonnell:** We can overcome that by ending the franchise process altogether and bringing rail back into public ownership.

**Tom Brake:** Clearly, we need a further debate on this subject because we could pursue it for a number of hours hence, but to return to what I was saying, the hon. Member for Hayes and Harlington rightly highlighted the concern of the unions that the subsidy process is feeding disputes. I hope that, as he said, the Minister will put clearly on record the criteria that have to be met for the subsidy to be provided and what the counterbalance is in terms of the encouragement that the Government give to ensure that disputes are settled amicably without the need for an industrial dispute.

Has the Minister considered whether there are circumstances in which compulsory arbitration might be needed to resolve such an issue? I am referring to binding arbitration whereby the cases of both parties would be assessed independently and they would agree to sign up to the outcome of such a process. Alternatively, has the Minister considered the idea proposed by the transport committee of the London assembly, which is voluntary no-strike agreements in advance of key dates in the calendar when disputes traditionally come to a head, such as Christmas and new year? I am also thinking of the period in advance of the Olympics in 2012. I hope that the Minister will comment on that point. He may also want to provide clarity on what reasonable steps the franchise operators have to take to prevent industrial action. I understand that the Government require operators to do that before any subsidy can be made available.

I have not dwelt on pensions, to which the hon. Member for Hayes and Harlington rightly referred. The Government are in a bit of a mess in that area. Certainly there is not much clarity or consistency from the Government on public sector pensions. The issue of pensions will increasingly grab the headlines, whether in the public sector or in the rail industry, as the hon. Gentleman outlined. I hope that the Minister will be more convincing on that issue in relation to the railways industry than the Government have been in respect of other sectors.

I hope that hon. Members agree that, so far, this has been an informative debate, attempting to clarify Government policy. That is what the hon. Member for Hayes and Harlington is seeking to do, and I thank his office for clarifying for me before the debate the areas on which he was to focus. The debate has not been about scoring political points, so I hope that the Minister will respond in a similar vein.

11.57 am

**Stephen Hammond** (Wimbledon) (Con): I congratulate the hon. Member for Hayes and Harlington (John McDonnell) on securing the debate and on putting his case so clearly, eloquently and forcefully. I support him in praising the staff of the railways for the job that they do. I represent a London constituency that benefits from both surface and underground rail, and the staff work very hard. Unfortunately, all too often in the eyes of the travelling public and perhaps in the eyes of some of the workers, they are represented by union leaders to whom the old adage of the first world war might apply.

I was interested in the hon. Gentleman's history lesson. We have heard from several Government Members, both Front and Back Benchers, the history lesson of the railways, which always seems to start around 1988, when British Rail started to be a productive and efficient body, and which ignores conveniently the history of the 70 years before that, when Governments of both hues failed to invest. I guide anyone who wants to read a succinct history of the railways to the two articles by Professor Huxley in *The Railway Magazine* last year, which give a rather more clear, fair and balanced view of railway history.

There has been quite a lot of talk today about the improvement in industrial relations on the railways and, indeed, throughout the country generally. It is true that industrial relations have improved such that, in 2003, we recorded the lowest number of labour disputes for 25 years, but it is true also that one third of those were recorded on our transport system in some way, shape or form, and that transport still accounted for 25 per cent. of the almost 500,000 days lost. The debate is therefore important in allowing us to consider why some of these disputes still arise. I shall refer to some of the issues raised by the hon. Member for Hayes and Harlington.

**Tom Brake:** I understand that today is a big day for the Conservatives—they have published a new glossy brochure. Will the hon. Gentleman set out what it contains about railways policy?

**Stephen Hammond:** I shall leave that for the hon. Gentleman to read later in the day; the brochure does not set out any policy in detail. Of course, later this week the Liberal Democrats have a bigger day, and we shall see whether it presages any change.

I confirm for the hon. Gentleman that by the summer recess there will be detailed Conservative policies on a number of issues, such as transport policy—particularly rail policy. I shall be delighted to debate them with him then.

The hon. Member for Hayes and Harlington referred to a number of the written parliamentary questions that he has tabled about subsidies to the railways. In my

earlier intervention on the hon. Member for Carshalton and Wallington (Tom Brake) I said that the argument could be made either way.

There has been much righteous indignation about legitimate cases for industrial action being overcome by an astonishing abuse—I think those were the words of the hon. Member for Hayes and Harlington—of public funds. He asked a number of detailed questions of the Minister. Surely the nub of the issue is that the franchise agreements, entered into by both this Government and their Conservative predecessor, have enshrined the ability to reimburse the franchise operators for net losses due to industrial action. That is within the franchise arrangements and, presumably, subject to normal franchise arrangements and normal contract law: if one side breaches those franchise arrangements, the other can seek redress. I am sure that the Minister will confirm that that is the case. If it is not, I shall be interested to hear his argument as to why.

The argument to put to the hon. Member for Hayes and Harlington is that the franchise arrangements have sought to put such things in place so that we can improve services to passengers and investment in the railways, which has been lacking since 1918.

**John McDonnell:** The question for the hon. Gentleman is whether those things should be within the franchise agreements themselves. What is his party's position on that?

**Stephen Hammond:** I am happy to confirm that my party believes that the current franchise arrangements are suitable and appropriate.

I look forward to the Minister giving a number of answers—either in the Chamber this morning or in writing later. If he cannot answer the rather large number of huge, detailed questions, perhaps he will do us the courtesy of making any written response available to everybody by placing it in the Library. That would be helpful.

I picked up on the remark made by the hon. Member for Hayes and Harlington about the Association of Train Operating Companies refusing to meet about anything. I accept that that may be right; I simply do not know. However, the quote that I gave from the head of communications at ASLEF clearly indicates that across the industry there is dialogue with the train operating companies in certain cases.

Under the franchise arrangements, the train operating companies have an obligation to speak to franchise operators about industrial relations, safety and security. The hon. Gentleman tried, I think, to present a picture in which no conversation at all was taking place between the unions and the franchise operators. That is somewhat misleading.

**John McDonnell:** I find the word "misleading" inappropriate. I made it clear that there is no dialogue between ATOC and the unions. ATOC has refused all meetings about the strategic issues facing the railway industry, including issues of safety and so on. I did not seek to mislead the House in any way.

**Stephen Hammond:** I am happy to withdraw my remark. I merely point out that a huge amount of dialogue is going on between unions and franchise operators and between unions and the train operating companies, as was shown by my quote from the head of communications at ASLEF.

We have talked a little about the principle of an employer and employee talking together, and I suspect that there is agreement on that across the House. Equally, there must be some agreement across the House that when an agreed negotiation and consultation process is in place, it should be maintained through all the stages of negotiation.

The hon. Member for Carshalton and Wallington has already referred to the Greater London authority transport committee report, which came out this week. It refers exactly to this issue. It says that if the process could be cemented voluntarily, that could revive a great deal of trust in industrial relations in the underground. I accept that the underground is not the same as surface rail, but the point being made was that all too often in London underground negotiations, the unions break an agreed code and threaten industrial action at an early stage. We then see a breakdown into industrial action at a time that causes the height of discomfort to the travelling public.

The GLA committee made and illustrated the point that that was a continual tactic. It seems sensible that the committee should have recommended that when an agreed negotiation and consultation procedure is in place, the whole of it should be followed through prior to any escalation of action. I hope that that could be agreed across the House, and would welcome the Minister's support for that recommendation.

The hon. Member for Hayes and Harlington did not talk about a number of other industrial relations issues. I should like to mention one thing that the public find extremely difficult to understand. The discomfort of the travelling public is clearly the leverage of the unions in industrial relations. Andy Reed, another national organiser for ASLEF, said that industrial relations at the London underground varied "from hostility to anarchy".

That is exactly what the travelling public see—the hostility of the unions towards them and the anarchy of the service provided to them. The travelling public have problems understanding that quite often the majority of such actions—or at least a number of them, particularly recent ones on the underground—have not been supported by a majority of the union members.

For instance, various reports have stated that in the past four years, I think, the RMT has called 23 ballots in respect of the underground system. Turnout has been 48 per cent. on average, but below 40 per cent. in a number of the ballots. Those ballots have resulted in 10 strikes. Much talk this morning has been about unscrupulous employers trousering money, but there are also unscrupulous union leaders who call strikes on minority turnouts and minority support.

**Mr. Drew:** I should declare my links with the RMT, which are recorded in the Register of Members' Interests. Does the hon. Gentleman accept that I have seen members of the general public hurling abuse at staff members, when, because of the total inadequacy of our network and through no fault of those staff members, connecting trains have gone? I have seen how those staff

*[Mr. Drew]*

members, some of whom I am sure are union activists—I know some activists well—deal with that situation. It is a gross abuse to point the finger at the start at union activists, as the hon. Gentleman has done.

**Stephen Hammond:** In this case, this hon. Gentleman is genuinely being misleading. I opened my remarks by specifically praising the staff, and I would utterly condemn anyone who made such remarks to railway workers. My remarks about the unscrupulous nature of union leaders referred not to the workers, but to the tactic of calling action on a minority turnout.

**John McDonnell:** That was raised in the GLA transport committee debate. The Conservative members argued that industrial action should be called only if a majority of all staff—not a majority of the turnout—voted for it. However, on that basis, the GLA member, Roger Evans, for whom only 13 per cent. of the electorate voted, would never have been elected in the first place.

**Stephen Hammond:** I think that that is also wrong. The recommendation is that there should be a 50 per cent. turnout of the membership in the ballot; that would be the relevant majority. All too often, action has been called on a turnout of well below 50 per cent. That is the difference.

**John McDonnell:** Roger Evans, the GLA Tory member, had been arguing that the tube unions should be allowed to take strike action only if a majority of those entitled to vote voted for the action.

**Stephen Hammond:** That is not the recommendation of the GLA transport committee, which is rather different. It is that there be at least a 50 per cent. turnout in the ballot.

**John McDonnell:** So the hon. Gentleman is condemning Roger Evans.

**Stephen Hammond:** No, I am not condemning him, because he is entitled to that view and I might support it. I was merely pointing out what the actual recommendation is. The tendency of union officials to act in their short-term interests all too often hampers industrial relations in the rail industry.

We could have a debate lasting an hour and a half on the railway pension scheme.

**John McDonnell:** We will.

**Stephen Hammond:** I am glad that we will, because it will be an interesting debate. It will be extremely interesting to hear the Minister's response about previous pension fund holidays, how they will work, and how they have worked and acted against pensioners.

The Minister might not wish to comment on the fact that across the public sector there is currently an unfunded liability in pensions, which the Government admit to be £460 billion. If they were to be honest and give their unfunded liability in the same way as companies must, following the obligations of financial reporting standard 17 or—perhaps to be more generous to the Government—following a discount rate more closely linked to index-linked skills, the unfunded liability of the Government pension scheme would be between £670 billion and £850 billion. I believe that the Chief Secretary has confirmed that in written responses.

The rail industry scheme's problem pales into insignificance when we consider the matter across the whole public sector.

**The Parliamentary Under-Secretary of State for Transport (Derek Twigg):** Will the hon. Gentleman enlighten us on current Conservative party policy in this area?

**Stephen Hammond:** I am merely pointing out the Government's own error. If, in the same way as they force corporate pension funds—*[Interruption.]*

**Mr. Jimmy Hood (in the Chair):** Order. I ask hon. Members to stop having conversations across the Chamber.

**Stephen Hammond:** I was merely pointing out that if the Government operated on the same basis as that which they force on companies, the unfunded liability of the public sector pension fund would be between £670 billion and £850 billion. The Conservative party is considering whether or not we should fund it. It would be honest to say that this Government's liabilities are 125 per cent. of gross domestic product, not the 60 per cent. that they claim in terms of debt.

The issue of the pension fund will cause considerable problems both for the trustees and for the Government for some time to come.

12.13 pm

**The Parliamentary Under-Secretary of State for Transport (Derek Twigg):** I congratulate my hon. Friend the Member for Hayes and Harlington (John McDonnell) on securing this debate and providing an opportunity to discuss the important issue of industrial relations in the rail industry.

I use the railways every week, both local and national lines, and I have never driven down to London by car. It is a pleasure to use them. I am grateful to the people who work on them to ensure that a good service is provided.

I want briefly to outline the situation in the railway industry, because to do so gives a context to the industrial relations issues. In debates such as this we might feel that a major problem is occurring and that the situation is not quite as good as it seems.

**Tom Brake:** Will the Minister give way?

**Derek Twigg:** I have only just started, so I am sure that the hon. Gentleman will let me continue a little before I allow him to intervene.

Some good things are happening and I want to relate them to the Chamber in order to set the scene. The railways continue to be a success. The Government are spending £87 million each week on them and there have

been record levels of investment in rolling stock. On average, over the past 12 months, more than 85 per cent. of trains have run on time as measured by the industry-standard public performance measure. Furthermore, there have been record levels of train patronage; more than 1 billion passengers used the railways in 2005, which is the highest number since the 1960s and makes our railways the fastest growing in Europe. Since 1996–97, rail passenger kilometres have grown by 32 per cent., so people are now travelling further by rail than ever.

**Tom Brake:** I thank the Minister for giving way. I was going to say that, having sat in a large number of these debates during the past nine years, I am aware that the introductory remarks about the industry generally tend to squeeze out the time for answering the serious points made by hon. Members.

**Derek Twigg:** The hon. Gentleman will just have to listen to what I have to say, and I think he will find that that is not the case.

It is important to underline the current success of the railway industry. It has much to do with its staff, who are a vital part of the success. Whatever their particular role, their actions contribute to the increased usage of the railway and the general improvement that has taken place. On 7 July we saw the commitment and performance of railway staff during difficult and trying circumstances. I know that an issue has been made about security on the railways and the role of staff.

It is also important to talk about the future, because the industry is now a vibrant one and more people want to work in it. Recently, I visited HMS Sultan, near Gosport, to see the new Network Rail apprenticeship scheme in action. It employs 200 engineering apprentices. They are the future of our railway industry. How often have we been crying out for investment in apprenticeships and in the railways? The scheme is another example of the good things that are happening. I am delighted about the growing interest in the railways and the increasing number of people using them.

My hon. Friend the Member for Hayes and Harlington raised the point about the Association of Train Operating Companies and meetings with the unions. He will know, as do the unions that I have met, that we have raised issues with ATOC. The specific one, about which there has recently been a further discussion and which my right hon. Friend the Secretary of State said he would raise, was about getting together to discuss security. I can tell my hon. Friend the Member for Hayes and Harlington, and other hon. Members, that we are in the process of dealing with that. We will host the meeting between ATOC and the trade unions to discuss security issues. The meeting will be about security and not about other issues.

I will now address the specific issues that have been raised in this debate. The Government believe that industrial relations are a matter for the industry and that issues are best and most effectively dealt with between the relevant industry parties. Before the Railways Act 2005, the Strategic Rail Authority had responsibility for industrial relations. When its responsibilities transferred to the Department for Transport last year, my predecessor, my hon. Friend the Member for Harrow, East (Mr. McNulty), stated that the Government intended to continue the SRA policy in this area. My hon. Friend the Member for Hayes and Harlington raised the matter in his speech and I will go into further detail as I continue mine.

The Government have three main roles in industrial relations in the rail industry. They must approve any pay settlement agreed during the last twelve months of a franchise; they can agree to waive poor performance penalties, if that poor performance is as a result of industrial action; and they can agree to provide compensation of net losses to train operating companies for industrial action.

Although the Department will not get involved in the details of pay awards and negotiations, the Government should keep an overview of what is happening in the industry, pay rates and anything unusual that is happening in terms of pay awards. A pay award in one TOC will have potential implications for all TOCs. My officials meet the industry regularly in order to provide me with such an overview. In addition, as hon. Members would expect, franchise management teams are kept regularly up to date with the current position of their TOCs in these matters.

A specific point was made about Virgin Cross Country. It has regularly met its franchise management team. The meetings have included updates to the Department on the current dispute with the RMT train managers about differential pay on Sundays, which has been ongoing since 1 January 2006. That does not mean that the Government are making, or are planning, any intervention in this or any other dispute. As I have explained, industrial relations issues are for the individual company and the union to resolve. However, we would be failing in our duty if we did not seek to keep up to date on issues that might affect the satisfaction of passengers or the smooth running of the railway, or that might have a significant effect on the public purse.

On the contractual position issue generally—

**John McDonnell:** Before the Minister discusses that, will he clarify the criteria that enable the Secretary of State to judge the intervention or the level of subsidy if there is a dispute? I am anxious to get as much on to the record as possible.

**Derek Twigg:** I thank my hon. Friend for that intervention, and I will address that point during my speech. I am sure that he will not be surprised to hear that we anticipated some of his questions. I will get back to hon. Members about the ones that I am unable to deal with today after the debate.

The Department's position on industrial relations within the rail industry is defined in the franchise agreements. Everything that the Department does, it does because it has to contractually. There is little that it must do that is discretionary.

Under the franchise agreement, the Department may at its sole discretion, agree to provide compensation to TOCs for their net losses suffered as a result of industrial action. That clause was added to the franchise agreement in 2003. The mechanism to pay compensation exists because of the relatively short-term nature of the franchises. Because of that, there were worries that TOCs might react in a way that would be to the detriment of future franchises rather

*[Derek Twigg]*

than consider the causes of industrial action on their merits. Such awards might represent poor value for money for the industry as a whole and ultimately for the taxpayer when, in due course, we came to re-franchise the business. However, I emphasise that the compensation is not automatic and is paid only after consideration of all the contributing factors.

For an operator to be able to receive such support, it needs to be able to demonstrate that it has taken all reasonable steps to avoid industrial action. It also needs to show that it has done all that it can to prevent any action from having a negative effect on its business. Any support covers only net losses, and that captures the savings that operators may make from the industrial action. That remains the Government's position, but no such payments have been made since the Department took over direct responsibility for franchise agreements from the SRA last year.

**John McDonnell:** Is the judgment on reasonable steps undertaken independently?

**Derek Twigg:** It is taken by the Department, but the franchise managers work with the individual TOCs to that end. I stress that, since we took over the responsibility for franchising, we have not done anything in that respect. As my hon. Friend said, payments have been made under the clause. In the financial year 2003–04, the SRA made payments of £22.4 million in compensation to TOCs. In 2004–05, that figure was £1.4 million. My hon. Friend has asked for more detail on the breakdown of payments. I shall endeavour to write to him about it in due course.

**Tom Brake:** Is "reasonable steps" a legal definition or is there, as the hon. Member for Hayes and Harlington suggested, a checklist behind the phrase?

**Derek Twigg:** There is a relationship between a franchise manager and a TOC. "Reasonable" is something that we have to discuss and negotiate with the TOCs, but I shall be happy to give the hon. Gentleman further details after the debate.

I must clarify the position of the Department during the last 12 months of a franchise. When a franchise is at that stage, the position is slightly different. While the franchising concept was being developed in the mid-1990s, it was recognised that there was a need to prevent train operating companies from agreeing above-inflation pay increases, knowing that most of the cost would fall on their successors. To prevent that from happening, a clause was added to the franchise agreements to force the TOC to agree any proposed pay increases that would be above the average earnings index with the Department.

If the Department were to withhold its consent to such a pay award and that resulted in industrial action, it would be bound contractually to compensate the TOC for its net losses. That has never happened. To reiterate, the clause applies only if a franchise is in the last 12 months of operation. There are several other actions that cannot be taken by the operator in the last 12 months of a franchise without the Department's permission, which include the increase or decrease of staff numbers or total staff costs of more than 5 per cent. The Department monitors such issues carefully as part of its responsibility for managing the franchise.

Reference has been made to renationalisation. I shall not go into detail, but we have set up a new structure within the rail industry. The Department has set up a rail review, with Network Rail taking responsibility for performance. The train operating companies are working with them and also on improving customer service. Working with the private sector is important to bring more investment into the rail network and bring about the improvements that I have mentioned. We are spending £87 million a week. Post-privatisation, there were many complex problems in the industry. We have now set out a much clearer way forward and a structure whereby people understand what is happening. That will bring about further improvements in the rail industry in the coming years.

Reference has been made to agreements in respect of London Underground. Its operation, including industrial relations, is a matter for the Mayor, not central Government. It is for London Underground as the employer to lead in industrial relations and resolve any dispute with the trade unions. Any industrial action on the underground causes unnecessary inconvenience and disruption to the travelling public. We strongly urge all sides to continue negotiations so that the current dispute can be resolved peacefully. The strike arranged for 21 February was cancelled due to both sides engaging in constructive talks. I understand that the proposed strike on 2 March will also not go ahead.

As for strikes and agreements, and certain times when strikes should not take place, there are no proposals for the Government to ban strikes on London Underground. A local agreement between the employer and the trades union could be undertaken if both sides were agreeable. However, even that could not guarantee that no further action would take place. New York has such a no-strike agreement in place, but that did not prevent strikes from taking place last autumn. It also cannot prevent unofficial action. It is far better that industrial relations are undertaken in a constructive and positive manner from the outset so that strikes or threats of industrial action are not necessary.

I am sure that hon. Members will agree that now is not the time to go into the wider issues of railways pensions and the existing challenges.

**Mr. Davidson:** Before the Minister goes into pension details, did he accept our argument when we asked him for a full and helpful response to our detailed questions? He said that he would respond. Will his responses be helpful and constructive, and clarify matters, or will they be obscuration letters that sometimes come from Ministers?

**Derek Twigg:** Unless my hon. Friend has noticed something that I have not noticed in my seven months in the job, that is not generally my style. I give a commitment that I shall place the information that has been requested about issues that I have not dealt with today in the Library and I will make sure that all hon. Members are kept informed of what is happening. I shall make matters as clear as possible. I give my hon. Friend that undertaking.

I understand the worries that are felt about railway pensions. It is accepted generally by all parties, including the trustees, that the operation of the railway pension scheme—the RPS—needs to be fundamentally assessed to ensure its continued good operation in the future and that members continue to receive their expected benefits, but the costs need to be contained at an acceptable level. I am aware of the potential for difficulty caused by the announcement of large deficits within sections of the RPS, but I am hopeful that a way forward will be found. Obviously, people are working together to find that way forward.

The rail industry has undergone extraordinary changes in the past 10 to 15 years, beginning with privatisation and ending with the recent Railways Act 2005. I stress that the commitment and contribution of trade union members and staff who work in the rail industry has obviously been fundamental in getting over the difficulties that the industry faced post-privatisation, Railtrack and so on, and in taking forward what is now a much more successful railway, which is improving. I cannot underestimate the contribution that the staff have made to that, as have the train operating companies and Network Rail as well as the Government in the way in which we have set in place the strategy for the railway. By working together, we can further improve the railway and take it from strength to strength.

As for the £87 million, it is crucial that our investment continues. Reliability has been a major factor in improving the railways. More than 85 per cent. of trains are running on time. People are voting with their feet and using the railways in greater numbers. As I said, more than 1 billion passengers used the railway last year. As any successful organisation knows, staff are its biggest asset—

**Mr. Jimmy Hood (in the Chair):** Order. We must now move on to the next debate.

## Regeneration (Thetford)

12.30 pm

**Mr. Christopher Fraser** (South-West Norfolk) (Con): I am delighted to have this opportunity to fly the flag for my constituency, and in particular for the market town of Thetford. I am also pleased that the Minister—someone I consider a parliamentary friend—is replying on behalf of the Government. I know that he will be positive and sincere in addressing the issues I raise, and that his advice will help to move us forward. I wish to outline the problems facing Thetford, the opportunities that exist, and what needs to be done to give Thetford the chance it so genuinely deserves.

Thetford lies in the heart of Breckland, an area of sandy heath and forest around the Little Ouse valley, and it has historically been the industrial engine of the area. It is the fourth largest town in Norfolk, and it is the centre for employment, shopping and community services for the surrounding rural community. It is only six miles from the county boundary, so its catchment area extends into neighbouring Suffolk, Cambridgeshire and beyond.

Thetford has a wealth of heritage that should attract more national and international visitors, but it is not a renowned tourist location, and it is largely held in low regard by Norfolk residents from elsewhere in the county—indeed, sadly, it is often seen as a troublespot. Between 1956 and 1980, Thetford was a London overspill town, and it went through a period of rapid expansion in housing and jobs. That has left Thetford with large housing estates and industrial areas on its outskirts.

Norfolk is a diverse county, with some areas of affluence, but others of extreme deprivation. That is a significant problem in Thetford, and particularly in the west of the town. We continue to face the major challenge created by grafting three substantial housing estates on to a relatively small area, but with limited sustained mainstream investment in social and economic opportunities. The 2001 census, coupled with local information provided by the Keystone Development Trust, showed that the key issues include child poverty, ill health related to disadvantage, low educational attainment and aspirations, antisocial behaviour, high teenage pregnancy and high levels of petty crime and domestic violence. Do the Government accept that Thetford has for too long been undervalued in respect of their investment priorities?

Fortunately, however, Thetford is now reaching a turning point. I am pleased to report that partnership-driven regeneration work, underpinned by the East of England Development Agency and European resources, has brought the town to the threshold of positive change. That has created some hugely positive trends, fostered and encouraged by many local agencies, including Breckland council, Thetford town council, the Keystone Development Trust and Norfolk county council. Thetford is benefiting from demographic diversification, with the influx of new residents who work in Norwich or Cambridge. They will bring some wealth to the town. However, it is important that we develop local jobs for local people, and have a diversity of shops and facilities, so that they choose to spend their money in the town.

*[Mr. Christopher Fraser]*

We have had help for the housing estates through the single regeneration budget and European objective 2 funding, but what will happen when that short-term regeneration funding comes to an end? The local authority is trying to balance the need for new additional housing stock with the difficulties faced in respect of outdated existing housing. That is hard to do. When the Government plan major housing developments, Ministers must accept that we need funding for local amenities if areas such as Thetford are to provide for the community when it moves in. When new houses are built, that has huge implications for schools, GPs' surgeries, and local transport and leisure facilities for children and adults alike.

Currently, there are about 7,000 migrant workers in Thetford. They meet labour shortages in the local economy—they do jobs that the indigenous population do not want to do. They make a significant contribution to the economic development of the area, but, unfortunately, they are perceived by some as having a negative effect on local services and schools. I would like the Government to support local agencies to promote understanding and respect, and to ensure that we have a properly integrated community. That would allow Thetford to celebrate its new multicultural nature.

I am the first to admit that much positive work is being done and there is a good feeling in the town, but those trends must be viewed realistically as part of a bigger picture for the community. There has been criticism that support in respect of drug and alcohol dependency, and sexual health and domestic violence on the estates, has been piecemeal, and that the lack of mainstream public resources for community centre costs or social programmes has made things worse. Unfortunately, there is a general fear of crime, and of persistent racism or racial harassment. There is only a limited amount that the local authority can do without support from central Government. As the Minister probably knows, it is doing its best. However, when we find that community policing is hampered by resource limitations, that puts the ball right back in the Government's court.

It is true that unemployment is currently relatively low. Many of the industrial estates in Thetford were created in the 1960s and 1970s as part of the Greater London council overspill programme, when many businesses were relocated to the town. That has left a lasting legacy. There is a number of large manufacturing businesses, and a predominance of manufacturing employment in the town; over 50 per cent. of the work force are employed in that sector. However, that means that the national trend of the contraction of that sector has the potential to hit the town very hard.

In the greater Thetford area, we have recently been hit by an announcement by Del Monte that it may close its factory in Methwold, with the loss of more than 250 jobs. Future closures—there will inevitably be more—will result in difficult to let, outdated units as well as job losses. Will the Government recognise the challenges faced by Norfolk market towns such as Thetford, and continue to make funding support available to address those challenges? Will they also recognise that social, economic and environmental regeneration is not only needed in large urban settlements and seaside resorts, but required to keep Britain's market towns vibrant and sustainable?

Now let us look to the future. No one denies that European funds and local and regional public sector regeneration funding have started to address the social, environmental and economic issues facing the town, but will Thetford benefit and move forward over the next five to 10 years? In the draft regional spatial strategy, Breckland council has earmarked Thetford for another wave of significant growth in both housing and jobs. It sees that not as an end in itself, but as a means to regenerate Thetford, and in particular the town centre. Will the Government ensure that Thetford's potential is fully realised through support for current and future regeneration initiatives, such as the rural enterprise valley and the Moving Thetford Forward projects? Moving Thetford Forward is a vision and development strategy prepared to inform Breckland council's local development framework. It is a hugely exciting vision for the future of Thetford

"as a lively market town where people of all ages and backgrounds feel welcome to live and visit",

but it remains largely unfunded.

Thetford has a dearth of places to play sport, watch films, view art or go dancing. Local residents have some way to go if they want to do so. Young people lack appropriate places to meet, and public transport does not offer easy access to other towns that enjoy such benefits. What support can the Government give to encourage the development of cultural and leisure facilities to enhance the lives of the people who live in Thetford?

As the leader of Breckland council, William Nunn, told me,

"we will need to drive this project from the public sector, because the private sector is focused on the negative reports that the media portray".

I would like to think that this debate will start to redress the balance, and that the positive progress made in the town will persuade the private sector and the media alike that Thetford has an exciting future, which will be delivered all the sooner if we work together, and if the Government openly support the projects being instigated by local agencies and interest groups.

Other opportunities for the future have been identified and are being examined, including the possibility of the Office of the Deputy Prime Minister giving Thetford growth point status, and the possibility of establishing a market town regeneration company; a feasibility study into that is under way. Can the Minister offer advice and encouragement on the future of those initiatives? What about the local area agreement, a key Government tool for engaging all agencies? The LAA highlights many of the issues facing Thetford, but does it bring any new money to deal with them?

In order to attract investment to the town through skilled employment and well paid jobs, Breckland council is working on the rural enterprise valley project, to which I referred. As Mark Stanton, the economic development and regeneration manager, told me:

"The purpose of REV is to harness the power of Norfolk's world class motorsport and advanced engineering sectors, to gain competitive advantage for the cluster, its supply chain and related businesses ... The project will build an exciting new business

community benefiting from interaction and collaboration, business and skills support and development, increased investment and infrastructure developments."

The project includes the construction of Thetford enterprise park, which will offer high-quality, purpose-built premises to the sector and its associated supply chain. However, two key issues are as yet unresolved, the first of which is funding.

Breckland council, the Crown estate, which owns some of the land, the Government office for the east of England, through objective 2 funding, and Norfolk county council have all made firm or provisional commitments to funding the project. I urge the East of England Development Agency to commit to the £1.5 million grant that would enable the project to get off the ground. I hope that the Minister will support me in that request. As long as the EEDA agreement remains outstanding, there is a risk for the council in starting work.

The project is hugely exciting, and will have a major and continuing economic impact on the district, county and region. It will support a high-growth sector, promote inward investment along the A11 corridor, and bring new, quality employment opportunities. I want the project to be at the heart of an area of investment and opportunity, known and promoted across the country as "Tech Anglia", where people will want to live and work because it offers a positive future for them and their families.

If we are to achieve that goal, we must address the outstanding matter of the local roads infrastructure, and in particular the A11, which is a vital link between Norfolk and the rest of the United Kingdom. There remains an 8 mile stretch of single carriageway between Fiveways Corner roundabout and Thetford which leaves Norfolk the only county, and Norwich the largest settlement, not connected to the national dual carriageway network. The need to dual that section is paramount. It must be completed as a matter of urgency. The business community, utterly frustrated by unfulfilled promises and ever growing delays on that stretch of road, has rolled in behind our local authorities. A compelling case has been submitted to the regional assembly. Will the Minister support that project, and will he join me in calling on the Secretary of State for Transport to approve it so that a timetable can be drawn up and work can start?

I have highlighted Thetford's history, the difficulties that the town faces, the opportunities that lie just around the corner, and the next steps towards making a real difference to Thetford and the surrounding area. I know that the Minister will take on board the fact that neighbourhood regeneration is a long haul, but does he accept that neighbourhoods such as Thetford experiencing poverty and disadvantage deserve the best and consistent services, rather than piecemeal regeneration schemes? What can he offer the people of Thetford, and the agencies working so hard on their behalf, for the future? We want Government support for a secure and viable economic future. Where necessary, we want appropriate, timely funding, to ensure the success of the area.

I have one more issue to raise, and that is the concern in Thetford, Breckland and across south-west Norfolk about the proposal by the Office of the Deputy Prime Minister that the county should become unitary. There is a commonly held, passionate belief in the local delivery of local services, supported, of course, by Government, rather than a one-size-fits-all unitary approach.

Again, I thank the Minister for listening to my concerns. I invite him to visit Thetford to see for himself the issues that I raised. Thetford is an example of a town that has been done down by too many people for too long. Much could happen in the town in a short time. I am determined to do all that I can to ensure that Thetford achieves its true potential in this economically competitive and technological age, and to ensure that the concept of "Tech Anglia", and all that it could stand for in East Anglia and across the country, is truly realised.

12.45 pm

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** It is a pleasure to see you in the Chair, Mr. Hood. I congratulate the hon. Member for South-West Norfolk (Mr. Fraser) on securing this debate, which provides an opportunity to discuss the significant work in progress to regenerate Thetford. I appreciate his kind remarks, and I hope to respond somewhat positively to a number of his points.

Recent developments in the town and plans for the future are extremely encouraging, as has been outlined by the hon. Gentleman. Partners including Thetford town council, Breckland council, the Keystone Development Trust and the East of England Development Agency have been working together to develop long-term plans for the town. Those plans culminated this month in the launch of a vision and a development strategy called Moving Thetford Forward, which the hon. Gentleman mentioned. That strategy is the product of extensive consultation with local stakeholders, and local people will continue to be widely consulted as a vital part of ongoing activities.

At the core of the proposals is the plan to build on the town's outstanding natural assets. From among those, the town's waterfront has been identified as offering considerable opportunities for development. I am advised that options for increasing waterside accommodation and attractive leisure activities are under consideration. Residents and businesses are keen for further improvements to the town's streetscaping, and want to combine a mix of traditional and contemporary enhancements that are sympathetic to Thetford's rich history and to its need to develop as a modern, thriving economy.

In all, five key themes have been identified as the basis for the vision and the development strategy. The putting together of that vision has really underlined the strength of the partnership in Thetford and the determination of central partners, including those mentioned, to reinvigorate the town, working hand-in-hand with local businesses and residents.

It is important that the vision maintains its momentum as a blueprint for practical actions in the town over the next few years. As part of the vision, the East of England Development Agency invited Breckland council to submit a proposal for a feasibility study to consider the potential for establishing a market town regeneration company in Thetford. Obviously,

*[Jim Fitzpatrick]*

that is still at an early stage, but it provides a clear signal of the positive intent of partners to ensure that Thetford continues to progress and realise its potential.

Rightly, people living and working in Thetford take great pride in the town's rich history and culture. Thetford has an exceptionally interesting past, which has been influential in shaping key investments to develop the local economy. It was from Thetford that Queen Boudicca—when I was educated, she was called Boadicea—plotted her attempted overthrow of the Romans. Another resident continuing the noble tradition of freedom and liberty was Thomas Paine, who attended Thetford grammar school. Of course, Thetford was a world-famous centre for steam traction engine production in the 19th century and the early part of the 20th century through the Charles Burrell company.

That history has been at the centre of significant investments in the town, designed to unlock the potential in that rich heritage and so help stimulate the town's economy. The development of the magnificent ancient house museum, located in a 15th century Tudor merchant's house, will provide an outstanding exhibition space for the town's collection of valuable artefacts. Those include a hoard of late Roman jewellery and spoons as well as a display of original items from an Indian prince with connections to Thetford, Duleep Singh, the last Sikh maharajah of the Punjab. The manner in which this architectural jewel has been revitalised illustrates well the community-based approach to cultural and economic development in the town. Throughout the closure, local people have been involved and kept informed of progress, and educational opportunities have been maximised through close working with Thetford's schools.

The town's industrial heritage is celebrated and explored in the redeveloped Charles Burrell museum, which contains some wonderful examples of steam-powered traction engines. The local community is now considering options for further developing this facility, including potentially enhancing its impact as a museum that brings to life the history of Charles Burrell and Sons in the town, or extending its usage as a craft and music venue for the young. The need for increased provision for young people in the town has been identified as a particular priority within the Thetford vision and development strategy, as mentioned by the hon. Gentleman.

As well as stimulating the town's economy through the creation of 21st century visitor attractions, such facilities are also acting as powerful tools to engage local people in the town's history and culture, and that can exert only a positive influence on people's sense of pride in place and connection with the town, which the Government are keen to promote. This sense of pride in place is clearly important in helping to bring together the culturally diverse community that lives in Thetford.

Thetford has a proud tradition of embracing and supporting new populations and groups, from the migration of engineers during the 19th and the early part of the 20th century from London, the midlands and Yorkshire, to the expanding employment opportunities in the town's Burrell works, to the settlement in the 1950s of several thousand Londoners in Thetford and the more recent establishment of a growing Portuguese community.

Of course, as well as bringing fresh opportunities and perspectives, these changes have also carried with them new challenges. The Government recognise that and have invested, for example, in measures to ensure that the Portuguese community is supported as part of a thriving community and is able fully to play its part. The difficulties faced by this growing migrant community in negotiating language and cultural barriers are real, as are problems accessing employment and training opportunities and general services.

In responding to these challenges, more than £190,000 is being provided under the Home Office's race equality grant scheme, "Connecting Communities", through the Thetford-based Keystone Development Trust, to remove barriers to employment and skills development. A central part of this scheme will be a range of services to guide migrant workers through the various types of provision in the Breckland area. The scheme also includes support for the setting up of a Multilingual and European Thetford Association, run by and for migrant workers, and support for better childcare facilities, which are more responsive to the shift patterns worked by some migrants. Practical work advice has been provided to hundreds of Portuguese people, directly resulting in them gaining employment. An information pack, providing a guide to public services in the Breckland area, brings this information together.

In addition, the European social fund objective 2 programme has part-funded a complementary skills package of support for the food manufacturing industry to help promote growth, sustainability and competitiveness. That project has provided support for 2,000 beneficiaries, a large proportion of which are migrant workers. All this provision is clearly important in making a genuine difference to the lives of people within this community and to their ability to contribute to and be part of a thriving town.

Developing the town's skills base and job opportunities has been a priority. The Government recognise the urgent needs within Thetford, which manifest themselves in high levels of benefit dependency and unemployment.

**Mr. Fraser:** On the skill base, can the Minister assure me that new money, rather than the piecemeal packets that I mentioned, will be available for the projects about which we are talking? We need to examine what will happen in the long term, not just put little amounts of money here and there.

**Jim Fitzpatrick:** I am not sure that I will be able fully to satisfy the hon. Gentleman, but I will deal with the amount of funding that is under active consideration. This debate will allow me the opportunity to make inquiries to reinforce the representations that he has been making to Departments in support of the various projects being considered at the moment.

As I was saying, there are high levels of benefit dependency and unemployment, as well as low levels of educational attainment. We have responded to this in a number of ways. Funding has been made available for a

town regeneration manager and a linked package of measures to improve the attractiveness of the town centre and promote its vitality as a business and visitor location, including improved landscaping and traffic management schemes.

Responding to the need for more provision of workshop and light industrial space linked to training facilities, £1.76 million has been invested in a brand new social enterprise and skills centre in the town.

**Mr. Fraser:** The Minister mentioned the town regeneration manager. I should like to put on the record that the funding for that position, which is currently held by Mrs. Susan Glossop, will come to an end. I should like the Government to recognise that we need continued funding for that job.

**Jim Fitzpatrick:** I hear the hon. Gentleman's request and undertake to make inquiries and write to him about the continuation of funding in respect of the regeneration manager.

Core elements of the social enterprise and skills centre will include the provision of vocational training to meet the demands of local employers, which will provide a real boost to the town's economy, as more than 70 jobs are expected to be created.

In addition, some £3.2 million has been invested in a new enterprise resource centre, which is providing much-needed managed workspace for new and growing employers, training and childcare facilities. Further investment in a refurbished grade 2 listed landmark office building in Thetford, to create a community development centre, is providing a strong statement of the town's determination to put development of its citizens and the work of community groups at the heart of future plans. This is complemented by the refurbishment of a voluntary sector hub to promote voluntary groups and to tap into the unique insight and understanding of this sector as a significant provider of essential services.

Just as Charles Burrell's steam engine facility provided a hub for state-of-the-art manufacturing and high-value-added employment at the end of the 19th and the beginning of the 20th century, so the developing automotive sector in Breckland, including Thetford, offers an exiting opportunity into the 21st century within an advanced engineering and motor sport cluster that is a major source of employment and prosperity in the area and offers considerable potential for the future. Turnover in advanced engineering in Breckland in 2003 amounted to £190 million, of which £23.8 million was within the motor sport sector. In ensuring that this vital source of high-value-added employment continues to grow and prosper, partners have been working hard to put the right sort of infrastructure in place to maximise its potential.

Already, £612,500 has been invested in a team of business support experts in the field, who are providing brokerage, grant, recruitment and youth employment and graduate engagement services. This resource is the first part of a package of measures under the rural enterprise valley initiative, with long-term plans for a fully serviced site to support and grow this important cluster now being discussed between key partners, including Breckland district council and EEDA. These talks involve the injection of considerable sums into the project including, potentially, £1.5 million from EEDA, as well as up to £1.9 million from the Crown estate in cash and land.

Of course, we recognise that well planned and carefully thought out transport infrastructure is an important factor in supporting the economic prosperity of Thetford. Many schemes are in place or under development to deliver this. The A11 is a key trunk road, both within Norfolk and also as a route connecting Suffolk and Cambridgeshire. The Minister will know that several improvements have taken place to this road over recent years—most recently, the current A11 Attleborough bypass improvement scheme, which is due to open in early 2007.

The A11 Fiveways to Thetford improvement scheme is identified in the Highways Agency's current business plan as a scheme to be progressed subject to regional priorities. We have now received the region's advice and are assessing it. The A11 Fiveways to Thetford scheme has been identified as a priority scheme by the region and within that ranking it has been allocated a delivery date of no earlier than 2011–12. This takes into consideration the funds available over the next 10-year period and how the full list of schemes can be afforded out of that funding. I understand that the Minister of State, Department for Transport, my hon. Friend the Member for South Thanet (Dr. Ladyman), is writing to the hon. Gentleman with details and further clarification.

It is possible that the scheme could be started earlier, but only if other schemes do not happen or their programmes slip. The region will be undertaking regular reviews of the priority list to ensure that best use is made of the money available. In addition, improvements have been made to the A47 and measures are being taken forward by the Highways Agency, under its route management strategy, to improve safety and incident management and control vehicle speeds along the Acle straight.

There is no doubt that Thetford is on the move. Certainly, we do not underestimate the challenges ahead. Nevertheless, I hope that the hon. Member for South-West Norfolk will feel somewhat reassured that the activities in place to increase the town's prosperity and prospects, set against the framework of the newly launched town vision and development strategy, provide a strong basis for the future.

I wish him, his constituents and all those working on the town's future every success. I regret that I am not in a position to respond to his kind invitation to visit, but I will seriously consider accepting in future.

## Southampton Airport

1 pm

**Mr. John Denham** (Southampton, Itchen) (Lab): I am very grateful for this Adjournment debate and the opportunity to talk about the expansion of Southampton airport. I hope that I am speaking up on behalf of those of my constituents who will be worst and most directly affected by the proposed expansion. The plans that I shall be discussing today were set out in the airport master plan that was published last summer. It is because that plan will eventually find its way to the desks of Ministers that I thought a debate in the House of Commons would be appropriate.

I must admit that I am not quite sure what the Minister will do with the airport master plan when it arrives. I hope that one thing that we shall clarify today will be what will happen in Government when the master plans are received from various regional airports. I hope that Ministers will take responsibility for what happens at a local level as a result of national Government policy. My fear, I am afraid, is that Ministers may wash their hands of the problems and challenges that arise; that the master plan will be noted but that nothing will be done nationally to ensure that there is protection from the environmental damage that is currently proposed.

The master plan was produced in direct response to the Government's aviation White Paper. The first thing that I want today is an assurance from the Minister that the Government will take whatever measures are needed to ensure that the local environmental impact will be properly assessed, taken into account and dealt with. Secondly, the master plan is, as I shall explain, a very big change from the figures published in the White Paper. I shall be interested to know from the Minister whether the Government are in any way committed to the projections that were published just a couple of years ago.

There is a certain amount of déjà vu for me in the debate. The first ten-minute Bill that I introduced into the House of Commons after my election in 1992 called for greater local planning powers over airport expansion. It is with some regret that I say 14 years later that very little has changed. There are no direct local or strategic planning controls over airport operations. The only controls—I think that this is true in many ways even of massive airports such as Heathrow—come from the need for planning permission for works on the ground. In Southampton's case it is only because new hard standings and improved terminal buildings will be needed that local authority planning will come into play at all.

I still do not believe that it is acceptable that planning controls kick in only because of an accident of the current physical layout of the airport. In any case, the structures are wrong. In our case, the planning authority is Eastleigh district council, which covers the airport but not my constituents, who lie to the south of the site. Southampton district council, the city council, has no direct planning powers at all in relation to the airport.

I presume that Governments have resisted a better planning process because they fear that it might prevent all airport development. I do not think that that is true. As I shall freely acknowledge, the development of Southampton airport has brought significant economic, development and employment benefits. Strategic planning processes are often well able to balance different considerations, and there is no reason why airport development should be the one major industrial activity in this country that is not subject to proper planning. Many people in Southampton would find it extraordinary that, although Ministers recently turned down the vital expansion of the port of Southampton—a decision with far greater economic consequences and far fewer environmental consequences—after a lengthy planning process, no similar process has been followed with respect to the development of the airport.

At the same time, I want the Minister's assurance that the Government will not try to overrule the limited planning powers that currently exist by using the new strategic planning process. It would be quite unacceptable if any future local public inquiry were to be rendered largely irrelevant by a Government declaration that the expansion has regional significance. I hope that we can be given an assurance that the new strategic planning powers will not be used in that way.

One thing is perfectly clear. We cannot rely on the airport operators, BAA, to safeguard the interests of my constituents who live under the flight path. As I will make clear in a moment, I am not as critical of the local airport management as many of my constituents, but it is a sad fact that the master plan made no mention of the immediate environmental impact of airport expansion. It made no mention of the means of controlling, limiting or mitigating the impact in the areas closest to the airport. To do that, we need to look to the local authorities and to the Minister.

It may help the Minister if I provide a sketch of the airport and its environment. The airport lies between Southampton and Eastleigh, occupying the entire gap between the M27 motorway and what is left of Eastleigh's rail works. The single runway runs more or less north-south, ensuring that all takeoffs and landings are directly over residential areas in either Southampton or Eastleigh. The simple truth is that if there were no airport there today it is inconceivable that anyone would give planning permission for any type of airport in that location.

At the southern, Southampton, end, the ground rises relatively sharply to a height of around 300 ft; the rise begins a short distance from the south of the end of the runway and the M27. The rising ground is almost entirely developed as a residential area, with some important local schools. It is that area, Townhill park, that bears the brunt of the noise and disturbance. A small distance to the south is Bitterne park, a contiguous residential area that is also badly affected.

The majority of complaints come from those living on the hill, but there is also a significant impact on those living at a lower height along the east bank of the river Itchen. I should declare an interest at this point, because that is where I live, although somewhat further to the south than most of those who complain about the airport. The impact on those living in the lower area is partly caused by the deliberate decision to route as many flights as possible along the river route—a decision that I support, even though those flights go over the top of my house.

The airport may still be best known outside the city as the site of the maiden flight of R.J. Mitchell's Spitfire. For much of the postwar period, it was a fairly sleepy local airport. The first major development took place in the early 1990s. It was that that prompted my earlier private Member's Bill. At that time, low-cost flights had not been developed. The airport was seen primarily as a "briefcase" airport, concentrating on the business market, with a limited number of charter flights.

The local authorities were able to use their limited planning powers to extract a number of agreements on airport operations, including a ban on night flying. The voluntary agreement to route flights along the river was brought in around this time. It would be wrong to suggest that those controls produced a satisfactory position for local residents. Noise, vortices and general intrusion continued, but to some extent the economics of the airport operation limited the full impact that we had feared in the early 1990s.

That all changed with the advent of local low-cost flights and the operation in Southampton of Flybe. There was a substantial increase in the number of flights by older and noisier aircraft, particularly the BAe 146. The number of early morning flights also increased significantly. That development, with its huge impact on local people, needed no new planning procedures. It was just a change in the economics of airport operation. The public response was very sharp; at that time the airport became—it has stayed—the most significant local constituency issue in my postbag.

Over the past two years there has been pretty constant engagement between local people and the airport. I believe that the airport manager, who has just retired, David Cumming, made a serious effort to listen to what local people were saying, and within the constraints of his job, which was of course to manage and expand an airport, to improve things to some extent. Flybe has also been engaged in that process.

A number of things were attempted. A trial was run which involved alternative routes and allowing the four-engined planes to climb to 3,000 rather than 1,000 ft before levelling out. Unfortunately, the assessment showed a limited impact from those trials, although I and others firmly believe that the local impact on the worst affected areas was positive. It was a shame that the trials were not continued. At long last a better monitoring system was brought in so that aircraft deviating from agreed routes could be identified. Sadly, that has been inoperable for much of the past two years because of problems with the Pease Pottage radar system.

The process of engagement with the airport was not always satisfactory for my constituents. Some meetings became dominated by people who lived a pretty long way from the airport. They had legitimate concerns, but the impact on their lives was far less. It is important at this point to get across to my hon. Friend the Minister exactly how much the airport has grown, and how much it is planned that it will grow. In 1997 there were just under 600,000 passengers and 25,000 aircraft movements. By 2001 there were 803,000 passengers and 27,000 aircraft movements. In 2003 there were 1.138 million passengers and nearly 32,000 movements.

It was in 2003 that BAA made its submission to the Government's consultation on the development of air transport. In that submission it said that Southampton airport could grow to accommodate around 2.5 million passengers by 2030 within its existing boundaries and assuming, as is planned, additional runway capacity at other airports in the south-east. Thus the long-term aim is for 2.5 million passengers by 2030. The Government seem to accept that view. In their White Paper, they referred to

"support for some growth to allow it"—

the airport—

"to cater for local demand. The airport operator doubts that the airport could reach the capacity of "

7 million passengers—the figure floated in the Government's consultation—

"and believes that, within its current boundary, the airport would more likely grow to a capacity of"

2 to 2.5 million passengers per annum. That expansion to 2.5 million passengers was greeted with some horror by local residents, but at least it was spread over a lengthy period, with the possibility of quieter aircraft and further restrictions. However, those projections have been torn up in the new master plan. By 2004, the annual passenger numbers had reached 1.5 million, with 37,400 passenger movements. According to the master plan, the number of passengers will be 3 million by 2015—not 2.5 million by 2030—and 6 million by 2030. The number of passenger movements will be 62,000 at the end of that period. It is not surprising that local people have had enough.

The planning controls are very limited. Development will take place on BAA land over the next nine years, although permission will be required for aircraft stands, taxiways and improved check-in facilities. That brings the issue a bit within the local authorities' remit, and Southampton and Eastleigh have considered the master plan. I am on record as saying that both local authorities have been too weak in their dealings with the airport over the years, although I accept that their powers are limited.

In September, Southampton city council resolved that:

"Council acknowledges the important contribution, direct and indirect, made by the Airport to the local and regional economy.

However, Council also recognises that current levels of noise and pollution are understandably a matter of concern to the residents in some parts of the City and believes that addressing these issues should be at the forefront of BAA's plans for the future of Southampton airport."

Unfortunately, the city council's formal submission to BAA did not reflect that strong unanimous resolution and no reference was made to reducing noise pollution. Why that happened is an internal matter for the city council, but I note that its final position was almost identical to the much more positive position taken by the Liberal Democrat leadership of Eastleigh council.

There is no doubt that the airport has brought significant benefits. There are 1,500 jobs there, many of which are done by my constituents, who value the opportunities that the airport has brought them. It is also valuable for business to be able to fly into and out of Southampton as a premier south coast airport. Local surveys also indicate wide public support. I acknowledge all that, but sometimes our job as Members of Parliament is to stand up for the minority and to ask difficult questions that no one else wants to ask.

*[Mr. John Denham]*

My constituents who live under the flight path are perhaps the minority among those with an interest in the airport, but their rights must be protected. The airport's impact can be judged against several different factors, including noise, vortex damage, pollution and safety. Many of those are not amenable to simple measurement or assessment. As we have found in the past, noise readings taken over an extended period do not capture the impact of individual flights. Nor is it easy to measure the combined effect of noise, disruption, the loss of useable amenities—such as a garden on a summer afternoon—or, indeed, fear.

We had a large public meeting in November, and the position that emerged from it was clear. It is essential that future plans for the airport start from the recognition that the current impact on local people is unacceptable. It is no good asking how much more people can take, because they cannot take any more. On the contrary, the master plan's starting point should be that local residents' quality of life should improve year on year over the entire period covered by the plan. When the plan is finalised, it should identify the key issues raised in the consultation, setting out how they should be measured and assessed and what measures will be taken to reduce their impact.

It is pretty clear that, left to itself, BAA will not take such an approach and that local authorities' powers to enforce it are limited. The Minister must therefore assure me that the Government will do everything they can to ensure that we achieve a strategy to bring about a continuous improvement in the environment of Townhill park and Bitterne park. To start with, key elements of such a strategy will include the need for noise reduction. That will partly involve ensuring that the airport puts in place a good monitoring system so that it can track flights into and out of the airport, and it is beginning to do that. However, there must also be an effective and continuous system of noise monitoring so that we can identify not only levels of background noise but the impact of individual flights. In addition, I hope that the Minister will support moves to put pressure on the airport to require operators to use quieter aircraft. We have been promised that the noisy BAe 146s will be replaced with Brazlian Embraer aircraft, which are supposed to have a quieter profile. The problem is that we have no means of forcing through changes faster than the airlines, for commercial reasons, wish to implement them. I hope that the Minister will tell me today that stronger powers will be made available to enable planning authorities to force the move to quieter aircraft.

The Government's White Paper made the remarkable claim that

"we will require that airport developments are consistent with existing arrangements for the control of the noise impacts of aviation",

but there are no effective controls. It says:

"local controls should operate ... so that ... noise impacts are limited, and where possible reduced over time".

I agree, but I hope that the Minister can tell me exactly how that is meant to happen. Can she assure me that a local authority could refuse planning permission for further development on the grounds—and solely on the grounds—that no agreement had been reached to reduce noise impacts over time? Such measures will be essential for the future life and well-being of my constituents. We need similar measures to monitor, assess and tackle vortex damage, as well as to assess the current levels of air pollution and ensure that they are reduced.

We also need to ensure that safety is properly addressed. A few years ago, the major secondary school under the flight path—Bitterne park school—wanted to build a sports centre, which would have been used for a variety of public activities and would have attracted a large number of visitors. However, the school could not get planning permission, because it was under the airport flight path and it was against Government policy to encourage developments that would attract a large number of people under a flight path. Yet, it is now proposed to have almost three times as many planes flying over the same area, which was deemed unsuitable for a development that would attract a large number of people. I hope that the Minister can explain how safety considerations will be taken into account when Government priorities seem so confused. In my view, it will not be possible to have the scale of expansion currently proposed for Southampton airport while delivering an acceptable environment for my constituents. We need to explore ways in which the airport could be required to have a business model that, for example, put more emphasis on business traffic and less on continuous expansion of the low-cost holiday business. In that way, we can keep the elements of the airport that are essential to local economic development, while minimising the harm to local people.

My final question—I apologise to the Minister for going on slightly longer than I intended—is simply this: does it make sense to plan for 6 million passengers in 2030, given everything that we know about climate change and the rapidly increasing contribution of air transport to greenhouse gases? I do not believe for one moment that public policy will be able to allow the increase in air transport that is implied if we are to deliver what we need to deliver to save our environment. At the Liaison Committee a few weeks ago, the Prime Minister told me that, in his view, the global community would need, by 2012, to have taken the key decisions needed to address climate change. It is difficult to believe that those decisions will allow the uncontrolled expansion of air transport that the present figures imply. I hope that the Minister will tell me that the Government recognise the problem and that the planet's long-term sustainability is, at long last, and after too much delay, being taken into account in aviation policy.

1.19 pm

**The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck):** I congratulate my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) on securing this important debate. I certainly recognise that the points that he addressed are legitimate and growing concerns, both for the communities in Southampton around the airport and, as he mentioned in closing, in terms of the contribution of aviation—among many other strands of the transport industry and domestic use—to climate change and how we address that.

Before I come to those issues, I remind my right hon. Friend that the air transport White Paper, which we published in 2003, was the first attempt to set out a long-term framework to match the development requirements of industry. It provided guidance to communities about how air traffic was likely to develop and gave some confidence to that development process. Explicitly, the White Paper did not do so as part of a "predict and provide" approach—the Government wholly reject the accusation that it did—but to reflect the fact that aviation is a growing sector that has an important contribution to make to the economy, as he recognised in his local context, and reflects people's increasing desire to travel.

Many UK airports are reaching the limits of their capacity. It is therefore important that we consider how some of those benefits and demands can be accommodated, while absolutely rejecting a "predict and provide" model and ensuring that we build in the necessary measures to mitigate some of the disadvantages of air traffic growth at the local, national and global levels.

I shall start with my right hon. Friend's concluding remarks about what the Prime Minister has said is one of the most important challenges facing the planet. The Government recognise that we must ensure that aviation, which is a growing sector, makes a contribution to addressing the urgent challenge of climate change. We know that unilateral action is not likely to be effective, because aviation is by definition a global industry. We are therefore working with other nations through the International Civil Aviation Organisation to promote and develop ways in which aviation can contribute to those aims, developing and introducing better technology, and improving operating practice.

An important achievement that was driven through during the UK presidency of the EU was to bring nearer aviation's entry into the European emissions trading programme. We see emissions trading as the way to ensure that aviation makes a proper contribution to tackling climate change. Compared with the other instruments that are currently available, emissions trading is the most likely to be effective because it provides an economic incentive to reduce emissions. That contrasts with, for example, a more generalised taxation measure, which we have also been called on to introduce.

My right hon. Friend understandably focused his remarks on Southampton. We recognise the economic benefits that regional airports such as Southampton generate for their regions and we support their growth to serve regional and local demand, subject of course to the necessary environmental constraints.

The White Paper invited airport operators to produce master plans setting out their development proposals in response to the conclusions reached in the White Paper. Master plans provide a transparent means for airport operators to explain their development proposals. They help airport operators to take forward the White Paper policy regionally and locally, and to inform stakeholders at all levels. That enables stakeholders to have a say on how the local airport develops. However, I should make it clear that master plans are owned by airport operators, not the Government. As such, master plans do not have development plan status, although the level of detail that they contain may inform local and regional planning processes.

As my right hon. Friend recognises, Southampton airport makes a key contribution to local economic prosperity. More than 1,000 people are directly employed there, more than 500 work in related jobs and, according to an economic impact study of 2004, the airport makes an annual contribution of £86.5 million to the local economy. The air transport White Paper referred to smaller airports such as Southampton as having an important role in the future provision of airport capacity in the south-east. It recognised Southampton as a regional airport and supported growth to allow it to cater for local demand.

The airport expects passenger numbers to grow from the current 1.5 million a year to around 3 million in 2015 and 6 million by 2030. Those forecasts are not subject to Government approval—there are many reasons why forecasts for airports that do not have movement limits set on them may differ from those in the White Paper—but we expect forecasts to be scrutinised in the planning process. If there is an expansion, the figures on which it is based can be brought before the planning process and the forecasts tested for their validity.

BAA published its draft consultative master plan for Southampton in July 2005. The plan detailed how the airport intended to meet the growing demand for regional air travel and gave a commitment to sustainable development and responsible growth. BAA is currently studying the responses to its consultation and I understand that it will write to respondents shortly to outline how it plans to address the key themes that emerged from their consultation. As reflected in my right hon. Friend's comments, those themes were noise, air quality, the potential impact on climate change and surface access.

BAA expected to publish its final master plan by the end of 2005, but the number and content of the responses that it received—800, of which I understand that 100 were quite detailed—encouraged it to carry out further work. BAA now expects to publish its final master plan this summer, alongside a noise strategy, an air quality strategy and a revised surface access strategy.

I hope that it is clear that the master-planning process and the consultation that underpinned it have provided an effective means of identifying local concerns and that they in turn have directly influenced BAA's planning for the airport. I take that as a confirmation of the value of such plans, which were introduced for the first time in the 2003 White Paper.

That is not to suggest that such plans confer planning approval for development, however. Any proposal for expansion would be subject to the planning system in the normal way, taking account of the policies set out in the White Paper and Eastleigh borough council's local plan. It is for the local development plan to address the development of the airport. The local plan and the local development frameworks must take account of the regional development strategy when it is finalised next year.

My right hon. Friend is concerned about noise. Southampton airport is designated under section 35 of the Civil Aviation Act 1982, which requires it to provide a proper forum for consultation with users, local

*[Ms Karen Buck]*

authorities and local representative organisations. All airports so designated, including Southampton, have chosen to establish consultative committees. The airport is subject to normal planning controls, and the local planning authority may set such noise-related or other environmental conditions on new developments as it considers appropriate. I hope that that goes some way to answering my right hon. Friend's question.

I understand that the airport has a range of noise mitigation measures. Scheduled night flights are banned and a flying controls agreement is in place with Eastleigh borough council, which lays down operating guidelines to ensure that noise is kept to a minimum and hours of operation are limited. Noise-sensitive operations are restricted and noise preferential routes are in operation to avoid, as far as possible, the most heavily populated areas.

I understand that the airport began a trial of new take-off and landing procedures last July to try to minimise the impact of noise on local people. The trial is due to be completed at the end of October and the results will be reviewed by the airport's technical working group. The Government's policy, reflecting the individuality of airports, remains that local noise problems should be tackled with local solutions. The airport's flying controls agreement with Eastleigh borough council is a good example of that approach.

The provisional local transport plan for Hampshire notes that many factors contribute to air pollution, which my right hon. Friend mentioned. It also records the preparation of an air quality action plan, which is intended to address the issues that have resulted in Eastleigh being declared an air quality management area.

Unfortunately, I am about to run out of time, but I undertake to write to my right hon. Friend about the other issues that he raised. I very much hope that BAA will read this debate with interest and take proper account of the concerns that he expressed on behalf of his constituents.

## Second Homes (Cornwall)

1.29 pm

**Matthew Taylor** (Truro and St. Austell) (LD): I welcome the opportunity to have this debate, and welcome the Minister for Housing and Planning. This issue has been on-running for some time in our part of the world and in national parks and other areas that are popular for holiday-making. In Cornwall, it has reached crisis point with homelessness figures and the unaffordability of local housing to local people on local wages. Many people who do not come up in the homelessness figures, but who are looking for homes and cannot afford them are also affected, such as young people who live with their families and others who have left the county because of work and the housing situation, but who would like to live where they were born and brought up.

The number of second homes in Cornwall has been growing substantially, although the figures are not easy to determine in detail. The rawest figures suggest that the number of second homes—homes for which people are essentially getting council tax discounts, which are unoccupied for most of the year and which are used by families only for holidays, and are not used commercially—has risen from 9,233 in 2000 to 13,221 in 2005. That is a growth of more than 40 per cent. Almost 4,000 of what were mainly family homes are no longer available to local people. The total number of households in Cornwall is 215,000, so more than 6 per cent. are now second homes of that sort. That does not include holiday homes to let that have come through the business rating system.

**Andrew George** (St. Ives) (LD): My hon. Friend makes a good point. He will be aware that on the Isles of Scilly, which are part of my constituency, nearly 25 per cent. of the housing stock is second homes. In a survey of estate agents that I undertook in my constituency last year, I found that twice as many properties sold in the previous year had gone to second home usage than to first-time buyers. That amplifies the seriousness of the situation.

**Matthew Taylor:** My hon. Friend makes a good point about the Scillies, but the problem is not only there, it also affects popular holiday communities around Cornwall. Official figures for St. Just in Roseland parish show that there are 234 second and holiday homes and 596 homes in which people are in full-time residence. Second home ownership in some Cornish parishes is as high as 80 per cent., taking holiday lets into account. A survey conducted in Portscatho suggested that 85 per cent. of properties are unoccupied most of the year. That is not a small village; it is quite a substantial one. Manaccan on the Lizard peninsular, with which my hon. Friend will be familiar, also has a figure of more than 80 per cent.

To put those figures in context, in the same period there was an increase in social housing. While there were 4,000 extra second homes, the net increase in social housing was 51—just over 1,000 properties were built, but nearly 1,000 were sold through the right to buy. Indeed, since the right to buy was introduced, more than 10,000 council houses in the county have been sold. That is a third of the stock.

In north Cornwall, there are 3,797 second homes—I reiterate that I refer to homes used only by their owners' families and friends and which are not rented out commercially—compared with 4,595 local authority and registered social landlord homes. The number of second homes in north Cornwall is approaching that of homes available for affordable housing, and far exceeds that number when commercially let properties are taken into account. There is a similar problem with building developments. In 2004–05, 2,000 homes were built, of which all but 231 were private commercial developments.

All that takes place in a county in which homelessness is a serious issue. In 2004–05, 1,213 households were found newly homeless, of which 875 were considered to be in priority need.At the end of September 2005, more than 1,000 homeless households were placed in temporary accommodation through local authorities, and 15,600 were on the housing register in the county in 2004–05. It is interesting to put those figures in the context of vacancies among local authority and RSL housing. In north Cornwall, there were only 272 vacancies, but more than 2,000 individuals were accepted on the homeless register, which includes only those individuals who are deemed to be in need of social housing. It will not include young adults of working age because they are not considered to be in that sort of need. People have to be disabled, have children or be elderly to qualify, or there must be some other relevant factor.

The most recent figures that I have been given include only second homes under the council tax discount—there is still a 10 per cent. discount—but according to people to whom I have spoken, those data are dubious. Others researching this issue may be aware of that. I make that point because the Minister may refer to that council tax data, according to which second home numbers appear to have remained fairly constant since 2002, and even to have declined in some parishes. However the people to whom I have spoken say that that is not representative of the true issue. Housing officers and county council statisticians all say that those official figures do not reflect the real situation. What evidence of that is there? The deputy chair of the Cornwall branch of the National Association of Estate Agents confirms that estate agents report no decline in the number of people buying second homes in the county. Local communities reporting to district and county housing officers and statisticians say that that the number of second homes in their villages and towns is greater than official figures suggest. That has been confirmed to me by district council housing officers.

A survey conducted by Crantock parish council in 2004 concluded that actual second home numbers are far higher than the census figures. For Manaccan, census figues put second home ownership at 25.2 per cent., but the parish council figure is more like 80 per cent. Similarly, official figures for Veryan parish show 116 second and holiday homes compared to 427 resident households, but in Portscatho, which is one of the major communities in that area, and which is similar to others, an actual household survey suggested that more than 80 per cent. of properties were owned by people who were not in full-time residence. In such places, one has only to look at the blank windows on winter evenings to know that that is obviously true.

In Portloe, I was approached by a constituent who is looking for housing. He works as an odd-job man in the area and is obviously on a low income. He had just been given notice to leave the last full-time rented property in the parish. All other rented properties are rented as holiday accommodation, so the best that he could get was a winter let. That vacancy had come about because—surprise, surprise—the property was being sold as a second home.

Why does the problem with data exist? There are a number of reasons for it, and it is important that the Minister is aware of them, because they are significant issues for Government as well as for us in the county. Restrictions on time and resources are impacting negatively on the quality of data gathered through the census, but I draw the Minister's attention to the fact that council tax data seem to be increasingly more misleading. That might be an unforeseen—or partly foreseen because there was comment about the possibility of tax avoidance—consequence of people seeking to minimise their tax knowing that they can get a 50 per cent. discount on second homes, rather than only a 10 per cent. council tax discount. The senior research officer at the county council told me:

"With council tax my understanding is that it is financially more advantageous for some owners of what really are second homes to pay business rates. Also I don't think this is quantifiable unless research has been done which I don't know about, but it is said that some couples with two properties register one of them in each of the two properties and each pays council tax with a single person discount . . . Those are just two reasons why the figures may be dodgy."

The loss of the second homes council tax incentive means that there is a potential financial advantage for couples or family members to register as single occupants of properties. They then qualify for a 25 per cent. discount, and often look forward to inheritance tax advantages in the future. Young adults living with their parents might be registered as living at second homes in order to minimise council tax payments there and future tax liabilities. Alternatively it may be financially advantageous to a register a second home as a small business and apply for small business rate relief. The anecdotal evidence confirms that.

A member of the treasury team at Kerrier district council reported an increase in the number of domestic property addresses submitted on the last batch of forms for small business rate relief. He noted a drop in the number of second homes registered compared with the previous year. People are swapping across. Restormel and Carrick both confirmed that and I was provided with a specific example in Kerrier, which gives a measure of the financial advantage of doing that. A property in Kerrier district council that is currently in council tax band B—a small property with a council tax that is not particularly high—would, with the 10 per cent. second home discount, be subject to £836.46 in council tax. However, if it were registered as part of a small business, it would be subject to £809.25, which would be the full business rate, but if an application were made for the 50 per cent. small business discount, the bill would be reduced to £404.63. That is a clear incentive to make the change, even without issues such as capital gains tax avoidance and inheritance tax further down the line.

If that were happening to a great extent, one would expect the process to filter through to the holiday-homes-to-let market. The figures are incomplete

*[Matthew Taylor]*

because if people say that they are registering as a letting business but do not bother to let the property they do not necessarily come into contact with the tourist associations. Even setting that aside, in 2001 there were 2,895 self-catering accommodation businesses in Cornwall and in 2005 there were 4,111, the great majority of which were hired holiday homes. That is significant growth, to say the least, and there are likely to be thousands more. Those figure show that, contrary to the indication from council tax figures on second homes that there has been a slight decline in numbers, there has been an increase of more than 1,000. Taking the two together, it is not unreasonable to assume that about 10 per cent. of all properties in Cornwall are likely to be holiday homes or second homes. Those homes used to be for full-time family use.

I hope that I do not need to spell out the resulting issues in too much detail, but I will run through them. First, this is money coming in from other parts of the country from people who are wealthy enough either to invest in a small business—letting the property—or to have it simply as a second home. Many people can afford to do that. It undoubtedly contributes to rising house prices because it adds a huge extra demand to the market. The average house price in Cornwall confirms that prices bear no relation to local incomes. The average house price in Cornwall is now just over £208,000, compared with £191,000 in England and Wales, yet our wages are 25 per cent. below the national average. According to Shelter and others, that is the worst affordability gap in the country and worse than London where house prices are higher, but incomes are much higher.

Since 1999, national house prices have risen by 97.9 per cent. and that created headlines about inflationary house price rises. However, in Cornwall the rise has been 153.1 per cent. Yet wages have fallen further behind the national average in the same period, so it has clearly not been driven by people in the local housing market. That has also led to the erosion of community fabric as family members are priced out of the market and forced either to move away or to live in the family home. Tight-knit communities have been weakened as a result.

**Mr. Dan Rogerson** (North Cornwall) (LD): I congratulate my hon. Friend on securing this important debate. Does he agree that the effects that he is describing could have an impact on the excellent education system that is provided in Cornwall because of the decline in numbers in small village schools, which will create problems in future?

**Matthew Taylor:** My hon. Friend is right, and I was about to come to the reduced use of local services. Those services include not only schools, but pubs, post offices and buses, and reduced use sometimes results in the closure of services. I shall give a couple of examples.

The first is from my constituency. St. Mawes is a large community but the combination of retirees and the holiday market means that it can scarcely maintain a two-classroom school. Numbers have been declining and the school may be lost altogether. Crantock is another example, which is familiar to my hon. Friend. Two stores have closed, the playgroup has folded, the youth club is struggling, pubs have few out-of-season customers, and the village hall, churches and charity organisations are all reporting difficulties in maintaining themselves. In that area, 80 per cent. of homes are reported to be holiday homes or some sort of second homes.

**Julia Goldsworthy** (Falmouth and Camborne) (LD): I am sure that my hon. Friend is also aware that the regional spatial strategy that the regional assembly is proposing includes a huge increase in house build in the most urbanised areas of the county. That will exacerbate the problem even more. Villages need homes to help to maintain sustainability, but they are not being built in those places.

**Matthew Taylor:** I thank my hon. Friend. These shocking figures come from new research, although the Minister may have seen similar material from his civil servants. It has taken a great deal of work to put the material together because it is not readily available through the local authority due to the difficulties in determining what is actually going on.

I want the Minister to consider some serious solutions. First, it is evident from what I have said that we need a serious study of what is going on. Perhaps it could be piloted in Cornwall where there is evidence of the effect of the second-home discount. I welcome the change because the discount seems to have thrown people into various tax avoidance schemes with no proper measure of what is going on. We need some serious work on the impact, not only in Cornwall, but in national parks and similar areas, which seem to be suffering similar problems. Otherwise, funding and planning decisions, not least on house build, will be taken on the wrong basis and the Government will lose cash for local communities, which they should not do. Local councils which need that money to build affordable homes will also lose.

The second issue is the need to tighten up the application process for small business rate relief. Under Government rules, it seems that all that people with second homes need to do to cut their tax is to say that those homes are available to rent for 140 days a year. They just have to tick a box on a form and do not have to provide any evidence that they have marketed the property, let alone that they have actually rented it out. In many cases, the community does not even benefit from more visitors because the property is occupied for only two or three weeks a year when the family take advantage of it. Yet they benefit from a cut in tax and the local council loses money that is currently being invested in building new affordable homes, which is what the extra money from second-home council tax is being used for.

The third issue is that it is important to ensure that the extra funds obtained from increased council tax charges continue to be ring-fenced and are not included in general council income. Councils have a discretionary power to raise the council tax from 90 per cent. and 50 per cent. and to get rid of the discount. In Cornwall that money is predominantly being transferred to the districts to build new homes. For example, in 2004–05 such money delivered real results on the ground with 20 houses in Penwith, 10 in Kerrier, 28 in Carrick, 35 in Restormel, 34 in North Cornwall and six in Caradon.

Many more are in the process of being built. Such results depend on the money being ring-fenced, and I hope that the Minister can offer some reassurance on that. They also depend on people paying, and if they continue to move their holiday homes to business rates that money will dry up.

When we have sorted out the tax avoidance issues, I believe that owners of second homes might pay more rather than less council tax than someone with a normal, full-time home. I shall not give a figure and I am not into penalising those people, but it is normal in the tax system—for example, VAT—to pay little or nothing for essentials but to pay the full rate for things that are less essential. For example, we do not pay VAT on food or children's clothes, but in the housing market people still pay less council tax for a second home than for the home they live in. That seems to be an oddity in the system.

My most important call is for the Government to examine the planning system. The national parks have done so with new build—not with total Government support—by introducing restrictions on new build and insisting that it is used for full-time occupation. However, there are still two planning rules that the Minister must review.

First, barn conversions in rural areas are not allowed for a full-time home, yet they are allowed for a holiday business. That does not make any sense at all and very much angers local communities. In many cases, farmers say that they want to make the conversion for a local person, and that they will charge an affordable rent, but they are not allowed to do so, perhaps because of misplaced sustainability concerns.

Secondly, it is most important that the Government reconsider giving local authorities planning control powers to stop full-time homes being converted to second homes in ever-increasing numbers. I know that it would be hard to police, but there are good tax reasons for policing such conversions. If they are not policed, there may be substantial capital gains tax avoidance. There is also the business rates issue and potential inheritance tax avoidance.

Policing the development of second homes is necessary anyway, but in communities where 60, 70 or 80 per cent. of homes are being turned into holiday homes and where the demand appears to be insatiable, it is vital that councils can say, "Enough is enough." Frankly, if they do not, there will be no point in building new homes in Cornwall. From figures that I obtained today about houses built over the past five years, it appears that at least one of every two has, in effect, gone into the holiday and second home market. Therefore, we are not tackling the housing problem in Cornwall.

1.51 pm

**The Minister for Housing and Planning (Yvette Cooper):** I thank the hon. Member for Truro and St. Austell (Matthew Taylor) for securing this debate and for using it to raise the important issue of housing availability and affordability in Cornwall. The Government take the matter of housing affordability seriously, and we recognise that problems of affordability must be addressed in all parts of the country. Sometimes, affordability is talked about as if it affects only London and the south-east, but, clearly, it does not. It affects different regions in different ways, according to the different circumstances that arise.

Average house prices in the south-west are over £200,000 and are the fourth highest in the country. The average price figure that I have for Cornwall of £202,396 is slightly different from the hon. Gentleman's figure, but similar.

Housing is also a problem for first-time buyers. It can be difficult for many hard-working families and households to pay for starter homes, which can be expensive. There are more than 1 million more home owners than in 1997, largely as a result of lower mortgage rates, but the pressures on the housing market in general mean that first-time buyers in particular face pressures.

In the south-west, the ratio of lower quartile house prices to lower quartile earnings is 8.46, compared with an average for England of 6.8. We know that there are particular pressures in Cornwall, that house price pressures can have not just a social but an economic impact, and that they can affect the sustainability of local communities.

It is important to put the problem in a national context. The south-west cannot be treated in isolation, although there are some specific issues around the nature of the local economy and the environment in that area. However, there is also a wider context: during the past 30 years, the number of households has increased by 30 per cent. but house building has fallen by more than 50 per cent. Nationally, each year, 190,000 new households are created, but only 150,000 new homes are built.

The level of house building has increased, but it must increase further. Otherwise, in about 20 years' time, only one third of 30-year-old couples will be able to afford to buy their own home. That is unacceptable, as it does not meet people's aspirations or housing need. That is why more market homes, more shared-equity homes and more social housing must be built. Further proposals to do that have been set out in the Barker review. They include changing the planning system and consulting on a planning gain supplement to raise additional resources for infrastructure, as well as increasing environmental standards.

The Government recognise that the challenges facing each region are different. There is high demand across London, the south-east and most of the east of England. Rising incomes are matched by even higher housing demand, which is not matched by housing supply. In the northern regions, areas of high demand are sometimes alongside areas of low demand, which creates different challenges.

In the south-west, there is a problem of housing supply not keeping up with housing demand. It is clear that there is a need to build more homes to meet demand. However, the position is more complex because incomes are lower than in other parts of the country, there are higher retirement levels in certain parts of the south-west and, of course, there are the issues around second homes that the hon. Gentleman raised, which are acute in particular areas.

The regional spatial strategy must take seriously all those different aspects and the need for more new homes in the south-west, but it must ensure that building is done in a sustainable way. That means matching

*[Yvette Cooper]*

strategies for new house building with strategies for economic regeneration and development—jobs and housing must be considered together—and the location of homes must be considered as well. There is an issue around the long-term sustainability of rural communities, given the additional pressures that they face.

The Government are increasing investment in affordable housing. Of the eight regions, the south-west has received the largest increase in its regional housing pot, up from £137 million in 2005–06 to £203 million in 2007–08. That is a significant increase. The south-west regional housing body proposes providing up to 9,500 more affordable homes in the next two years, up from the 6,000 homes that were provided in 2004. We shall announce the final details of the next programme shortly, but it includes significant increases for the west Cornwall market area. I know that Cornwall county council and the six district authorities are also considering new measures to address the problem.

**Matthew Taylor** *rose—*

**Yvette Cooper:** I have only three minutes, and I want to address the issues that the hon. Gentleman raised about second homes, if that is all right. He raised questions about the number of second homes. Obviously, it is difficult for me to respond in detail to some of the questions about the evidence base, but I shall look into the matter further. I certainly take seriously the points that he raised about council tax avoidance and business rate relief and shall look into them further.

The Government will continue to support the revenue for affordable housing that is raised for districts from the changes to the council tax discount. It lasts from 2004 to 2009 and generates some £3 million per year extra subsidy for the provision of affordable housing in Cornwall.

The hon. Gentleman raised some wider issues around second homes. We must recognise that the position is complex, as second home ownership can have a positive impact on the economy if it supports tourism, and the jobs and incomes that depend on it. The Government asked the Affordable Rural Housing Commission to consider in more detail the pressures that are created by second homes, and their impact on rural areas. The commission is also considering where new homes should be built and sustainability for small communities and villages, particularly if there are high levels of retirement in the area. We must ensure that communities have a long-term future and not simply an ageing population.

The Affordable Rural Housing Commission was set up in July 2005 to consider the evidence and to reach consensus on the relevant issues that impact on affordable housing needs in rural areas. It is due to report in the spring this year—in fact, in only a few months' time—and we will look closely at its proposals and any issues that it raises.

*Question put and agreed to.*

*Adjourned accordingly at one minute to Two o'clock.*

# Westminster Hall

*Wednesday 1 March 2006*

[MR. CHRISTOPHER CHOPE *in the Chair*]

## Regional Casinos

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Tony Cunningham.]*

9.30 am

**Tony Lloyd** (Manchester, Central) (Lab): A few moments ago, I was concerned because we had no Minister with us. I think that the odds were 15 to 2 on him appearing on time.

This debate is rightly entitled "Regional Casinos" because the compromise reached before the last general election when the Gambling Bill went through Parliament was that the number of regional casinos—the largest to be allowed to operate—would be restricted to one. Previously, there had been considerable debate about numbers. It may help if I say at the outset that a partial objective of this debate is to argue the case that it is in the interest of Britain as a whole that we increase the number of regional casinos, rather than restrict their number to one. That would allow a better scale of response to the experimentation that they represent.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): Does my hon. Friend accept that there is a compelling case for having eight regional casinos? That would give local authorities unparalleled opportunities for local regeneration. If they engage the local communities who go along with the process, that would be best for the people and the authorities.

**Tony Lloyd:** My right hon. Friend invites me on to territory that I will certainly get to later on. His point is central to the case throughout the whole nation; we need to consider the numbers. For the record, it is worth reminding Members that the Government have established a casino panel chaired by Professor Stephen Crow. On the instructions of the Secretary of State, it will ensure that locations satisfy the need for the best possible test of social impact, which may require a range of locations of different kinds, such as seaside resorts, edge-of-town developments or inner city centres. Those locations will also include areas in need of regeneration, as measured by unemployment and other social deprivation data, that may be likely to benefit from a new casino.

It is worth restating that point because it is the framework within which the case for Manchester can be put—I want to put the case for my own city as a location of a regional casino—but it is also the basis for the case that says that one regional casino will not be enough, as my right hon. Friend the Member for West Dunbartonshire (Mr. McFall) argued. I would like to put the case that we should move towards the eight casinos to which my right hon. Friend referred, which was the number in the Gambling Bill when it was first put before the House.

**Graham Stringer** (Manchester, Blackley) (Lab): I am following the profound logic of what my hon. Friend is saying. Does he agree that it is not possible to test the social impact in just one place? A seaside town is very different from a major city. London is different from the rest of the United Kingdom. Suburban areas are different, and Scotland is different. The logic of testing social impact implies up to eight regional casinos, so that we can understand what would happen.

**Tony Lloyd:** My hon. Friend is absolutely right. He will share the logic of the case for a casino in Manchester, which is profound in itself, but he would also share the logic that it makes sense to consider the case for more. We need a proper base to examine the impact of regional casinos, as well as that of the large and small ones. We need that base because regional casinos are different in scale to such an extent that it is difficult to argue that experimentation with large casinos would allow us to know the potential future impact of regional casinos. We need to know specifically how to effect proper partnerships between local authorities—the holders of the public interest—and private partners.

We need to consider the commercial viability of regional casinos. We need to consider what we mean by regeneration opportunities and how they can be seriously translated into practice. And, of course, we need to consider how we can minimise and avoid the potential hazards, such as the existence of criminality in casinos, the abuse of those who are underage and questions of problem gambling. Those issues are all central and can only be dealt with if we have a range of regional casinos so that we can establish what is best practice.

**John Robertson** (Glasgow, North-West) (Lab): My hon. Friend, like me, represents a city where deprivation and unemployment are high compared with the rest of the country. Does he agree that although we need a diverse pilot to consider all the different areas of the country, and although regeneration and the need for jobs and employment have to be taken into account, there has to be some kind of guidance and unionisation? Ensuring unionisation in such casinos will go a long way to solving some of the problems that people keep putting forward.

**Tony Lloyd:** As my hon. Friend would expect, since we both have a strong background in trade unions, I expect any casinos in Britain to operate by the best standards of employment practice, which include, of course, a role for trade unions. That is good for those who work there and, in the long run, for the casino operators and their relationship with the wider community.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): The debate seems likely to develop into many interventions and speeches urging the Minister to expand the number of casinos in the pilot. Through my hon. Friend, may I urge the Minister not to do that? In some ways, the Minister is a political croupier in charge of the decision. The option that was decided a few months ago was correct, and the Methodist Church and the Salvation Army were correct. Therefore, as political croupier, I hope that the Minister will say in his winding-up speech, "Rien ne va plus".

**Tony Lloyd:** I am not sure of my hon. Friend's Norman French. I can only say to him that—alas—although he exhorts me to urge the Minister to restrict the number, I cannot agree with him. My right hon. Friend the Minister will have heard his comments, but I hope that he will listen more to the louder voices from elsewhere in this debate.

**Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): I am a Member of Parliament for Blackpool, one of the tourist resorts that wants one of these casinos. I listened to my hon. Friend listing the organisations that should determine where the casinos should be, but does he agree that local people should also be consulted? To pick up on an earlier intervention, the local community needs to be fully behind the process so that the regeneration potential can be maximised.

**Tony Lloyd:** I agree strongly with my hon. Friend and shall make the case as to why that applies to my city of Manchester and its preferred location for a regional casino. She makes a point that applies wherever casinos should be located: they should have fundamental local support.

**Mr. Jim Cunningham** (Coventry, South) (Lab): I congratulate my hon. Friend on getting this debate this morning. He will be aware that if any of the schemes went ahead and the numbers increased, there would be strong regulation, with built-in safeguards that would allay a lot of fears people have about casinos, particularly in relation to young people. Is he aware that we already have a casino in Coventry, which would meet the criteria should the Minister and the Government decide to expand the numbers? We have one at the arena in Coventry, which is a very modern arena—probably one of the latest in the country—and we already have 90,000 sq ft that could accommodate a casino right away. The area where it would be located—

**Mr. Christopher Chope (in the Chair):** Order. That is long enough.

**Tony Lloyd:** Thank you Mr. Chope.

**Anne Milton** (Guildford) (Con): Will the hon. Gentleman give way?

**Tony Lloyd:** I will in time, but it will be in everybody's interests if I try to make a little progress.

It is already quite obvious, with some opposition, that the significant view in this debate is from people who want to see the number of casinos increased towards eight or whatever. That call exists not only among people in the debate, but on a much wider basis. It is important to recognise that other political parties as well as my own have begun to examine that question.

My right hon. Friend the Minister has not gone so far as to say that he will change Government policy—the official position. However, he said on the record recently:

"I was interested to read that the Opposition are prepared to revisit the issue of the number of regional casinos, and it would be interesting if they were to let us know how far they would go with liberalisation."—[*Official Report*, 30 January 2006; Vol. 442, c. 3.]

He went on to say that the Government themselves wanted to examine what the wider scale of interest in a change would be, so that he could assess whether there was that national demand.

I shall come to the main Opposition party's position shortly. It is probably worth placing on record, however, that in a debate on casinos in the House of Lords in October last year, Lord Clement Jones of the Liberal Democrats made their position clear:

"If the Casino Advisory Panel recommends up to eight regional casinos, and if that decision is informed by the principle of destination gambling, we would be prepared to support an order incorporating that provision."—[*Official Report*, House of Lords, 24 October 2005; Vol. 674, c.GC257.]

That was a very helpful statement on behalf of the Liberal Democrats.

**Several hon. Members:** *rose—*

**Tony Lloyd:** Would Members please forgive me? I will most certainly give way soon.

I want to get to the position that is rather difficult to interpret. This is where hon. Members on the Conservative Benches may be interested and may be able to help us all, because it is very difficult to know on which side of the flip and the flop the Conservative party is on the issue.

**Bob Spink** (Castle Point) (Con): Will the hon. Gentleman give way?

**Tony Lloyd:** With respect to the hon. Gentleman, I am going to quote more senior figures than he in the Conservative party, but at a later stage, I will allow him in to push his own Front Bench in the right direction. That is the role of humble Back Benchers such as myself and him.

**Anne Milton:** Will the hon. Gentleman give way?

**Tony Lloyd:** I have already said to the hon. Lady that I will give way shortly.

It will be helpful if we talk about the position of the Conservative party. The hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), who was the shadow Secretary for Culture, Media and Sport before the election, made it clear in recent days that he

"did originally suggest that three or four pilots would be a better figure than the Government's proposals of eight".

We know that he was pulled back by the then Leader of the Opposition. The hon. Member for Maldon and East Chelmsford went on to say:

"I think if the Government wanted now to revisit that and increase the number they would need to show that something had changed, that there was new evidence. But if they could do that, I would certainly be happy to have a look at it."

The hon. Gentleman is normally seen as a cerebral and intelligent Member of our House, and as someone who takes issues on their merits and so on. Within that context, I welcome his clear commitment that one is no longer a viable number.

Since the hon. Member for North-East Cambridgeshire (Mr. Moss) is present, he can either confirm or deny the following quotation. It was widely reported that when he spoke at the Social Market Foundation gambling seminar on January 19—

**Mr. Malcolm Moss** (North-East Cambridgeshire) (Con): I did not speak.

**Tony Lloyd:** I am fairly certain that the hon. Gentleman's mouth opened on occasion, because he is reported as having answered questions, which is a difficult thing to achieve without speaking. If he wants to correct me on my understanding of the means of communication, I am happy to reconsider it. However, he is quoted as saying that

"the Tories would back an increase"

in provision. In fairness to him, he is reported as going on to say

"provided there were other changes in the Gambling Act".

That is a legitimate position, but not one—

**Mr. Moss:** Will the hon. Gentleman give way?

**Tony Lloyd:** Of course I will give way, but let me finish the comment.

**Mr. Moss:** That is a complete misquote. I never uttered those words.

**Tony Lloyd:** I have to take it from the hon. Gentleman that he did not utter those words. There was an off-the-record briefing reported by Matthew Garrahan in the *Financial Times* the following day. It was confirmed in spirit by other people who were at the seminar. The hon. Gentleman may want to clarify in his own remarks exactly where he stands. The perception is that once again, rather like the hon. Member for Maldon and East Chelmsford, who was pulled back by an irate Leader of the Opposition, the hon. Member for North-East Cambridgeshire—having followed the debate carefully and being a man who takes such matters seriously—faced the same problem whereby his own Front Bench were not willing to move forward with that rather more intelligent view of where we as a nation need to go.

I congratulate the hon. Gentleman on his position. I understand the situation, as I have been in that position in the hierarchy of power. I simply regret that, to use the technical expression, he was shafted.

**Mr. Nick Raynsford** (Greenwich and Woolwich) (Lab): Will my hon. Friend give way?

**Tony Lloyd:** Before I give way, I want to return to my hon. Friend the Member for Coventry, South (Mr. Cunningham). He made an important point. I shall make it slightly embarrassing for him, because the real Tory party, which still wins things in the country, and I refer to Ken Taylor, the leader of Coventry city council, makes the same case as my hon. Friend whereby there is a profound case for Coventry's consideration for a regional casino. Mr. Taylor has made it clear that he will campaign to ensure that the Leader of the Opposition and the present shadow Secretary of State for Culture, Media and Sport turn themselves away from their dead end of a policy.

**Mr. Moss:** I intended to bring my big guns to bear at the end when I wound up, but it is important to get the matter in context. The Government have a majority. To change the number of regional casinos from one to eight, all they need is a statutory instrument using the affirmative procedure. They could do it tomorrow; they do not need any support from the Opposition Benches.

**Tony Lloyd:** I would prefer to do many things without the support of hon. Members from the Opposition, but there is much broader consensus than simply within my party about the matter. Senior figures in the Conservative party—the leader of Coventry city council is one—want that change.

**Mr. David Marshall** (Glasgow, East) (Lab): I congratulate my hon. Friend on securing such an important debate. Is he aware of an excellent report produced by Hall Aitken, an independent economic consultant based in Glasgow, Manchester and Newcastle, which points out that the social costs of regional casinos are potentially high and that for most locations, they would almost certainly outweigh any economic benefit? I believe that to be true of Glasgow. Does he share my concern that it could also be true of other towns and cities? Does he agree that more balanced analysis and evidence are needed before we increase the number of regional casinos?

**Tony Lloyd:** Central to my own case, in Manchester, we do not believe that that is the position; we believe that the economic and social benefits far outweigh the disadvantages. Otherwise, I would not be standing here this morning. The case that Manchester would make is a case that would be made by other communities. I do not see it being forced on a reluctant Glasgow, but if Glasgow does not want a casino, it should be a decision for Glasgow, and it should not stop the rest of the country. I must give way to a few Members whom I have promised already.

**Anne Milton:** My concern is that the regeneration argument about which many people are talking is in fact illusory and that local authorities are allowing wishful thinking to get in the way of their judgment. They are not taking account of the considerable weight of evidence that says that the economic benefits will not benefit those local communities and that the social cost will be extremely high. Those casinos will rely on slot machines. That is where they will make their money, and that means local people putting their money into slot machines. Regeneration will not happen, and there is much evidence to support that argument.

**Tony Lloyd:** I am not sure whether the hon. Lady is saying that she does not like slot machines or that there will be no regeneration impact. She must be precise. Slot machines already exist, and we are talking about having them on a different scale. I am happy to discuss regeneration and, if I can get through all the

*[Tony Lloyd]*

interventions, will explain why I believe there will be a strong regeneration impact. That may not apply everywhere, but it certainly will in a city like mine.

**Bob Spink:** The hon. Gentleman mentioned my party's policy. We have, of course, changed, and we are listening carefully to people. Is the hon. Gentleman aware of the NOP poll that showed that 56 per cent. of the population and 64 per cent. of women do not want a casino? Any hon. Members who want the casino destined for south Essex when the report comes out in December is welcome to it.

**Tony Lloyd:** It is interesting that the hon. Gentleman is a member of the listening Conservative party. He referred to his party's policy, but I am not clear what that policy is at the moment or whether it is, as the hon. Member for Maldon and East Chelmsford once said, in favour of the increase that the hon. Member for North-East Cambridgeshire does or does not want, depending on whether he did or did not say the words that he was reported to have said. I am not clear either whether that is the present position of the Leader of the Opposition.

We cannot run our political system simply with reference to opinion polls and snapshots.

**David Taylor:** The Tories would.

**Tony Lloyd:** The Tories are certainly now focus-group focused. The notorious habit known as flip-flop on the Opposition Front Bench causes a problem.

**Sir Peter Soulsby** (Leicester, South) (Lab): Does my hon. Friend accept that many of us are as committed as he is to attracting investment for the regeneration of our towns and cities, but do not want it on the back of further large-scale commercial gambling that just makes money for big businesses and wrecks lives? Does he accept that for many of us one casino is already one too many?

**Tony Lloyd:** I accept that some people argue that case. The compromise was whittled down to one and, remarkably, supported by very few hon. Members. Those who were opposed were opposed absolutely, but of those who were in favour probably all wanted more but did not have the guts to force that through before the election. That is the reality.

**Mr. Stewart Jackson** (Peterborough) (Con): I understand that the hon. Gentleman must partake in party political jousting about the role of the Opposition, but we should weigh the evidence from both sides, and there is considerable evidence from organisations such as the Methodist Church, as the hon. Member for North-West Leicestershire (David Taylor) said, the Salvation Army and Citizens Advice of the impact of casinos on lower socio-economic groups who do not have the income to sustain a gambling habit. We weigh the anticipated increase in problem gambling against a wish list from large organisations, gaming companies, opportunistic local authorities and, of course, Her Majesty's Treasury, which is after the income from tax.

**Tony Lloyd:** The hon. Gentleman accuses me of party politicking, but when the Opposition make it so easy, it is difficult not to ridicule their position with its total lack of clarity and its continual change. The hon. Gentleman should talk to his Front Bench and ask his leadership to sort out its policy. Is their position that of Ken Taylor in Coventry?

A number of hon. Members, but not many who are here today, have asked about the regeneration impact and doubted whether it would translate into practice. During my remaining few moments, I want to refer to a report from Europe Economics. So that there is no ambiguity, I should explain that Europe Economics is an independent consultancy and was commissioned by Manchester city council, which wanted an independent assessment of the impact of regional casinos.

Europe Economics made a number of methodological points that are worth stating because they are interesting to a wide audience. It made the central point that any proposal from a local authority had to have a credible local authority behind it. At one level that is obvious, but not all local authorities have the capacity to deliver such complicated and important projects if they are to deliver the benefits that those of us who support regional casinos want. It made the point that any regional casino would need to demonstrate commercial viability. That is also obvious at one level because without commercial viability the regeneration process that should follow cannot be delivered.

The regeneration process is fundamental. My hon. Friend the Minister and the Secretary of State made it clear to the panel that that regeneration will be a central part of the process and that the regeneration impact must be demonstrated. It concluded by saying that, not least in the hierarchical sense but after the other issues had been examined, there would have to be a proper examination of the social impact—some hon. Members have raised this with me—in terms of issues such as the absence of criminality from casinos which is important, the prevention of under-age entry to casinos and gaming areas, and forestalling increases in problem gambling.

Those issues are important as part of the methodological approach, and I hope that the panel will adopt them because it is important that we have the reassurance of a sound methodology. However, it was slightly patronising of the hon. Member for Peterborough (Mr. Jackson) to talk about the lower socio-economic groups as being those who might be caught up in problem gambling.

**Mr. Jackson:** The hon. Gentleman is aware of what I meant.

**Tony Lloyd:** I am totally aware of what the hon. Gentleman means. I represent a constituency that is composed largely of people from those groups and my constituents would probably regard with disdain the idea that they are fickle and feckless and that only people like the hon. Gentleman are immune to the problem. He should be careful in his choice of language if he wants to pursue that case. However, there is a real issue concerning problem gambling and we must all address it.

We are confident that Manchester's bid [illegible]ased on sound economics as well as a sound social strategy. The casino would be in Sports City, which is in my constituency. That is why I sought this debate.

Sports City is already a successful part of regeneration in Manchester. It houses the new east Manchester stadium, the home of Manchester City's football ground, and is where the Commonwealth games took place. We have demonstrated in that area that economic and social regeneration follows economic investment and if the two are matched sensibly and intelligently, they can have a profound impact on the delivery of sustainable economic growth and the restoration of sustainability in our communities. Of those hon. Members who look down on the lower socio-economic groups, few would know what east Manchester was like when the Labour Government took office and about the transformation that has taken place since.

The proposal for a casino would result in investment of around £250 million—that is large-scale investment—and the creation initially of around 2,300 jobs, 900 of which would be targeted on the very local community. That is important as part of the development not simply of the viability but of the popularity of a regional casino in the local community. On the back of that, there would be a centre of excellence for the training of people in the hospitality and customer care industries. Again, that is important in a city such as Manchester where the service economy is so dominant. That would grow from the development as a second-round impact, which is important to the regeneration debate.

There would be community access to local sports and community groups because sporting facilities would be part of the casino complex. The city and would-be developers are committed to an independent analysis and practical methods to tackle the potential downside of a casino. I am confident that the package would be good for my constituency, my city and my part of my region.

Some hon. Members are opposed to regional casinos. That is fine. They are entitled to pursue their arguments and to debate them thoroughly. Their position is legitimate. What is very different is though for most of the rest of us, I believe, is the numbers game. To return to my theme, is it possible to have proper experimentation with regional casinos if there is only one? My central case is that there is a good economic and regeneration argument for regional casinos, but it can be properly examined only if we increase the number from one at present to somewhere around the eight originally envisaged, so that we as a nation can properly assess the impact of casinos in our national life.

**Mr. Christopher Chope (in the Chair):** Order. Before calling Dr. John Pugh, may I appeal to hon. Members, particularly those who have not already made speeches in the form of interventions, to keep their remarks brief?

10 am

**Dr. John Pugh** (Southport) (LD): I was on the Joint Committee that gave the Gambling Bill some pre-legislative scrutiny, so I know more about this topic than I wanted to. To some extent, I approached it with scepticism, as I could never understand why a socialist Government, whom one supposed would at some time want to redistribute wealth from the rich to the poor, would wish to encourage gambling, which seems to do exactly the reverse. However, the Bill was defended rigorously in the House with the suggestion that the prospect of regeneration was attached to it, plus, of course, and not to be missed, the prospect of a certain amount of voluntary taxation being paid by the public.

None the less, it has been accepted throughout that casinos are problematic. First, they are not necessary for regeneration, and, secondly, even as vehicles for regeneration, they have mixed effects. Yes, they create employment, but they also knock out many local businesses, which are replaced by big concerns.

**Mrs. Humble:** As a member of the Joint Committee that scrutinised the draft legislation, the hon. Gentleman will recall that it supported the development of resort and destination casinos to redevelop our seaside towns and give them new opportunities and a future. Why is he now denying that?

**Dr. Pugh:** One does not agree with absolutely every word of every report with which one is associated. I am unconvinced, and, when we visited Blackpool, the hon. Lady's constituency, some of the smaller retailers and hoteliers were not completely convinced that they would benefit from the development as designed, as they would be forced out of business by better and more profitable concerns.

We all accept that the proposals must be examined carefully, both as a package and specifically in respect of Blackpool. That point was persistently made. The issue is not just about gambling but many other entertainment industries that would benefit the population and community of Blackpool and the region at large. There was widespread agreement that we needed to make a distinction between destination gambling and ambient gambling, and that was part of the argument against extending the number of casinos.

The second limit put on the process during the course of the Gambling Bill was purely numerical. To some extent, it was determined by fears about social consequences and by a laudable desire to proceed cautiously, and it was embodied in the term "regional casino". A regional casino may carry the tacit presumption that there should be one casino per region, but it may also carry the assumption that it is a regional draw—that whatever is created, whether in Blackpool or anywhere else, is a draw throughout the region and perhaps in other regions as well. Either way, the assumption was that the market should not control the process and that criteria should be set, although throughout the entire debate there was almost an underlying assumption that, whatever was decided, Blackpool would succeed because it was the most preferred. It lobbied extremely well on its own behalf, it had no plan B for regeneration, and everyone accepted that something had to be done.

A panel has been set up to run a kind of beauty contest. Two things are unclear to me, and they lead to the two points that I want to make. First, as the panel proceeds, is the extent of public subsidy a relevant consideration? Regeneration money for the north-west or anywhere else is limited. If it goes to one place, it cannot go to another. I have said in many debates on this subject that, on the continent, public subsidy is not to the fore. In fact, it is more the reverse: money from gambling concerns goes into the public coffers and public infrastructure.

*[Dr. Pugh]*

I have tried to find out the intentions of the Northwest regional development agency in this affair. It is supportive and sends me brochures and an enormous amount of data on a regular basis. However, it has not confided in me its strategic investment plan: that is, what money, and how much, it wishes to put in, or where and when. That being said, neither does it tell us a variety of other things that we in the north-west would like to find out about, such as funding for such important things as a second Mersey crossing or the Liverpool docks. Such important financial data are largely obscure to democratic representatives in the north-west. What the agency favours and refers to on many occasions are transformational projects. That jargon of the moment seems to mean any project to which is attached high publicity and big expense.

In judging where casinos should go, how much of a genuine concern is public subsidy? How much does it count against any particular proposal, and is it considered when proposals are evaluated?

The second thing that is unclear to me is the regional casino concept itself. Is a casino for a region, or does it draw people to a region? If it is the former, east Manchester and Blackpool certainly compete head to head. There could be a debate about whether we have one or the other, or whether there is room for both. However, if the case for Blackpool is that it will draw people UK-wide and perhaps internationally, right across the piece—to some extent, that is part of the argument for significant public investment to assist the venture—and will not draw in housewives from Barrow, Blackburn and other places, with all the possible social damage that that may cause, the argument for Blackpool and against Manchester does not work. It seems to illustrate a bias against regeneration in Manchester and in favour of regeneration in Blackpool, and it is difficult to make that case coherently, or to demonstrate that it is right.

I am not asking the Government to change their policy, but I defy them to explain it clearly.

10.7 am

**Mr. Nick Raynsford** (Greenwich and Woolwich) (Lab): I congratulate my hon. Friend the Member for Manchester, Central (Tony Lloyd) on securing this debate on an important, albeit controversial, subject. The provisions in the Gambling Act 2005 were based on the presumption that casinos could act as a catalyst for regeneration in certain circumstances, bringing significant economic and social benefits. Equally, concerns were voiced about the potential negative impact. In the light of those concerns, the decision was taken to reduce the number of regional casinos from the original proposition of eight to just one.

**Mr. Don Foster** (Bath) (LD): Just so that we can be historically correct, does the right hon. Gentleman accept that the initial proposal was for an unlimited number of regional casinos, not eight? That number came much later in the deliberations.

**Mr. Raynsford:** I have no reason to quibble with the hon. Gentleman's comment, but I was discussing the period when the Bill was under consideration.

I have no doubt about the potential benefits of a regional casino as an element in the regeneration of the area that I represent in south-east London. It has suffered disproportionately from the decline of the traditional river-based heavy industry, which, when it left, left in a dramatic and damaging way. Huge numbers of people were left unemployed, and the area is gradually recovering from the resulting serious social problems.

The regeneration that is under way in several parts of my constituency includes an ambitious project for the transformation of the Greenwich peninsula around the millennium dome, which, of course, was created for the year 2000. Subsequently, finding a long-term viable solution for it has been a challenge, but work is now under way. The dome itself, now called the $O_2$, will feature a 23,000 capacity arena when it reopens in a year or so. It will host music and other events, including some of the Olympic events in 2012. On most occasions, it will have an evening audience. As the National Audit Office recognised earlier this year in its report considering the project, the income earned from within the arena alone would not generate a fully commercial return, so it is crucial to develop an integrated leisure and entertainment destination by adding other components that will ensure that people come to the area throughout the day and which will attract international as well as national visits. The scheme therefore includes a range of other provision, including a music club, cinemas, a theatre, an exhibition space—there is already a proposal to bring the Tutankhamen exhibition there, which would be a huge attraction and benefit—and a luxury hotel. With regard to the comments from the hon. Member for Southport (Dr. Pugh), that will highlight the extent to which there is scope to generate revenue not from people in this country but from international visitors, who would not necessarily be considered as the poor. There may be a redistributive element in that, which he might like to think about. The provision also includes bars, restaurants, cafés and a new pier.

The project is ambitious and one element that would make it far more successful would be a regional casino, which would help to cross-subsidise other components, attract additional visitors, including international visitors, and support the regeneration not only of Greenwich but of many of the deprived areas of south-east London. It is estimated that, with a regional casino, there could be some 500 additional construction jobs during the construction phase and 1,100 jobs during the longer-term operational phase. That would have a significant impact not only on the local economy but more widely in south-east London. We have no doubt, therefore, about the benefits of a regional casino, were we to secure one, in Greenwich. It would be part of a successful regeneration.

We have seen evidence submitted by various organisations. The Hall Aitken report, which has been referred to, cast doubt on whether the estimates for the regenerative benefits in the north-west, Manchester, Glasgow, Birmingham and Blackpool would be delivered. I have no basis for commenting on whether that view is valid, but it is certainly not valid for Greenwich. We are confident that a regional casino would bring benefits. However, it would not be right to base an assessment of the potential contribution towards regeneration on one venture only in the unique

circumstances of my constituency. Given the clear evidence and interest from many authorities in a range of areas—seaside areas, urban areas, more rural areas, the north, the midlands, London and the south—there must be a wider range of regional casinos from which we can learn lessons as to where they work and promote regeneration and where there are problems. There may be problems, and we need to learn from the initial phase in order to inform future policy developments. My hon. Friend the Member for Manchester, Central made a very powerful case that one casino is simply not enough if we are to use it as a test bed to establish whether creating regional casinos supports regeneration.

**Mr. Clive Betts** (Sheffield, Attercliffe) (Lab): The arguments that we have heard about not having more pilots are based on the belief among some hon. Members that some academic research, to which my right hon. Friend has referred, shows that there probably are not benefits or there are disbenefits from regional casinos. Is not the point of the pilot to prove on the ground which academic research is correct and whether the benefits or disbenefits actually exist?

**Mr. Raynsford:** I agree wholeheartedly and reinforce the point that a judgment cannot be made on the basis of one casino in one discrete location, because the circumstances that might apply in Sheffield, Blackpool or Birmingham will be different from the circumstances in Greenwich. I believe that we have a very strong and attractive proposition for a regional casino in Greenwich, but I accept that different circumstances apply elsewhere and I urge the Minister to reconsider the limitation to one and to accept that we need to conduct a pilot on a wider scale if we are to learn the lessons.

**Mr. Christopher Chope (in the Chair):** I shall begin to call the hon. Members making the winding-up speeches at 10.35 am, which means that we have about 20 minutes left for this part of the debate. I hope that hon. Members will be brief.

10.14 am

**James Duddridge** (Rochford and Southend, East) (Con): My constituency already has three casinos, all of which are very successful and which are, in many ways, some of the safest places to be around and within in Southend, compared with some of the pubs and clubs there. I would support there being only one test bed, but on the basis that it was in Southend. I suspect that other hon. Members who want a regional casino in their area would also encourage only one if it was on their patch. The hon. Member for Manchester, Central (Tony Lloyd) made powerful points about a larger number. I was somewhat confused, given that the Gambling Act 2005 allows the Government, through a statutory instrument subject to the affirmative procedure, to increase the number. I would be interested to hear, when the Minister winds up the debate, at what point, the initial casino having been tested, the number would be extended—whether that would be at six, 12 or 24 months.

There are major social impact issues, but as I mentioned, the casinos in Southend are some of the safest places in the area. Southend has high unemployment—4.9 per cent.—and therefore meets the criteria for a regional casino. The local council is keen to bring a regional casino to the town. I admit that I have been concerned at words coming from the Office of the Deputy Prime Minister forcing our region to rally behind one proposal. It would not be right to force all politicians and authorities to rally behind just one proposal in a region; we should leave things wide open. In my region, I can see why the Government would think that there is a powerful case for one regional casino at the dome, but I do not necessarily think that that would be right.

My final concern relates to section 106 agreements. One reason why there is such a powerful case for a regional casino in Southend is that it would regenerate the area and, through a section 106 agreement, solve some of the social, economic and physical problems of the constituency, where there has been a cliff slip. However, if, over coming months and years, the Treasury decides that it wants to reform the system of section 106 agreements and to take the planning gain back into the central Treasury pot and redistribute it to other areas, I would be deeply concerned about Southend having a regional casino and about a number of other proposals. I ask the Minister to confirm, if possible, that that is not likely to happen.

10.17 am

**Mr. Anthony Wright** (Great Yarmouth) (Lab): I congratulate my hon. Friend the Member for Manchester, Central (Tony Lloyd) on securing the debate. I will be as brief as I can. I, too, served on the pre-legislative Committee, which sat for 18 months. We considered the proposals over that time and took the view that the open-ended criteria for regional casinos should be changed. The figure of 40 was determined by the Government at the time, but it went down to eight. The situation was accepted not only across the political parties but across the two Houses during the debate. There was no opposition in relation to the final report, so it was a bit disingenuous of the hon. Member for Southport (Dr. Pugh) to put forward the view that he did.

The same applies to the Conservatives. They did make their point. On 24 January 2005, the hon. Member for North-East Cambridgeshire (Mr. Moss) said:

> "If the Government want to test these proposals, they should do it across the board and limit the number of regional casinos from eight to four. That would, at a stroke, reduce the number of category A machines available from 10,000 to 5,000."—[*Official Report*, 24 January 2005; Vol. 430, c. 67.]

That is on the record in *Hansard*, so we are now seeing another flip-flop on policy, admittedly not by the leader of the party but by other Opposition Members.

The pre-legislative Committee came to its conclusion on the basis that the scheme would be fair, just and a proper test of some of the social problems that other parties considered the casinos would create. The scheme would come across the country, and we considered that the regional development agencies would be prepared to consider those issues. There are more than 150 applications for the casinos, so there is interest not only from the industry but from local politicians, local business people and local communities.

*[Mr. Anthony Wright]*

I speak on behalf of my constituents in Great Yarmouth, and certainly the local authority, which is Conservative-controlled, wants one of the regional casinos to help to regenerate the resort. The regeneration is not just about having a casino. We have attracted a senior leader in the hotel industry to set up and build a brand new hotel in my constituency, which will lead to extra jobs.

Some advance the argument that such a development will be socially reprehensible, and people will turn to gambling. However, in Great Yarmouth we already have two casinos, a horse-racing track and a greyhound track, the amusement arcades and the bingo halls. I asked the people who look at social responsibilities in respect of those who get caught in the net of gambling whether there was a predominance of people with a gambling addiction in places such as Great Yarmouth, as opposed to other inland areas without such amounts of gambling, and they said no. The test needs to go across the country to find out if there will be a problem: I do not consider that one test will make a justifiable case.

There is a bit of hypocritical nonsense coming from some hon. Members who decide to take a particular viewpoint on gambling, saying that perhaps we should not have even one casino and, perhaps, we should do away with gambling altogether. However, I hazard a guess that many hon. Members would welcome some investment from the lottery into their constituencies. As far as I am concerned, we need to take on board the comments of the pre-legislative Committee, which the Government have accepted, and have a test across the country on perhaps four or eight sites, because one is too few. The hunger is out there in various constituencies—not just in businesses, but in the communities as well—to help regenerate resorts like Great Yarmouth and other areas throughout the UK.

The Government should revisit this point. I urge the Minister not to be the political croupier stopping this, but to share the chips around across the country rather than give them to one player on the board.

10.22 am

**Mr. Gordon Marsden** (Blackpool, South) (Lab): I congratulate my hon. Friend the Member for Manchester, Central (Tony Lloyd) on securing this debate and making an eloquent and wittily barbed speech in terms of some of the Opposition's flip-flops.

As a Blackpool MP, together with my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble), I have a strong interest in the outcome of the discussions in this debate. Also, as honorary president of the British Resorts Association, I have seen, as colleagues have already mentioned, some of the broad issues of decline making seaside towns and resorts central to this debate. As a former Parliamentary Private Secretary in the Department that introduced this legislation, I am fully aware of all the twists and turns that have accompanied it. Coming from Blackpool, I can say a roller coaster ride on the Pepsi Max Big One is nothing compared to being in the Department in the two or three months before the legislation finally went on to the statute book. However, we are where we are.

I want to take as my text what the Secretary of State said in writing to hon. Members about 10 days before the final agreement, before the general election:

"We think it is important to take a controlled and cautious approach to the introduction of these new types of casino".

I believe that the Government have done that by setting up the panel and charging it with certain responsibilities. We should also remember that the process includes large and small casino expansion, which will give tests across the board and throughout the country from which conclusions can be drawn.

As the debate about the House of Lords and its composition has often just dealt with the issue of categories and numbers and escaped the issue of what people want a reformed House of Lords for, I want briefly this morning to pick up some of the points that the panel needs to consider and ask, "What do you want regional casinos for? What are the issues that affect whether we have one, four, eight, or whatever number?" On sustainability, surely we are not talking just about where a regional casino is sited, but the level of preparedness, the background and the context. That is one reason why we in Blackpool feel that we have a basis for development.

The leader of Blackpool council wrote in the latest document promoting the proposals:

"Destination casino development has the potential to ignite the reinvigoration process, remove the seasonal trading pattern, and bring about the wider investment that will reverse the current trends . . . Blackpool looks upon gaming deregulation as a potent catalyst for regeneration but only where it is part of an overall regeneration plan that will bring transformational change, and there is a strong local commitment to integrated policing and monitoring of casino management and social responsibility programmes."

**Mrs. Humble:** I thank my hon. Friend and Blackpool colleague for giving way. Does he agree that developing the local skills base is also important? Will he welcome the new courses available at Blackpool and The Fylde college to develop the necessary skills in the town and region to ensure that local people can take part in casino development?

**Mr. Marsden:** My hon. Friend makes a point on preparedness in considering regional casinos that I was going to deal with.

We in Blackpool have tried, over a six-year period, to deal with this matter. It is six years since Leisure Parcs first produced its Pharzoh's Palace plan, during which time we have had the Psion report, which talked about potential regenerative benefits in Blackpool, development of the local strategic partnership and the urban regeneration company—the only one in the country—which has at its centre regeneration around the casino. The scrutiny Committee testified to the preparations in Blackpool, as the hon. Member for Southport said earlier. The chairman of the urban regeneration company is Sir Peter Hall, one of the most distinguished planners in the country.

As my hon. Friend says, there has been a series of developments designed to broaden that base and deal with preparation. Sustainability is important, which is why we in Blackpool have not just looked at beaming in a resort, or regional, casino as if it were an alien spaceship, but considered it in the context of much broader regeneration for the town. Hon. Members who

have visited Blackpool recently, for party conferences or other reasons, will have seen that we already have an intelligent, comprehensive master plan that is developing the town in contexts other than just the importation of a regional casino. That development includes the southern gateway, which has totally redeveloped the southern side of the town and the promenade area, the Solaris Centre, which is part of the partnership between Blackpool and Lancaster university, and work currently being done on a central gateway to connect the resort zone with the proposed conference and casino quarter.

The point I am trying to make is that regional casinos cannot be thought about in a vacuum, or even in terms of one particular project, however attractively packaged and financed by the private sector it may be. We have to consider overall involvement and, indeed, as colleagues have said, the issue of local acceptance. In Blackpool, we have had, over six years, probably the most sustained argument and discussion of these issues. Of course, as the hon. Member for Southport said, there are people in Blackpool who are concerned about the potential effects of regional casinos there or anywhere else, but overall there is an understanding that without a regional casino and a kick-start element many other regeneration points on which I have touched run the risk of being still-born. That is the context in which we need to consider regional casinos, wherever they are located: will they work on their own terms and will they work in the context of the larger regeneration of the area?

If there were any doubt, our case has been put eloquently in recent years by the council, by businesses in the town and, I hope, by elected representatives and others. The five inner wards of Blackpool, where it is proposed that the casino development is located, have experienced intense multiple deprivation, which is not always recognised in seaside towns, although it is recognised in inner cities and on housing estates. We have the tenth most intense multiple deprivation in the country and male life expectancy that is shorter than that in only one other place in the country. We have poorish educational standards and transience, with primary school turnover of between 25 per cent. and 50 per cent. a year, and poor housing, with 35 per cent. of households with no central heating and 5 per cent. sharing amenities. That is the social context in which we need to look for local acceptance. We have that local acceptance across the board, even among some of the small hoteliers, who appreciate that it will involve disruption.

We have not done that at the cost of ignoring social responsibility, which is an important issue for the panel to consider. Rightly, the Government came under pressure from the Churches, the Salvation Army and the Methodists; it is right that they, and all Members, should be prodded to consider that issue. We must avoid the experience of Australia and some of the experience of the US. Blackpool is acutely conscious of that, which is why we have developed the gaming academy and training facilities and why we are in deep consultation with the trade unions. Only last week, the local authority published a draft policy document on gambling that will be considered by the licensing committee, although obviously it cannot be finalised until the Gambling Commission publishes its guidance in May.

The issue of what we mean by a regional casino has already been raised. From the support and endorsement given in Blackpool by the regional spatial strategy, the north-west development association and the North West regional assembly, it is clear that a regional casino is seen as something that will draw people in from elsewhere and that it has to have a national and international impact.

We in Blackpool welcomed the award of the Commonwealth games to Manchester—as a native Mancunian, I particularly welcomed it—and Liverpool's designation as city of culture because those were transformational moments not only for those cities, but for the whole region, so we see anything that happens in Blackpool as having a regional and international impact.

Finally, let me say something about regeneration. Regeneration has to be genuine and integrated. As my hon. Friend the Member for Blackpool, North and Fleetwood said when she spoke on the Gambling Bill in November 2004, development is not the same as regeneration. Hon. Members would do well to reflect on whether we are talking about destination gambling or doorstep gambling. I am sure that the panel will reflect on that in coming to its conclusions.

10.32 am

**James Brokenshire** (Hornchurch) (Con): The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) set out his case for the dome's suitability as an area for the regional casino in London. May I highlight Rainham in my constituency? It is on the edge of the Thames gateway, adjacent to Rainham marshes, and we have the opportunity to regenerate the east London corridor and kick-start much-needed investment for regenerating Rainham and the London Thames gateway area.

When we talk about the regenerative effects of regional casinos, it is important that we should focus heavily on where the relevant sites, or site, would be, given that the negative social impact, about which a number of Members have talked this morning, can be acute. Research suggests that 0.8 per cent. of the population could be prone to problem gambling, and we should take that carefully into account when considering the appropriate site for a regional casino.

Rainham has the advantage of being quite distant from population areas, separated by the channel tunnel rail link and other industrial areas. In my view, it could be a good site, because its distance from population areas would reduce the risk of problem gambling there; it is almost a destination location, and that marks it out as slightly different.

We also need to consider displacement; by that, I mean how a regional casino—a large leisure complex—will impact on other leisure areas in the vicinity. That factor cannot be downplayed. When considering the location of an appropriate site, the negative impact on the region's micro-economic climate should be taken closely into account.

My final word is that the issue should be considered carefully; the ramifications of choosing the wrong site for a casino would be long lasting and have negative impacts on the population areas that the casino served.

10.35 am

**Mr. Don Foster** (Bath) (LD): As others have, I congratulate the hon. Member for Manchester, Central (Tony Lloyd) on securing the debate. I remind Members that the regional casinos that we are debating were only one part of the Gambling Bill, which has become the Gambling Act 2005. Although regional casinos have been a highly controversial element of that Act, many other parts have been welcomed across parties—for example, the regulations on internet gambling, tougher social responsibility and the tougher regulator in the shape of the Gambling Commission.

The greatest controversy has been about regional casinos. Indeed, Members across the House were deeply surprised when the Government first came forward with their proposals for a massive explosion in the number of casinos, whether small, large or regional. People were particularly surprised by the initial proposal, which I referred to in my previous intervention, to have an unlimited number of new regional super-casinos, which would have had up to 1,250 new-style category A machines, untried and untested, with unlimited stakes and prizes, and most closely linked in many people's minds to a potential increase in problem gambling.

That proposal for an unlimited number of such casinos was deeply surprising, and people could not reconcile it with the Secretary of State's statement to the Joint Committee; she said that if the legislation gave rise to an increase in problem gambling, it would have failed and would be bad legislation. Stung by the criticism, the Government made a U-turn, not all of which is bad, and introduced their proposal for a cap of eight on the number of regional casinos.

The Liberal Democrats supported that proposal. As we know, during the washing-up period, the Government were forced to reduce the number from eight to one. The Liberal Democrats were not involved in that deal, but it was what the Secretary of State was forced to accept. It is worth recalling that in doing so, she said,

"we reserve the right to ask Parliament again what number of regional casinos is necessary to test their impact."—[*Official Report*, 7 April 2005; Vol. 432, c. 1624.]

That is what we are debating today. Before we make any decision to agree to an increase from one to whatever number, there are important issues to be resolved.

It is crucial that we take into account the effect of any change in that number on the existing and future casino estate in this country. We know that there will be more casinos than at present because of the applications still being made under the old Gaming Act 1968. I find it surprising that we are debating how many new casinos there will be when we still have not had a clear agreement from the Government on the cut-off date for applications to set up new casinos under the 1968 Act. Indeed, if the figures given in a parliamentary answer are any indication, something like 50 or more new casinos could be established under the old legislation. All that is taking place while the independent advisory panel is considering how many new casinos there should be and where they should be located.

The Government have not got their Act together on use class orders. Even before Second Reading, many of us were concerned about how a swimming pool, a dance hall or many other entertainment centres could change into a casino without needing planning permission. We argued that there was a need for a single use class order for casinos. On Second Reading, the Secretary of State promised us that we would have it, yet to date the issue has not been resolved.

The Government have consulted, and the consultation report has been finalised and published on the website of the Office of the Deputy Prime Minister, but there still have not been any statutory instruments. That issue is still unresolved, but it is crucial, because if another form of entertainment centre can be converted into a casino without planning permission, no form of section 106 agreement has to be offered up and there will be no benefit from regeneration.

**Mr. Betts:** I am listening to all of the hon. Gentleman's caveats. However, does he accept that if pilots are to be a meaningful test of the benefits or disbenefits of regional casinos, the right number is not one?

**Mr. Foster:** We will test a number of issues in the pilot, one of which relates to social responsibility and another to regeneration. I believe that it is possible to have a trial involving just one pilot, although there might be arguments for having more. Until we know the background—the environment in which the number of pilots will take place—it is difficult to judge whether there should be one, four or more. That is why this is crucial.

We are also considering issues about other impacts on gaming in this country. It is crazy that the Government still have not made a decision on what to do about the triennial review in terms of stakes and prizes for family entertainment centre machines. The Minister has said that he wants more evidence. He has been given that. He has said that it would be helpful to have cross-party support, which he has been offered. Yet, we still have not had the decision. That is creating a loss of jobs in seaside resorts and in many other places, and it is not an economic benefit. We need an answer.

As others have said, we need to be clear about the regeneration benefit. It is fascinating to note that when the Secretary of State reluctantly accepted that there had to be a reduction in the number of regional casinos from eight to one, she said that it would probably mean a

"loss of probably in excess of 40,000 jobs."—[*Official Report*, 7 April 2005; Vol. 432, c. 1629.]

That represents 5,000 jobs per casino, which is in strange, marked contrast to what the hon. Member for Manchester, Central told us in his speech about the bid for east Manchester's casino. He said that it would create only 2,300 jobs. The Secretary of State has been somewhat cavalier about the economic benefits. We know from the Henley Centre's study and the Hall Aitken study, to which reference has been made, that

"the estimates of economic benefit from a regional casino development are both optimistic and potentially misleading".

I am willing to consider good arguments for increasing the number from one, but several other issues need to be sorted out first. Many assurances need to be given and we need clear evidence of the real benefits if we are to accept an increase in the number.

10.42 am

**Mr. Malcolm Moss** (North-East Cambridgeshire) (Con): I give my customary congratulation to the hon. Member for Manchester, Central (Tony Lloyd) on [illegible]ising the issue in this debate. The numbers in [illegible]dance show that there is a need for it. I suspect that [illegible] have been held on the Floor of the House and on [illegible] occasion, when more hon. Members could have ma[illegible]a contribution.

On the other hand, I am not sure whether I should really congratulate the hon. Gentleman on taking the Minister's line—it is probably a set-up job by the Minister—of placing the blame on Conservative Members for the fact that there has been no progress on this issue.

I reiterate that introducing the statutory instrument is all that the Government need to do to make progress. The provision is in the Bill, and it could be done tomorrow. Presumably they have the votes.

**Tony Lloyd:** Will the hon. Gentleman give way?

**Mr. Moss:** I have only seven minutes, so I shall continue.

The Government presumably have the votes, so they should get on with it. They should not pray us in aid. They should not say to Conservative Members that they need to carry this through with our support; they do not need it. The House of Lords cannot change the statutory instrument, and the Government know that, so if Labour Members feel that this is a crucial issue, all they need to do is bring forward the statutory instrument and get on with the job.

I was misquoted on two occasions during the debate. At the Social Market Foundation, when questioned by the journalist who has been mentioned, I simply said that we had argued for less than eight regional casinos in the pilot; in fact, to answer the question raised by the hon. Member for Great Yarmouth (Mr. Wright), I tabled a probing amendment for four—*[Laughter.]* If we were all to be bound by the probing amendments that we tabled in Committee, there would be no point in debate.

The issue was that the Minister came to the Committee plucking out of the air the magic figures of eight, eight, eight. He made no justification for why the number was eight rather than six or 24. We tabled an amendment to tease out the reasons for the choice of eight. Even now, we might hear some reasons why the magic figure of eight is so terribly important.

**Tony Lloyd:** Will the hon. Gentleman give way?

**Mr. Moss:** No, I have not got enough time.

The amendment was a probing one; that answers that point.

In answer to a question that has been posed, I can say that we always argued that we had to approach the matter cautiously. On the number of category A machines that would be released through regional casinos, the evidence from Australia and the United States indicated that a cautious approach was necessary. We said that we were advocating one regional casino in the pilot because of serious concerns about problem gambling. If the Government could demonstrate through evidence that there would be no increase in problem gambling as a result of an increase in the number of regional casinos in the pilot, I said that we would consider the proposal. In other words, we would consider the evidence on problem gambling and would not turn our backs on a proposal backed up by evidence. That is not to say that we will back the Government if they simply come up with a figure of eight either today or tomorrow. That deals with that point.

In answer to a written question last year, the Minister said:

"The Government have made it clear that they wish to take a cautious approach to the development of new casinos, in order to assess whether their introduction leads to an increase in problem gambling. The decision to reduce the number of regional casinos permitted by the Gambling Act 2005 from eight to one was consistent with this cautious approach."—*[Official Report,* 15 November 2005; Vol. 439, c. 1135W.]

Why is the Minister now suddenly organising a debate, through the hon. Member for Manchester, Central, to get the issue raised again?

**Tony Lloyd:** The hon. Gentleman may not value consistency in his approach to this matter, but I put forward a strong case for a regional casino in Manchester, irrespective of what my right hon. Friend the Minister said. Indeed, I have had discussions and even arguments with my right hon. Friend about the issue in the past. Perhaps the hon. Gentleman will accept that.

**Mr. Moss:** All right, I will accept that, in the sense that the hon. Gentleman wants to promote, through regeneration, an area of Manchester that I know well. I would argue that it is the worst possible place in Manchester in which to put a super-casino. It is the most deprived area. There will no longer be any membership requirement to enter a casino. Therefore, the ambient gambling that will be done by the deprived people in that vicinity makes it just about the worst possible location for a regional casino that I can imagine. However, we will not argue about that now; perhaps we shall at another time.

I want to raise several more issues. First, until the past few days, we had not seen any research or evidence that showed a completely different picture about the regenerative claims that are made by those who want to invest in regional casinos. The Hall Aitken report, which has been mentioned, represents the first evidence that we have of research that says, "Hold on a minute. The claims being made for a regenerative benefit of £50 million do not stack up if they are considered more closely." This is the first evidence that we have received, and the Conservative party was right to be cautious.

**The Minister for Sport (Mr. Richard Caborn):** Will the hon. Gentleman give way?

**Mr. Moss:** The Minister will have plenty of time to reply.

On jobs, the report concludes:

"There will be a significant number of jobs created ... but: many of these are likely to be displaced from elsewhere in the leisure sector; these jobs will not necessarily match the needs of the local population; and there is strong evidence to suggest that many of the jobs will go to migrant workers."

*[Mr. Moss]*

On social impacts, the report states:

"Our research suggests there will be significant social impacts from opening a regional casino. Many of these negatively impact on the Government's own social indicators and are therefore likely to undermine regeneration in the communities currently suggested. The proposed regional casino will generate ... a significant increase in gambling expenditure."

The report also states that evidence from the Henley Centre's work

"suggests the number of problem gamblers will nearly double by 2010. The number of problem gamblers in the UK will increase by some 38 per cent. as a direct result of the new Act. And data from the Psion report suggests that 260,000 new people (equivalent to a city the size of Nottingham) would take up gambling as a result of a regional casino".

The Psion report was in relation to the north-west.

All those issues are being raised, and they support our cautious approach. If the Government can come up with counter evidence to say that there is no evidence of potential problem gambling in having more than one regional casino, we shall consider it.

10.50 am

**The Minister for Sport (Mr. Richard Caborn):** It is a privilege to serve under your chairmanship, Mr. Chope. I have never seen so many hon. Members turn up at 9.30 on a Wednesday morning for an Adjournment debate. I do not know whether that is due to your chairmanship or to the subject matter under consideration. I congratulate my hon. Friend the Member for Manchester, Central (Tony Lloyd) on introducing the debate. He has been a champion of such matters for a considerable time. I assure the hon. Member for North-East Cambridgeshire (Mr. Moss) that my hon. Friend needs no prompting to make sure that the matter is brought out in the proper way.

We have been debating not only regional casinos but how we have approached gambling as a whole from the Budd report onwards. That is important, because the Government did not have the powers to control remote gambling and e-gambling that are now serious issues for society. They are increasing at a rate that could not have been envisaged five or 10 years ago. It is therefore right that the Government set up a inquiry board and the playing for success initiative. I thank the pre-legislative scrutiny Committee for its good work. It brought to the House a measure that will go on the statute book to protect and deliver the real core values of the legislation, which is to keep the area crime free, protect the vulnerable and ensure that there is integrity within the industry. It is what we will deliver.

While discussing the modernisation programme, we believed that it was important to investigate casinos. We went back to legislation from the mid-1960s that was probably the most draconian legislation in respect of gaining a licence. In fact, the most difficult licence to obtain is not that for casinos. We thought that such matters needed to revisited under the strict control of the new Gambling Commission, which many throughout the world regard as a model of how to have responsible gambling and make sure that the three core values are kept right at the heart of any gambling establishment in this country. As a commission, it has the teeth, the power and the resource to make sure that that happens.

Our cautious approach was absolutely right. The work of Hall Aitken has been held up this morning as a well-researched report. Its estimated social cost is based on work commissioned by the British Amusement Catering Trade Association. That is fine. I have no problems with it but, for goodness sake, if people are to undertake a responsible piece of work, the work done by my Department must be taken into account. It is at odds with the base of the report. If we want an informed debate, let us have one. As a professional organisation, it does Hall Aitken no good at all to put out such rubbish. It is biased to an extent that is unacceptable. It has been presented as evidence by the Opposition spokesperson, who said that we based responsible decisions on it. It does not do itself any justice. There needs to be an informed debate.

Let us be clear about the argument of the hon. Member for Bath (Mr. Foster). Yes, we are changing the Gaming Act 1968 in respect of casinos. Yes, we are consulting on such matters, the closure date for which is 28 April. However, casinos are not the big issue. That was raised by the hon. Member for Guildford (Anne Milton) when she referred to the number of slots in the establishments. What clearly affected me when I saw what was happening in Australia was not casinos, pubs or clubs, but the number of slots that were allowed to operate. I assure the House that we have tied each establishment to a specific number of slots, so that the Gambling Commission can control what happens with that development in the light of social responsibility requirements. We are determined to take a cautious approach to make sure that that happens.

**Mr. John Grogan** (Selby) (Lab): Talking of slots, does my right hon. Friend recognise that one regional casino will be allowed 1,250 slots with unlimited stakes and unlimited prizes? That will double the total number of slot machines in British casinos at present. Does not that reinforce the case for a more cautious approach and for having one regional casino and determining its enormous effect over three years?

**Mr. Caborn:** I understand what my hon. Friend means, as I do what my hon. Friend the Member for North-West Leicestershire (David Taylor) was concerned about and what was said by the Methodist Church. My mother is 90 years of age; she is a Methodist. She is temperance—I do not know what she thinks her son is doing. I can understand where the Methodists come from, but we are legislating in a cautious way. We need evidence. The best way in which to test reports such as those from Hall Aitken would be to have a number of regional casinos, a number of large casinos and a number of small casinos, so that there were eight, eight and eight.

Let us consider political manoeuvring. The *Daily Mail* ran a big campaign to which the Tories acceded. They thought that it would bring them a few votes in the election if they knocked down the number from eight to one. It did not work. We were returned. Nevertheless, we must reach consensus. The Opposition treated the matter with a flip-flop, but a considerable number of Conservative Members made representations to me when going through the Lobbies asking whether they

could have the casino in their area, if there was to be only one. We heard the same this morning. However, let us at least approach the matter sensibly.

**Anne Milton:** What does the Minister believe is the motivation behind the Hall Aitken report? If he can so readily dismiss it as rubbish, why does he think the organisation carried it out in the first place?

**Mr. Caborn:** The evidence in the report is exactly the same as the evidence that BACTA presented a considerable time ago. My officials have been through it. We examined it seriously and evaluated it. It was found wanting. If Hall Aitken want to produce a report, let them at least put the other side of the argument, too. It was already on the public record. The way in which the organisation carried out the report did not do it any good. I am willing to debate such matters. They were the subject of the Budd report, the playing for success initiative and the pre-legislative scrutiny committee. The House then decided to subject the proposals to a Joint Committee that made recommendations, of which the Government accepted pretty well every one.

We then put the measure to the House and, because the Opposition thought that they could steal a march for a few votes in the election by pandering to the *Daily Mail*, they changed their mind from eight to one. That is the political reality of the position, and they are now trying to say that we can put that aside. I made it clear to the hon. Member for North-East Cambridgeshire, as I have to many hon. Members, that we shall reconsider the matter if those on the Opposition Benches say that they will reconsider moving from one to a number between one and eight. It is right to move forward in that way, and we are still prepared to go in that direction.

**Mr. Moss:** Why does the Minister need our support? The Government do not ask for our support in respect of all their other legislation—except for education, of course, but that is a recent development. Why does the right hon. Gentleman need our support to bring through an statutory instrument? The Labour party packed the Committee with hon. Members who want a regional casino in their patch. They will vote the measure through, end of story. Why does he need our support?

**Mr. Caborn:** I have been speaking for the past seven or eight minutes, but what I have said has obviously not penetrated through to the hon. Gentleman, as usual. I said that the legislation was not only about casinos, but about dealing with e-gambling and remote gambling. As it was, a side issue of the whole matter was casinos. To take forward regional casinos will need consensus across the House. That is the best way forward. If the Conservatives do not want to agree, it is at their doorstep that there will not now be a continuation of the regional casino.

## Burnley General Hospital

11 am

**Kitty Usher** (Burnley) (Lab): I am grateful for this opportunity to debate the future of Burnley general hospital, and it is an honour to make my Westminster Hall debut under your chairmanship, Mr. Chope, albeit in Committee Room 10. I am also grateful to my hon. Friend the Member for Pendle (Mr. Prentice) for taking the trouble to be present, and I will be happy to listen to his contribution if he wishes to intervene.

The issue we are debating does not affect only Burnley. Burnley general hospital serves not only my constituency of about 90,000 members of the public, but also the wider north-east of Lancashire. My petition in support of the hospital, run in conjunction with the *Burnley Express*, attracted 10,000 signatures from my constituents, but if we add together all the names on all the petitions that have been organised in support of Burnley general hospital—those by myself, by the trade unions and by individual community activists throughout east Lancashire—the number rises to around 60,000.

My petition stated that we

"reject any proposals to close Burnley General Hospital or Burnley's Accident and Emergency Department",

and we

"strongly oppose any options that would be detrimental to the health of Burnley and Padiham people."

Let me explain why we felt that was needed. A few years ago, the acute trusts at Burnley and Blackburn hospitals agreed to merge. I am told by those who were involved in the making of that decision—not least my predecessor as Member for Burnley, Peter Pike—that assurances were given at the time that this was a purely administrative merger, and that there would be no transfer of services between Burnley and Blackburn. However, towards the end of last year the new East Lancashire Hospitals NHS Trust published four proposals emerging from its initial work on a clinical services review, all of which appeared to lead to a significant downgrading of Burnley general hospital in favour of Blackburn. The impetus for that change appears to be that the trust had mismanaged its finances. In its last annual report—that of 2004–05—the chairperson of the trust, Christine Kirk said that

"in plain housekeeping terms we have been living beyond our means and we must strive to bring this situation under control".

My point is that is not the fault of my constituents that the trust has got itself into this mess, and so it is not my constituents who should suffer as it tries to get itself out of it.

One of the published options proposed shutting down Burnley general hospital, which understandably led to ridicule in my constituency—and beyond—not least because the hospital is currently in phase 5 of a private finance initiative redevelopment project. I have since been told by the management that that was never a real option, and I am strongly of the view that if that is the case it should never have been put on the table. Therefore, my first question for the Minister is, whether it was necessary under Cabinet Office guidance to publish options that nobody has any intention of taking seriously? That was insulting to the intelligence of my constituents.

*[Kitty Ussher]*

However, more worrying was the realisation that the two options that were being seriously considered would both lead to the removal of intensive care beds at Burnley general hospital, with people having to go to Blackburn instead. It would be an understatement to say that that has caused uproar; it has led to the launch of a "save our hospital" campaign, with the full support of the local newspaper, which ran it as its main story for a number of weeks.

My constituents fear that they are more likely to die if they have to travel further to receive intensive care services. If one of my constituents is in a serious condition—as a result of a heart attack or a road traffic accident, for example—it is surely simple common sense that a longer journey time to intensive care means that they are more likely to die. I would like to hear the Minister's view on that. Specifically, I would like to know his estimate of the additional length of time it will take for my constituents and those of my hon. Friends—in particular of my hon. Friend the Member for Pendle—to get to intensive care in Blackburn, instead of in Burnley. How much longer will they be on the road, and what will be the increased risk of mortality from that additional travel time?

Let me offer further examples. If one of my constituents has a complication during routine surgery at Burnley general hospital, or during childbirth at the maternity unit, they will be more likely to die if they have to be moved to Blackburn, instead of receiving intensive care support where they are undergoing the operation or giving birth. If one of my constituents arrives at the accident and emergency department at Burnley in an acute state, surely they are more likely to die if they then have to be transported to Blackburn, instead of receiving the intensive care that they need on site? What are the Minister's views on those examples?

There are also concerns that if the intensive care unit is lost, the whole of the accident and emergency facility will surely follow, that no complex surgery—routine or otherwise—could take place on the site for fear of complications, and that for the same reason the maternity unit would be unsustainable and the hospital itself would gradually become unviable. Losing the ICU in Burnley would also presumably lead to a reduction in intensive care beds throughout the sub-region, at a time when intensive care beds are already in high demand.

Since the publication of these preliminary options, I have been deluged with letters from desperately worried constituents. I cannot walk through the town without being stopped by somebody who fears for what will happen as a result of the proposals, and I share their concerns. People honestly believe—and I think they are right—that they would be more likely to die if these proposals were carried out than under the existing situation.

Therefore, we protested. We met the trust managers and handed over the petition here in Westminster. We turned up in droves at their board meetings. We organised a fantastic march through the centre of town on a Saturday shortly before Christmas, which culminated in mulled wine—non-alcoholic, of course, for health reasons—in the central square. A similar march took place in Pendle.

That worked. As a result of our pressure, the management said that there would now be a new proposal for emergency care, dubbed the "fifth option", which would focus on

"the retention of both planned and unscheduled care in some specialities at the two main hospitals in the towns"—

those at Blackburn and Burnley. The trust's press release went on to say that the new proposal

"comes in response to fears expressed by some local people about possible changes to critical care services at Burnley General Hospital".

I wish to put on record a big thank you to all those who joined our campaign. Making that effort was worth while.

We have come far, and we now need to put in place the final piece of the jigsaw. On Friday this week, a steering group consisting of all the relevant primary care trusts will decide which options will go out to formal statutory consultation. It is imperative that the option that is put forward as the preferred option is new option 5.

We are a proud town with a strong history and a great hospital, and we need to keep intensive care beds at Burnley general hospital for those cases where to travel further would mean an unacceptable risk to life. Access to intensive care—and, indeed, accident and emergency in general—is a bit like the emergency exit in an aeroplane; we hope to goodness that we will not need to use it, but we blooming well want to make sure that it is nearby just in case we do. That is our main criterion against which the formal proposals will be judged when they emerge in a few days' time.

However, it is not the only criterion. I have a 10-point checklist against which the proposals will be judged when they are finally published. I will draw my remarks to a conclusion by stating them, so if any of my hon. Friends wish to intervene, now is the time to do so; I am very glad that they are present to add their voices to mine. My first, and most important, question is, will there be intensive care beds in Burnley? Also, how many intensive care beds will there be in east Lancashire as a whole? Secondly, will accident and emergency services remain in Burnley? Thirdly, what will we specialise in? Will Blackburn people come to Burnley to be treated, and if so, in which areas? Fourthly, what will happen to Burnley's fantastic Edith Watson maternity unit where so many of my constituents and their children were born—including my own daughter, last year? Fifthly, how many more lives would be saved, or lost, as a result of the proposals? Sixthly, what would the trust do to help my constituents travel between Blackburn and Burnley—for example, to visit relatives? Seventhly, would additional ambulances be provided to compensate? Eighthly, what are the medical experts saying, particularly those who specialise in intensive care? Ninthly, what is being done to encourage more young doctors and nurses to apply to work in Burnley, so that we can bring the expertise of the future into our town? Finally, and very importantly, what will happen to the medical equipment that has been donated to Burnley general hospital by the fundraising efforts of successive mayors and mayoresses and the contributions of so many of my hard-working constituents?

The answers to those 10 questions will determine whether my constituents believe they are better or worse off as a result of the proposed changes. I hope that the

Minister will be able to reassure us on each of those points, and I thank my colleagues for their patience and courtesy in listening to my contribution this morning.

11.9 am

**The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne):** I congratulate my hon. Friend the Member for Burnley (Kitty Ussher) on securing the debate. Since she arrived in the House, she has taken a close interest in health services in her local community. She has helped to lead local campaigns for strong health services and has persistently lobbied Ministers, both in the House and behind the scenes, not just because she is an excellent local MP but because she is a user of local hospital services. I was privileged to meet baby Lizzie recently, and Burnley should be proud of her.

I, too, put on record my thanks to the *Burnley Express* for the way in which it has helped to keep the issue in the local headlines and at the centre of local conversation. Over the past few months it has proved, once again, that it is a real voice for the local community.

The starting point for this debate is the transformation of the NHS in and around Burnley. As a result of our funding policy, the NHS nationally is in receipt of record resources, and so is the NHS in my hon. Friend's constituency. Funding overall in the NHS has increased almost twofold; it is up to £70 billion, and by 2007–08 that will have increased to about £92 billion. That is an enormous increase in spending. Indeed, if the NHS were a national economy, it would be something like the world's 33rd largest. That is a record of investment in which the Government can take great pride.

The money has been extremely well spent. It has bought extra staff and shorter waiting times, and the result is that there have been great advances against the big killer diseases that we suffer from. This morning, I looked at the statistics for Cumbria and Lancashire: since 1997, about 150 more consultants, 3,000 more nurses and more than 1,800 health care consultants have arrived on the scene. The result of that investment, the new staff and the new ways in which they work is that waiting times have come down, and not a little, but massively. In 1998, nearly 300,000 people waited more than 13 weeks for an out-patient appointment. By December last year, that figure was down to just 171. In March 1997, about 165,000 people were waiting between six and eight months for an in-patient appointment; that has come down to just 35.

Hon. Friends who have been in the House much longer than I will remember the days when they received many, many letters from constituents complaining about long waits. I hope that that flow of letters has dried up. The result of the reduced waiting times is that more people now live longer.

This morning, I also looked at the death rate for an indicative disease, coronary heart disease, which, of course, is one of Britain's biggest killers. The mortality rate for that disease in Burnley came down by 32.8 per cent.—nearly a third—between 1997 and the last year for which we have statistics, which is 2003; that is a massive decline in the death rate from one of Britain's biggest killer diseases. That did not happen by accident; it happened through the sheer hard work of NHS staff, backed by the new tools with which they have been equipped.

It is especially comforting that my hon. Friend's primary care trust has shown an enormous commitment to tackling many of the issues that the Government have seen fit to prioritise, such as cancer, coronary heart disease, choosing health, better services for the elderly, mental health, and diabetes. More than £5 million is being spent on those services. To take a couple of local examples of great results in delivering better health care to my hon. Friend's constituents, the pulmonary rehabilitation service introduced in June last year has already delivered a 4.5 per cent. reduction in emergency medical admissions to hospital. The PCT is planning to recruit some 21 community matrons; there are already 11, and they are playing a vital role in making sure that more health care is managed in the community, so that people do not need to come into hospital for the help that they need.

That investment is set to go on. My hon. Friend's PCT received about £241 million in 2003–04. By 2006–07, that will have increased to £340 million and in 2007–08 it will go up to £371 million. That is an enormous increase in the cash available to the NHS in my hon. Friend's constituency. It is worth mentioning that much of the investment to date has benefited Burnley general hospital; £30 million is re-providing new medical accommodation, and providing a new renal dialysis unit and a new entrance for the hospital. The hospital is, of course, the centrepiece of this morning's debate.

The starting point for my hon. Friend's comments was whether there were Cabinet Office guidelines for how debates such as ours are conducted. I much regret the false alarm caused by the way in which the trust went about beginning the consultation. We recently recognised that problem explicitly in the White Paper on social care and health; in it, we set out that we would do far more to support local organisations by consulting in a manner that we think effective. As my hon. Friend knows, in that White Paper, we pioneered a new way of writing White Papers. We benefited from unprecedented levels of public engagement, and the process was extremely successful. We found that the public want debates about the local NHS and have intelligent views about it, and can structure what are often difficult decisions. We want to make sure that the learning that we acquired through writing that White Paper is made available to local communities.

**Mr. Gordon Prentice** (Pendle) (Lab): The Minister referred to the White Paper on social care and health. There is a reference in it to "fully fledged" accident and emergency departments. I invite him to tell hon. Members what the Government mean by that phrase, and to say whether that is what Burnley general hospital will have.

**Mr. Byrne:** I am grateful to my hon. Friend for that intervention, and I will address that remark in a moment.

The challenge for health chiefs in Burnley and Pendle, against a backdrop of a 20 per cent. increase in cash over the next two years and of record investment, is how to update their hospital for the 21st century. To answer that question, the steering group was set up to oversee the identification of options, and it identified a number of important criteria against which options would be developed.

*[Mr. Byrne]*

The first criterion was the need to expand and invest in community-based care that would increase the amount of planned emergency and long-term condition management that could take place in the community. In our consultation on the White Paper, the public said overwhelmingly that if care could be provided not just round the clock, but round the corner, that is where they would like it.

The second criterion is that the patient experience for those going into hospital has to go forwards; it cannot go backwards. Ultimately, the debate must have a single test: is patient care being improved? Thirdly, hospitals need to develop into centres of excellence, supporting safe and high-quality treatment. Fourthly, redesigned hospitals and community facilities have to reduce waiting times; we made a big commitment to the British people in May to bring down waiting times from the scandal of one in 10 people waiting two years for treatment in 1997, to a maximum wait of just 18 weeks. Producing dramatic falls in waiting times has to be part of the criteria against which any new proposals are judged.

The independent steering group meets on Friday to agree options for public consultation and I shall take a watching brief on the development of those proposals going forward. I shall be able to answer some of the points that my hon. Friend the Member for Burnley has raised now, although not all of them, because we await Friday's decision on which options will go forward for consultation. However, I commit to write to her once those options are in the field and let her have my analysis of the answers to those questions, based on the two proposals that are put forward.

First, and most importantly, no option will propose the closure of Burnley hospital. Secondly, A and E will not be put in jeopardy. Thirdly, we expect at least one of the options to see high dependency beds staying at Burnley. I understand that under that option those high dependency beds will have the flexibility to step up to intensive care beds, although this will have to be confirmed on Friday. I also believe that one of the options—again, this is subject to the confirmation on Friday—will involve new investment in women's and children's services. If that option is proposed, the logic is that those services will be centred on the Edith Watson ward.

Those options are important because the number of cases that require intensive care in Burnley shows that there is a clear need. I asked officials this morning to dig out the number of high dependency cases and intensive care cases in Burnley last year. The answer is not inconsiderable: last year some 546 patients were admitted to high dependency units, with 191 admitted to intensive care, which is a little less than four a week.

**Kitty Ussher:** The Minister makes a powerful point. Given that there are 546 HDU cases and 191 ICU cases a year and that only one of the options proposes that there should be HDUs with the potential to flex up to ICUs, does he agree that that should be the preferred option? To phrase the question slightly differently, if the steering group and the hospital trust view that as the preferable option, should they not state that?

**Mr. Byrne:** When the trust puts up different options for consultation it is vital that it also makes clear to the public the number of cases that we are talking about, to inform the engagement that it undertakes with clinicians. My hon. Friend the Member for Pendle (Mr. Prentice) has made a good point in the past about the travel times between Burnley and—potentially—the new hospital in Blackburn. If the trust proposes that any option be preferred or not, it needs to explain the volumes for each kind of case and the implications of that if, for example, there are extra travel times.

The trust is doing that against a moving background. For example, our reforms of the ambulance service envisage a future in which more and more emergency care can be administered by ambulance professionals working on the site. That is what ambulance staff want to do and it has been shown to deliver a decline in mortality in many parts of the country. There is a moving background, but it is imperative that the trust sets out not only the volumes of different kinds of cases but the implications for, say, mortality under the different options.

I am sure that my answers will have provided my hon. Friend the Member for Burnley with some reassurance, although not complete reassurance, so I stress that decisions have not been made at this stage on the precise options for change. That decision will be made by the independent panel on Friday. The chief executive of the trust has kept hon. Members in touch with the development of some proposals and I expect that to continue.

I assure all hon. Members that there can be no faits accomplis, no cabals and no decisions made behind closed doors. The NHS is under statutory obligations in the way it conducts consultations with the public. The trust is clear that it must put out firm options to public consultation following the analysis of pre-consultation options. I am advised that the trust anticipates that the proposed start date for the 12-week period of public consultation will be in March.

In conclusion, I encourage hon. Members to stay closely engaged in the debate, if not to lead it. I am sure that there will be a rich discussion over the next 12 weeks in Burnley. I will remain closely involved in monitoring the situation and will be more than happy to meet delegations of my hon. Friend's constituents if she wishes to have me hear their views directly. I look forward to the consultation coming to a successful conclusion and, against the backdrop of a record increase in NHS resources, the development of option that immeasurably strengthens NHS services in my hon. Friend's constituency.

11.26 am

*Sitting suspended until half-past Two o'clock.*

## Planning Policy

2.30 pm

**Michael Fabricant** (Lichfield) (Con): In my view, the wealth of our nation is not measured by the gold stored in the vaults of the Bank of England, but by the nature of the society in which we live and the quality of our environment. Our national heritage includes not only our great public buildings, including ancient cathedrals like the one in Lichfield, but the geography of our market and historic towns and cathedral cities. However, that environment is under threat as a direct consequence of the Government's planning policies.

Although we all appreciate the need for affordable housing and good quality start-up homes, the ever-increasing densities of new residential development are beginning to destroy the very nature of our heritage.

**Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): On that point, the village of Cranfield in my constituency has two proposed new developments when the infrastructure in that village is already creaking, the schools are full and the village hall is not fit for purpose. Massive development is coming into my area, but developers are beginning to back off because of the lack of infrastructure for those developments.

**Michael Fabricant:** My hon. Friend is relatively lucky because I know of developments that have gone ahead and many residents have moved in, but there is no infrastructure. At least in the instance she raises, the developers decided not to go ahead because the infrastructure is not ready.

To continue my argument, it is interesting to note that although Tesco started with a "stack 'em high, sell 'em cheap" policy, it is now departing from that, whereas the Government have adopted a "cram 'em in, and pile 'em high" philosophy for housing. That began a few years back with planning policy guidance note 3, and they now propose even greater densities with their new planning policy statement on housing known as planning policy statement 3. Often, new housing developments arise when no additional infrastructure—schools, for example—is available and ready for the new residents when they move in.

The current policy set by PPG3 dictates high-density residential development of 30 to 50 dwellings per hectare, with new development to be located mainly within existing settlements, making greater use of previously developed brownfield land. The aim is to make more sustainable use of land, and I do not dispute that it has helped to regenerate many run-down inner-city areas, where there are often large wastelands of derelict former industrial land. Such sites are quite clearly brownfield land and new residential development can do much to revitalise and uplift the area. Moreover, in major urban centres, densities of 30 to 50 homes per hectare are fairly typical, and produce increased land values that help to offset the higher costs of redeveloping run-down and sometimes contaminated sites.

However, what may be appropriate in large urban centres such as Birmingham or Manchester is not appropriate in our market towns and historic cathedral cities. The Government seem to have a "one size fits all" mentality in planning policy, which fails to take into account the great diversity of architectural styles and building densities of English towns and settlements. Over the centuries, our smaller market towns have developed their own unique characters, which are very different from the major urban centres.

Although PPS3 is an improvement on PPG3 in that it at least proposes a range of densities which vary by location, it does so only by substantially increasing the range of densities overall. Only in rural areas, where the density is set at 30 to 40 dwellings per hectare, is the proposed density range lower than PPG3 levels. For so-called suburban areas it proposes 35 to 55 dwellings, for urban areas 40 to 75 dwellings, and for city centres it proposes a staggering density of over 70 dwellings per hectare. The definition of what constitutes a "city centre" is far from clear, but I hope that it refers to large urban areas and not small cities such as Lichfield.

PPG3 density policies are already having disastrous effects on historic towns, and that will only worsen if the greater densities proposed in PPS3 come into effect. I shall illustrate that by focusing on four particular issues: the poor standard of living environment that is created in high-density developments; the loss of well-established residential gardens to new housing development; the loss of existing employment land to residential development; and the threat to section 106 money, which is often used to improve the local environment. The examples I will give are for the city of Lichfield, at the heart of my constituency, but they are reflected throughout the smaller historic towns of our nation.

I should begin by pointing out that the city of Lichfield is in fact a planned "new town". Bishop Roger de Clinton saw to that early in the 12th century when he laid out a ladder-shaped pattern of wide streets to form a compact town centre around a bustling market square, from which Lichfield still benefits today. Like most developers, however, he also had a financial interest: the income from the rents was payable to the bishop. Lichfield prospered and grew steadily, so that by the 17th century it had 3,000 inhabitants. It took the next 300 years for the city to reach a population of 10,000, but then only 50 years for it to treble in size again to its current population of 28,000. That was brought about, first, through local authority development to take Birmingham overspill in the 1950s and 1960s, and then through a large estate of mainly privately owned housing in the 1980s. That expansion has been very rapid, but for the most part the new houses—both public and private—have been of a reasonable size, have their own gardens, are built on tree-lined streets and have recreation areas nearby. In short, they are the sort of houses in which people like to live.

**Dr. Julian Lewis** (New Forest, East) (Con): I thank my hon. Friend for giving way to someone who represents the New Forest—"new" in that it dates from the 11th century, post William the Conqueror's invasion, as I am sure my hon. Friend is aware. Can he throw any light on why the Government appear to want to house extra people in the south-east or other parts of the country by cramming people into existing towns or cities, instead of building new towns or cities? Is that sensible planning or does it relate to electoral manipulation?

**Michael Fabricant:** My hon. Friend, as ever, raises a very interesting question. I shall take the fine example of our Prime Minister and say that this is probably not a question for me, but for the Minister for Housing and Planning. I hope that she will address that point when she responds.

I mentioned that the population of Lichfield had expanded to 28,000 and that we had a pleasant new development, which was mainly built in the 1980s. However, the further major growth spurt taking place now is of a wholly different style and character to those of the past. The largest single site is a greenfield site on the edge of the city, where in the late 1990s permission was originally granted for 650 dwellings. However, in 2004, on the back of PPG3 policies, revised planning permission was granted to increase that to 1,100 dwellings. For the mathematically minded, that is 70 per cent. more houses on exactly the same area. If the proposed PPS3 policies had been in place, the increase could well have been far greater.

Such high-density housing creates an inner-city style of development, totally out of keeping with the character of the rural fringe of an historic market town. The houses are predominantly three-storey units with relatively small rooms, handkerchief-sized gardens, or perhaps no gardens at all. I accept that some home owners enjoy that configuration, as it provides for easy maintenance, but the houses are packed so closely together and front so tightly on to the narrow estate roads that they are in almost permanent shade, even at the height of summer. There are some open landscaped areas, but almost nowhere that has suitable space for children to kick a football around. Slightly adapting Miranda's lines in "The Tempest" let me say, "O, wonder! How many goodly creatures are there here! O brave new world. That has such houses in't."

**Mr. Alan Beith** (Berwick-upon-Tweed) (LD): Hear, hear!

**Michael Fabricant:** I thank the right hon. Gentleman for his applause.

Both PPG3 and the new PPS3 make great play of securing high-quality design, but it simply cannot be achieved when the fundamental ingredient of living space is not permitted. People need space inside their homes, and most want gardens outside to separate their house from their neighbour's, to provide a place to relax and in which their children and grandchildren can play in safety. We even have the ludicrous situation of four-storey blocks of two and three-bedroom so-called family apartments that have no private garden space, and the land that the developer "saves" becomes a communal area that counts towards the public open space provision.

I shall move on from those new estates to consider the effects of planning policy on the more established areas of the city. Lichfield—I speak about Lichfield, but what I have to say applies throughout England and Wales—is fortunate to have many older properties built at a time when land was not so much at a premium. Those properties have gardens—sometimes large gardens—with trees and shrubs providing green havens for wildlife. Few people would equate those gardens with the derelict and abandoned industrial sites of inner cities, but in terms of Government targets for development on "previously developed" land, as they put it, those sites are one and the same thing, and they are all classed as brownfield sites.

In the past, the problem did not really exist, because the cost of developing such relatively small garden plots meant that they were not usually viable. However, with ever-increasing residential land values derived from the ever-increasing densities that are permissible, developers are seizing those opportunities—who can blame them?—and more and more residential gardens are becoming high-density housing developments.

In the past few years, we have seen several cases in which a perfectly good house on a large plot has been bought and then demolished to make way for several closely packed houses, or new homes have been built in the back gardens of existing houses. There have been strong protests from local residents with justifiable concerns about the loss of green space and the inappropriate style of development, but the development meets PPG3 criteria—it scores its brownfield points from the Government office—and the local planning authorities see little alternative but to grant approval. They are in an impossible situation.

**Mr. Andrew Turner** (Isle of Wight) (Con): Does my hon. Friend agree that, as I mentioned to the Minister during the passage of recent planning legislation, one problem is that the PPGs and, for that matter, the PPSs have been published and imposed subsequent to the adoption of local plans by local authorities? Where it is possible for a local plan to be based on the PPG and to take into account the latest manifestation of the Deputy Prime Minister's thought processes, it is possible to alleviate the problem, but it is not possible to do so retrospectively.

**Michael Fabricant:** My hon. Friend makes an important point. That situation reflects a lack of co-ordination between national and local government, which is extraordinary given that the Office of the Deputy Prime Minister is responsible for that sort of planning matter.

Returning to gardens, residential gardens provide far greater biodiversity than most agricultural land, so they have greater environmental value, particularly because they provide wildlife habitats in the heart of built-up areas where such habitats would otherwise be absent. Ironically, the loss of garden land usually has a far greater impact on the character of the surrounding area than the loss of an equivalent sized plot of greenfield land. Development of residential gardens should be strongly resisted, but planning guidance positively encourages it.

At least the new PPS3 acknowledges that problem when it says that, although residential gardens are defined as brownfield land, that

"does not necessarily mean they are suitable for development".

It then negates that, however, by referring to the

"positive contribution that intensification can make"

by minimising the pressure on greenfield sites.

On 2 February the ODPM—obviously feeling some pressure on this point—issued a brief statement that typically passed the buck to local councils, saying:

"Local planning authorities can already turn down applications for buildings in gardens if they are inappropriate or out of character with the local community."

However, set against the clear encouragement in PPS3 about the "positive contribution" of such development, local planning authorities will be reluctant to risk the high costs of a planning appeal by refusing such applications. It costs the council tax payer money to lose such a fight.

**Mr. David Drew** (Stroud) (Lab/Co-op): I know that it is not the correct planning term, but when I was on a planning committee, there used to be something that we called "tandem development". There was an intention in the original planning development, which was met, but subsequently guidance comes in that is completely contrary to that. I accept the cost argument, but I wish that local authorities would be more robust in arguing the case. Does the hon. Gentleman agree?

**Michael Fabricant:** I do agree with the hon. Gentleman. I have raised that point with my own authority, but it told me that in one case to fight and lose an appeal cost the authority £250,000. At a time when local government is under financial pressure, those costs all have to be borne by the council tax payer. Perhaps we can understand the reluctance of councils to undertake such battles. I put it to him and, more importantly, to the Minister that by making her policy more clear, if only in her answers to me today and perhaps in the guidance that her Department issues, we could avoid such a problem arising. I thank the hon. Gentleman for his intervention.

My third point is on the loss of existing employment sites. Lichfield—I keep mentioning Lichfield, but my point applies to other areas—is predominantly a residential city. Many people travel out of the city each day to work in Birmingham and the surrounding conurbation. Clearly, all the daily traffic that that generates is not good for the environment or sustainability. Lichfield needs a much better balance between housing and employment sites, so that its residents can find employment in the immediate locality, but employment sites stand little chance when competing with the far greater property values that can be obtained from a high-density residential development.

Instead of providing new employment sites, many of the employment sites in the city are being closed down and developed for housing. In most cases, it is not a result of business failure—they are going concerns—but the one-off bonanza of selling their land is apparently worth more than the long-term value of selling their product. A packaging factory now has 80 houses on it, and a concrete firm called Bison has permission for 175 houses. Even our greatly cherished old public houses such as the Carpenter's Arms and the Sozzled Sausage are being bought up and bulldozed to be replaced by yet more private housing.

As with the development of gardens, the conversion of employment sites to residential development also attracts brownfield points, because it re-uses previously developed land and so—supposedly—benefits sustainability. However, what really happens is that it worsens the imbalance between housing and employment in the city, because more and more people have to travel out of the city to work, often to the relocated sites on the outskirts, which are inaccessible by public transport. They will probably have to drive out of town anyway to fill up with petrol, because most filling stations in the city have also been closed and sold as housing land. Even where land is earmarked for employment development, it is often not developed, because the landowners hold back in the hope of eventually securing a far greater financial gain from a residential development on the land.

Finally, where planning policy currently provides a useful gain locally is through use of section 106 money, which is provided by developers. The money can be used by the democratically elected local planning authority to improve the local environment and provide necessary infrastructure. However now, the proposed introduction of a planning gain supplement—PGS—by the Treasury would require Lichfield district council and other councils to abandon their policies. That could hinder the ability to identify and respond through the planning process to the legitimate needs of wider social and community facilities than those available through PGS.

The Government claim that the PGS will be a tax on developers, but it will also have a major financial impact on charities, which will receive less for their land from developers if they sell it. It will have an even more serious impact on charities developing their own land to fulfil their charitable purposes because they will not have received any income in terms of a price paid for the land against which they can offset the PGS. Yet again, the Chancellor is failing to trust locally elected bodies. He is imposing his will from the centre and introducing a stealth tax that will damage some of our most respected and deserving charities.

I have four questions for the Minister. First, the Government make many fine statements about involving the local community in the planning process, so if a local community makes it clear it wants lower-density development—for example, houses with gardens—will the Government provide clear guidance that such local wishes can outweigh centralised density targets? If she did that, she would answer the very point raised by the hon. Member for Stroud (Mr. Drew).

Secondly, will the hon. Lady accept that development on residential gardens is hardly ever justifiable and amend the guidance in PPS3 to give a fairer and clearer definition of brownfield land that specifically excludes residential gardens and positively discourages building on them? Thirdly, to maintain a sustainable balance between employment and housing, will the Minister introduce measures to restrict new housing being developed on sites that are currently in viable economic employment use? Finally, will the Minister and her Department make robust representations to the Treasury not to abandon the principles of local democracy and the application of section 106?

The environment of our historic towns is fragile, yet they are a reflection of our nation's heritage. The Government are the steward of our built heritage; they owe it to future generations to ensure that that environment is not lost for ever.

2.53 pm

**Tony Baldry** (Banbury) (Con): My hon. Friend the Member for Lichfield (Michael Fabricant) has done the House a great service in giving us the opportunity this afternoon to discuss planning issues. I very much hope that his speech is widely reported in the newspapers on his patch—indeed, I hope that the headline will be "MP supports Sozzled Sausage", if nothing more.

Banbury is an historic town. Until the start of the 1900s it had no other existence than as a market town. It existed simply as a market town and people who lived a day's cart ride away would go to Banbury market to sell their produce and stock, see their lawyers, and buy their provisions and take them home. In the 1980s and 1990s, we saw development and construction on the edge of town with Sainsbury's, Tesco and Morrisons stores, all of which are excellent supermarkets, and more recently the Castle Keys development between Banbury town hall and the canal, with Marks and Spencer as an anchor site. Within a comparatively short time, there were three quite large supermarket developments on the edge of town and Marks and Spencer in the town. On the edge of town there was also increasing warehouse retail development, such as office supplies and carpet stores—hon. Members know the sort of thing I am talking about, which involves quite a large amount of footfall with considerable retail footage growth.

Although Banbury as a town has grown and prosperity has grown, the amount of retail space has grown faster than the population, with the result that the historic core—the old shopping area of Banbury—does not receive the same amount of footfall as it once did. The consequence is a number of empty shops. Those shop premises that are occupied are increasingly occupied by charity shops, but some premises are boarded up and covered with graffiti. It is on that aspect of the subject that I shall focus this afternoon—I am conscious that other hon. Members wish to speak in this debate.

Given the laws of supply and demand, there is no way that there will be infinite demand for retail space and we must accept that retail activity, like any other human activity, evolves and changes. Although some shops will remain within the historic core of the town—jewellers, wine merchants, specialist auction houses and so on—there will be many gaps. I have three suggestions for the Minister on what we can do with that space.

First, I hope that some of the property could return to housing. We have a great shortage of social housing in north Oxfordshire. Although it is an issue for another day, I am genuinely concerned that the two large-scale voluntary transfer housing associations—Banbury Homes and Charter Housing—have no ability with the Housing Corporation to build new social housing. I do not know how we can get new social housing in a constituency such as mine.

**Bob Russell** (Colchester) (LD): Does the hon. Gentleman believe that the massive sale of council houses might have created that problem?

**Tony Baldry:** No. The right-to-buy policy was an extremely good policy, which created much more viable and vibrant communities. The problem now is how to create new social housing.

There is an opportunity in historic town centres, but there is a difficulty. Many of the empty shops belong to property companies and retail consortiums and appear on their balance sheets as an asset value. It is often easier for them to hold those properties as an asset value than to develop them. I hope that the Minister will consider my first suggestion, which is that if property companies that own empty retail space in historic town centres are prepared to sell it for social housing, they should have relief from capital gains tax. That would be a real incentive for them to vacate the sites and to make them available to social landlords for housing for young people and elderly people, who would find it useful to live in town centres.

Secondly, practically every top-floor flat over a shop in Banbury High street and Parson street is empty. Historically, when the shops were built the shopkeeper would live above the shop, but that does not happen now; the space is, at best, storage space, but more often it is empty. I know that at different times there have been attempts to encourage developers and social landlords to take on flats above shops, but that does not seem to have worked, so perhaps we could provide an incentive whereby if owners of shops were prepared to make the flats above them available, they could have some relief from corporation tax. There is a precedent for that: if any of us have lodgers in our house we can take rent of up to £3,000 tax-free. The same incentive would encourage businesses to make flats above shops available, particularly to young people. These days, young people can usually only get into housing through the private rented sector with the benefit of housing benefit. Making sites in town centres available would be good news.

Towns like Banbury have a number of historic buildings, but there is no protection for those historic buildings in the planning system. The listed building system protects buildings of architectural interest, but it does not protect buildings of historic interest such as the Banbury cake house, the shop that sold Banbury cakes. The old Banbury police station, which was demolished recently, was not of great architectural interest, but was of great historic interest in the market town. The Spencer corset factory was a wonderful 1920s art deco building that could easily have been converted into flats, but it was a lot cheaper for the developers to knock it down and start again. The same was true of the gardener's house of the People's park. I pay tribute to Banbury Civic Society, which tried hard to persuade the district council not to grant planning permission to demolish those properties, but the council clearly feels, as my hon. Friend the Member for Lichfield said, that planning law and guidance ties its hands. I suggest to the Minister that we and, perhaps, civic societies throughout the country need to give thought to whether we need a designation—even if it were rarely used—of buildings of historic interest. Perhaps there could be a limit on the number of buildings that a local authority could declare to be of historic interest, but any historic market town will have several icon buildings of historic importance to the community, which, if they were to go, would leave a kind of ersatz streetscape. One town would look exactly like another, which would be a source of considerable sadness.

I do not have a solution to the last issue that I want to raise with the Minister. Often, district councils make intelligent proposals on developing and improving a town centre. For example, in 1995, Cherwell district council commissioned an urban design study by Roger Evans Associates on how the hole that had developed in the historic core of Banbury could be replaced and repaired by rebuilding the historic street frontage. It considered a mixed-use allocation, and the district council went through all the necessary planning steps, including a detailed policy in the non-statutory Cherwell local plan and so on. The difficulty is that some landowners who own bits of derelict land—perhaps part of a car park, whatever—in various parts of the historic town have no incentive to develop them. They can sit on their land indefinitely, in the hope that some day a better planning opportunity may arise. Clearly, one cannot compulsorily purchase all the land, so there must be a carrot to encourage landowners who are sitting on key sites in historic town centres to develop those sites. I acknowledge that the mechanism may be difficult, but there must be some way to do that. Otherwise, the most tardy, unimaginative landowner can hold back imaginative town centre historic redevelopment, which would restore the townscape.

My message to the Minister is that we cannot hold back new retail development. Sainsbury's, Tesco and Morrisons are popular because people want to shop there.

**Mr. Beith:** The hon. Gentleman makes several interesting practical suggestions, but is he prepared to write off the historic town centre as a place of retail activity? That would be a bitter blow to many historic towns, and it is something that has been made much worse by the proliferation of supermarkets around the edge of towns and all the public transport and other problems that they generate.

**Tony Baldry:** I believe that my constituents genuinely feel that Sainsbury's, Morrisons, Tesco and Marks and Spencer have been of real benefit. Retail prices have come down overall, and the range of food and goods in the shops has increased as a consequence of their presence. I shall not take up the time of the House, but there was an article in *The Economist* only last week that demonstrated that to be the case. The number of people using supermarkets each Saturday and Sunday is a testament to their popularity, and I do not think that we should blame them for the ills of town centres.

Shops will continue to prosper in historic town centres, but the amount of retail activity over the past 20 years has not expanded at the rate of expansion in the size and scale of supermarkets. Therefore, with the best will in the world, some shops in historic town centres will no longer be viable. One can see the result of market forces in the voids on Banbury High street and Parsons street, and in the number of shops for which the only use is as charity shops. Charity shops perform a useful function in recycling goods and raising money for charities, but that is not a long-term future. We must work out how to make such areas viable again, and turning some of the buildings back into residential accommodation for the frail, the elderly, young people and people who find it useful and beneficial to live in a town centre would be a good way to do that. One sees that in towns and cities in France and elsewhere in Europe, and I see no reason why it could not be done in the UK.

We must work out how the planning system can help to reinvigorate town centres, and blaming the supermarkets will not help us do that. We must acknowledge that we need to go with the grain of market forces in reinvigorating and reviving historic centres of market towns, to meet society's needs, in particular needs for housing and other activities. We must also take measures to protect historic buildings and working organisations such as civic societies.

3.5 pm

**Bob Russell** (Colchester) (LD): I congratulate the hon. Member for Lichfield (Michael Fabricant) on securing this debate. I agree with much of what the hon. Member for Banbury (Tony Baldry) said, particularly about the floors above shops in our town centres, which ought to be put to better use.

I have a question for the Minister: will she confirm that section 106 agreements are not site-specific and that it is the local authority, not the developer, that determines what should be provided under section 106? I know that that is the case, but there is at least one local authority that thinks that it is the developer who decides what should be provided.

I was interested to hear that Lichfield was a new town in the 12th century. I have news: Britain's oldest recorded town was, in fact, its first new town. Colchester was set out by the Romans almost 2,000 years ago, and the street grid pattern from that time still exists. That is both good news and bad news—good news, obviously, from a tourist's perspective, but not quite so good for traffic movement, particularly in the greater core of the town centre.

Colchester should be a city. It was a city when it was the first capital of Roman Britain, but, alas, it dropped out in the mists of time. It should have been reinstated for the millennium, but I was advised in a response to a parliamentary question that only the Head of State can withdraw the title of city once it has been granted. I have been able to establish that no Head of State in the subsequent 2,000 years removed the title of city from Colchester, so Colchester is still a city. Alas and alack, the Home Office, which was then dealing with millennium city applications, refused to accept my watertight legal argument.

I wish to speak in this debate because, like the hon. Member for Lichfield, I represent an historic town. There are many attractions in such towns, but there is also a downside in that other towns can do many things that we, quite rightly, cannot. That means that we need a bit of assistance from the county council or central Government. They should acknowledge that we are custodians of our historic past and that that comes at a price. It ought to be considered when it comes to transport grants, park-and-ride schemes and so on.

I should point out that I am the secretary of the all-party group on small shops, which only a couple of weeks ago produced a report on the threat to small shops. It includes many recommendations, which I trust will be taken on board by various Departments. The report is timely, as Tesco is about to come back into Colchester town centre. Having gone out of town and

*[Bob Russell]*

done its bit, it is now coming back into town to do its bit again. In Colchester, it proposes to go into Crouch street. That attractive street, with its parade of local shops, is straight out of Walmington-on-Sea, "Dad's Army" and the 1940s.

We may talk about a listed building here or a listed building there, but that is only part of it. It is the whole character, the whole street scene, that is important. A building might not be worthy of retention on its own, but if we take it out of the street scene, that scene is like a beautiful lady's smile with one tooth gone. What was attractive now has a gap. We should not talk about an individual building being listed; it is the street scene, the group setting, that is important.

I am sure that the Minister was already aware—if not, her officials will have briefed her—of contributions that I have made in the past two years' Christmas recess debates and on my ten-minute Bill, which I introduced only last month. I am grateful to the hon. Member for North Essex (Mr. Jenkin) for drawing so much attention to my Local Government Referendums Bill. By his opposition he eloquently demonstrated why local democracy needs referendums when the local authority is out of step with what the community wants to happen.

What can be done to help small shops and small businesses? Central Government need to realign the setting of business rates. At the moment, the small corner shop pays more per square foot in business rates than the out-of-town supermarket. That cannot be right, because the existing unlevel playing field becomes even more unlevel. In fact, it is not unlevel; there is now a slope and the only question is how steep the slope is. Perhaps central Government could consider that. I also urge them to consider English Heritage's thoughts on value added tax for new build as opposed to conversions, restorations and so on. That would be a positive step towards addressing the concerns of the hon. Member for Lichfield about brownfield development. We should be encouraging the retention of what is best, though conversions and so on, rather than almost encouraging developers on to greenfield sites.

We are left with the interesting question of what is a greenfield site and what is a brownfield site. Let us imagine that a large mental institution occupies 50 acres of landscaped grounds. I think that I am right in saying that, under the Government's definition, those 50 acres of landscaped grounds, sports fields and so on would be classed as a brownfield site. The institution ought to be classed as a brownfield site, but I question whether classing the landscaped grounds as such makes sense and whether someone in the local infant school would recognise a sports field and a landscaped park as a brownfield site. I think that everyone would recognise that as a greenfield site.

I referred to my membership of the all-party small shops group. I urge the Minister and her Government colleagues to see what else can be done to try to resist the growing clone-town image. There are many towns where, if someone was blindfolded on the way in, they would not know what part of the country they were in, let alone which town. That phenomenon is very worrying, because local identity is important. I hope that we can consider that.

I shall conclude with the Romans. The setting of Colchester's Roman wall is a major tourist attraction. Unfortunately, there is a grandiose plan for an art gallery with a public subsidy of £600,000 a year and the closure of the town's bus station, which the local community strongly opposes. In addition, with the Vineyard Gate St. Botolph's redevelopment, it is proposed to demolish some 40 buildings, ripping the guts out of part of the central area of Britain's oldest recorded town. That is being funded and encouraged by the East of England Development Agency, which was saying only two days ago in the *Eastern Daily Press* how proud it was of the amount of money that it was putting into Norwich to protect that city's heritage. By my reckoning, those are double standards. Obviously, the agency hoped that the MP for Colchester would not read what it was putting out in the Norwich paper, but I saw that. There is a need for joined-up government in the East of England Development Agency, let alone in the Government, because there are many buildings in the area that, although perhaps not worthy of listed building status, are important in the collective setting. Those buildings managed to survive two Luftwaffe raids on Colchester in the second world war, but it does not look as though they will survive Colchester council in the third millennium.

There are many buildings that the Victorian Society, English Heritage and the Colchester civic society—this echoes the comments about the importance of civic society—want to remain. Unfortunately, the power of the developers—whoever they may be and who are, I suggest, working covertly with the local authority—is carrying the day. Many of us are looking to the Office of the Deputy Prime Minister to stop the latest attack on the heart of the town where I have lived for most of my life and which I have the honour to represent.

3.16 pm

**Mr. Andrew Turner** (Isle of Wight) (Con): It is a great pleasure to follow the hon. Member for Colchester (Bob Russell). I add my congratulations to my hon. Friend the Member for Lichfield (Michael Fabricant) on securing the debate, but I shall start by saying how much I agree with a couple—not all—of the remarks made by my hon. Friend the Member for Banbury (Tony Baldry), first on what he describes as icon buildings, which I describe as landmark buildings and which my local planner tells me ought to be called locally listed buildings. Whatever they are, they are buildings that are of a special character in the town.

On the night before the general election, I saw a building that was about to be demolished in Shanklin and I was so horrified that I took time out from my canvassing to telephone the local conservation officer to ask her exactly when planning permission had been given in relation to the building. It is a former pub that was called "The Clarendon" because it was built of timbers that were rescued following the shipwreck of the Clarendon off St. Catherine's point in the 17th century, yet that building was being demolished to make way for some pretty ghastly flats. I am pleased to say that the decision was taken when Isle of Wight council was controlled by a different political party from the one that controls it now. I would very much like more action to be taken to secure individual landmark buildings and to secure the protection of the character of areas through the conservation area approach.

I have another story for the Minister. A house on the front in Cowes called "Mornington" was listed with the agreement of English Heritage. It was then, while the area was subject to consultation on the question whether it should have conservation area status, delisted without anyone in my constituency being notified. It was then demolished while the area was still under consideration. When I challenged the local authority on why it had not imposed the conservation area first and then consulted, instead of consulting first and then imposing the conservation area, it told me that it was regarded nationally as bad practice not to consult, presumably, a developer who would want to demolish a building before measures were put in place that would prevent him from demolishing it. I do not think that what I have suggested is bad practice. The Minister looks puzzled. I hope that she will look into how more sensible guidance can be given. I echo the comments of my hon. Friend the Member for Lichfield in that regard.

I also echo the remarks of the hon. Member for Colchester on clone-town Britain. We are certainly seeing the development that he described in too many of our town and city centres. I note what he says about VAT, although I would rather see VAT imposed on new building than taken off repairs to old buildings. It is always easier to argue for improvements to old buildings.

On section 106 agreements, which the hon. Gentleman also mentioned, I am concerned to hear that it is now possible for a developer, having secured a development with a section 106 agreement and signed up to it, to challenge after five years have passed the agreement that he freely entered into. That seems to be a case of developers having their cake and eating it, but of course it is not uncommon for developers to try to do that.

Finally, I should like to reinforce the point that I made to my hon. Friend the Member for Lichfield about the unitary development plan falling out of date. My local plan was only approved in 1997, yet it is already significantly out of date and has been made more so by changes in Government guidance. I am pleased to say that my local authority is proceeding rapidly with the creation of its local development framework, but however rapidly it proceeds, there is a gap through which the developers can sneak and develop in ways that my councillors and I do not like.

**Bob Russell:** I ask the hon. Gentleman to consider another scenario, where the local authority, having signed its adopted local plan, proposes in its own application to go against what it had agreed and adopted only a year before.

**Mr. Turner:** My position on that is clear. Local authorities should not be judge and jury in their own application, because that is contrary to the rules of natural justice.

Town centre regeneration is the most important issue that we have touched on this afternoon. We can do a number of things to improve the quality of life in town centres and prevent them from being damaged. First, they should have conservation area status, which would protect the teeth in the face of the beautiful woman, to whom the hon. Gentleman referred. Secondly, we have to consider street design and look at the relationship between planning, conservation and highways. In many cases, highway engineers do not bulldoze—although they do that all too frequently—but drive a metaphorical coach and horses through a conservation area by installing appalling street furniture. At the foot of Quay street in my constituency, in the middle of a conservation area and less than five minutes from where I live, there is a forest of horrid street signs.

**Mr. Philip Dunne** (Ludlow) (Con): Does my hon. Friend agree that in considering street design, there should be a concept of density appropriate to the area? The new PPS3 is increasing density rates dramatically from up to 24 dwellings per unit under the previous system bar one, which is leading to three-storey development in essentially residential areas where two-storey development prevails.

**Mr. Turner:** There should be an allowance for appropriate densities as far as possible and such decisions should, as far as possible, be taken locally by people acquainted with the local circumstances, not, as is the case in my constituency, by inspectors in Bristol appointed by the Deputy Prime Minister in London.

I should also like to mention the materials from which streets are built. My local authority has just built a nice new pavement in Wroxall, but as in far too many places it is made from tarmac, with the kind of kerbstones that are seen in modern developments. It is inappropriate in a village. Such things need to be taken care of rather more carefully.

In relation to local shops, the hon. Member for Colchester mentioned clone towns. I have not read the document to which he referred, although I have read press statements about it. There is a case for protecting and encouraging the development of more local shops in town centres. One way to do that is to adopt the policy, as some local authorities do, of allowing rate relief to non-chain stores, which has a cost attached but is within the capacity of local authorities. I was told of a case in Hinkley, where the local authority developed land that it owned specifically for local traders' occupation. That approach might be taken by means of a section 106 agreement, even on land that is not owned by a local authority. If we can get 40 per cent. social housing from house builders, perhaps we could get, say, 10 per cent. social shopping from developers of shops. Indeed, I recognise that in many cases some supermarkets that want to acquire a site in towns do that.

I disagree most with my hon. Friend the Member for Banbury on the position of the supermarkets and the house builders, which are terrifying lobbies that wield enormous power. In the 1980s, Tesco, which funded the local government reception year in, year out at the Conservative party conference—

**Bob Russell:** And the others.

**Mr. Turner:** The hon. Gentleman clearly knows about the others.

Tesco was busy trying to buy the votes of councillors on local planning committees. At the time, we did not realise the damage that that would do to town centres. Similarly, there are builders, including in my

*[Mr. Turner]*

constituency Persimmon, a national chain—I would not dare to mention a local chain, of course—which, having secured planning permission for x houses, managed to cram them by bad building, not bad design, to the end of the site so there was room for two or three more left over. Of course, that is just an amendment to a planning application in some cases and does not require advertising, so unless local people go out with a tape measure in the middle of the night they do not know what is happening.

The big lobby groups need to be resisted. I am pleased to note the pressure on the authorities of the House to recognise which lobby groups are funding some of the all-party groups, because if those groups are funded behind the scenes by big lobbyists, we should know, just as we and the public should know if our hon. and right hon. Friends are funded behind the scenes.

My concern about the supermarkets is not only that they damage trade in the town centres—I recognise that they are popular; of course, they are—but that they have a number of unfair competitive advantages. First, their trading practices and purchasing policies are deeply unfair to farmers in this country, so I cannot think what they are doing to farmers in the developing world.

Secondly, they have free car parking on site, which they have acquired over a long period. I recognise that in many cases it is the local council's fault that it is not easier for people to park their cars in the town centre, but if supermarkets have free parking on site and there is no scope for new supermarkets to open, they are a local monopoly. Tesco at Westridge in my constituency, the only supermarket in north-east Wight, has a current application to double its sales space. That will undoubtedly damage three of my nine towns, Sandown, Shanklin and Ryde; that is recognised. Some of the planning gain that we would supposedly get from approving this application by Tesco is a tiny amount of money going into Ryde. Supermarkets are local monopolies and should be recognised as such.

Thirdly, it should be recognised that supermarkets are vertical monopolies. The hon. Member for Colchester talked of Tesco opening a branch in his shopping street. Having driven many of the businesses out of town centres, it is now taking over some of the few remaining smaller shops and chains and damaging trade in that way.

Fourthly, supermarkets are hugely damaging to the environment. The level of packaging should be a planning issue, as should food that is grown in my constituency being taken 100 miles and then brought back to be sold. That is exactly what is happening. Planning considerations should include whether additional haulage is required and whether jobs are protected in the local area through opportunities for people to sell local produce. We can do a great deal to improve the planning system. I am sorry to say that in some cases in the past local authorities have been a bit feeble and, far too frequently, planning officers have said, "We'll lose on appeal, we'd lose a lot of money", and the council members feel compelled to vote in favour of an application that they would rather vote against.

I suspect that since May last year members of my local authority have rejected more planning applications than were rejected in the preceding four years when the authority was under different control. That is because they are beginning to realise that such decisions are vital to the future prosperity, economy and quality of life of my constituents. I hope that the Minister will give us some hope that those issues can be taken account of in future planning guidance.

3.30 pm

**Mark Hunter** (Cheadle) (LD): First, I apologise to you, Mr. Chope, and to the hon. Member for Lichfield (Michael Fabricant) for not being in my place at the start of this debate. I congratulate the hon. Gentleman on securing this debate, because protecting the unique character of our constituencies is a huge priority for all Members of this House.

The constituency that I have the privilege of representing has a number of historic landmarks, the most famous of which is perhaps Bramall hall, a magnificent manor house dating back to the 15th century. During my time as leader of Stockport metropolitan borough council, we took positive steps to protect the character of the area surrounding the hall and to preserve its unique qualities.

The area is blessed with sites of historic and architectural importance throughout the borough of Stockport, including a market that dates back to mediaeval times. However, it also faces high demand for housing and other developments, so I empathise with the hon. Gentleman's cause this afternoon.

All of us have the responsibility to seek to balance the competing needs of housing demand with the protection of the character of our towns, villages and neighbourhoods. That is one of the reasons why my party strongly supports cutting VAT on home improvements. Literally hundreds of thousands of properties throughout the country could be brought back into use if only there were the financial incentives.

In addition, I agree with the assertion that loopholes in planning policy and guidance allow building work up to the curtilage of the plot, meaning that gardens and other spaces can be compromised. Attempts to close that loophole through legislation are ongoing, and my colleagues support that course of action. However, it should be acknowledged that the Government's record on developing brownfield, as opposed to greenfield, sites is reasonably good. Nevertheless, pressures persist on communities such as those we are debating this afternoon.

There is a wealth of guidance from a variety of sources that seeks to preserve the character of historic locations when it comes to planning. Indeed, English Heritage has published detailed proposals for principles that should be applied to developments in areas of historic importance. They include the careful use of materials, incorporating historic street patterns, detailed site analysis and plenty of other guidance, which, if consistently implemented, would have a very positive effect.

Of course, there is guidance from the Office of the Deputy Prime Minister, particularly in PPS6, although that has a high degree of internal conflict in respect of market towns, historic towns and cathedral cities. One of the statement's basic premises is as follows:

"It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation."

However, much of the document seems to suggest a high level of encouragement, and even protection, of traditional businesses such as markets:

"Local authorities should ensure that their markets remain attractive and competitive by investing in their improvement."

The statement goes on to say:

"Local authorities should, where appropriate, seek to protect existing facilities ... for people's day-to-day needs and seek to remedy deficiencies in local shopping and other facilities to help address social exclusion."

Detailed research on PPS6 and other planning guidance shows that that top-down approach does not always produce the desired outcomes on the ground, and that the results in terms of development are at best patchy.

My party's aim is to decentralise the system, speed up the planning process, increase sustainability and give communities a much greater say over land use in their areas and improve their ability to shape their local environment.

**Mr. Beith:** I point my hon. Friend to an example in my part of the world, where as a result of top-down decisions on the regional spatial strategy by a distant and unelected regional assembly, historic towns such as Alnwick and Berwick are being told that only 60 houses a year will be allowed to be built in the entire district. Sustainability of house building is also important to the conservation of historic towns.

**Mark Hunter:** I thank my right hon. Friend for his contribution. He makes an interesting point, and I shall refer further to such issues a little later.

We believe that the best way to protect important sites of the sort that we are discussing is to end interference from Whitehall and the Secretary of State in the process of drawing up local development plans. Frankly, we want to get central Government off the backs of local people. My party has also proposed the concept of the community plan, under which a community would set out what it sought to achieve from the council's local development plan, and in some circumstances could propose that some land should be zoned for particular purposes. The community plan would then form a subsection of the local development plan. Under our system, the planning system would become much more community-focused, and be bottom-up rather than top-down. That need not mean building fewer homes than are currently proposed. Communities can respond to their needs if they are given the freedom to do so; the end result will often be better and more acceptable than a plan handed down from Whitehall via regional offices demanding, say, that 100,000 homes should be built in a particular region.

In addition to the community plan, we have also proposed much wider use of pre-application consultation so that developers, and the community in which they wish to build, can reach agreement on applications. We believe that that is a route through which communities can influence section 106 agreements. If land is suitable for development, community involvement in drawing up the remit for the site will be a key approach for ensuring that the needs of the community are met. Such a community-led approach is impossible under the present centralised planning system.

Ultimately, the greatest action we could take would be to reform the planning system, so that local and regional authorities can make more decisions for themselves about what developments are allowed. By involving the community—the people who know and appreciate their areas more than any civil servant in Whitehall ever could—we can promote development to meet our needs and protect our constituencies at the same time.

Before I finish, I should like to ask whether, given his obvious commitment to preserving the character of his area, the hon. Member for Lichfield was as surprised as I to hear his party proposing that there should be building on the green belt. Surely that policy, announced only recently by the shadow Chancellor, will do precisely the opposite of what the hon. Gentleman is calling for this afternoon. Concreting over our precious green space is hardly the best way to preserve the unique heritage of our market towns, historic towns and cathedral cities.

3.37 pm

**Alistair Burt** (North-East Bedfordshire) (Con): This debate has been wide-ranging, interesting and enjoyable, as these debates always are. First, I should say that normally my hon. Friend the Member for Surrey Heath (Michael Gove) would answer a debate on the impact of planning policy, but unfortunately he is indisposed. Anything I say that goes contrary to our Front-Bench team's planning policy will be immediately disowned by my hon. Friend the Member for Meriden (Mrs. Spelman), so I let the Chamber know in advance that pretty much I have free rein.

Debates such as this are enjoyable because there is always some element of competition, along the lines of the Monty Python sketch with the three Yorkshiremen. The competition has been partly about pubs and local produce—we had the Sozzled Sausage and the Banbury cakes; my contribution is the Bedfordshire clanger, a wonderful pasty with meat at one end and fruit at the other, wonderfully made by Mr. David Gunn and his team at Sandy.

Hon. Members have also competed on the age of their new towns; we went from the 12th century to the 11th century, which was then trumped by the Romans of the hon. Member for Colchester (Bob Russell). All I can say to that is that my children were born in a part of Bury known as Jericho, and Jericho is the oldest city in the entire world—so I win that one.

I shall go into a little more substance, as I think is appropriate. I congratulate my hon. Friend the Member for Lichfield (Michael Fabricant) on raising the issue of planning policy clearly and sensibly. He picked out a variety of issues, a number of which I shall address, paying particular attention to two. He mentioned the problems that are likely to be caused by the new stealth tax—the planning gain supplement—that the Government are planning. It will drive up the cost of properties, be passed on to those who buy houses and do nothing to improve the affordability of housing for those who seek it. He was right to draw attention to yet another stealth tax from a Government who have become renowned for them.

Secondly, I strongly support my hon. Friend in his concerns about the so-called back garden development, which is a new phenomenon. The hon. Member for

*[Alistair Burt]*

Cheadle (Mark Hunter) is nodding, and I know that that development is a concern to many of us. My hon. Friend the Member for Meriden tabled early-day motion 486 as long ago as July last year, almost as soon as the new Parliament convened. It noted

"the growing public concern over the damaging effect of inappropriate infill development on the character of local neighbourhoods".

At that time the problem was related to PPG3.

Back garden infill is insidious, setting neighbour against neighbour. At its worst, it can take out a row of houses, because the asking price for a house becomes impossible for a householder to resist. The houses can then be removed and a new estate constructed. That is not the proper way to go about things. We are right to resist it and to urge the Government to be much more direct, as my hon. Friend the Member for Lichfield said, in their opposition to it, as opposed to their current lukewarm attitude.

I pay tribute to my hon. Friend for drawing attention to the key point, which is the need to preserve the distinctive character of our great historic cities and market towns—those places in this country that have history. We are proud of our heritage, but it is threatened by the inevitable march of progress. That has its place and, as hon. Members from all parts of the Chamber have mentioned, careful conservation can do wonders. Inappropriate development could be a tragedy. We have lived through the renovations of this country in the 1960s and we know what we lost. We all hoped that we had learned some lessons, but we are not so sure now that we did.

The Campaign to Protect Rural England produced a report in March 2004 entitled "Market Towns: Losing their Character?". It will be familiar to all of us, including the Minister. It set out a series of concerns that have been echoed today. Its survey

"found that the individual distinctiveness of some market towns are at risk through ill considered, uniform development which can generate intolerable levels of congestion and stretch local services to their limits."

Various comments were made in the survey, which ranged throughout the country. The report stated:

"local retail outlets are struggling; availability of local foods is decreasing; the use of local materials in new building developments is rare."

My hon. Friend the Member for Isle of Wight (Mr. Turner) mentioned that last point. The report continued:

"The quality, character and distinctiveness of market towns and their surrounding countryside is a huge economic asset which provides opportunity and competitive advantage. It is important that this is recognised".

My concern is that the Government are failing to learn some blindingly obvious lessons. Three or four particular points raised in this debate make that case for me. I do not think that the Government do learn lessons. *The Observer* this weekend had an article entitled "Mr Prescott, please save us from another supermarket mega-shed". It was about a planning application in Sunderland, where a local proposal to have a much more appropriate town centre development runs the risk of being lost because of proposals by a supermarket called Tesco.

I sometimes wish that we played Tesco bingo in the House of Commons and awarded ourselves points for each time that company's name was mentioned, because we would all be doing very well. I am afraid that Tesco is going to take another beating from me, because I am less generous towards it than my hon. Friend the Member for Banbury (Tony Baldry). I feel strongly that it has its place; there is no doubt that supermarkets have made an extraordinary contribution to the retail life of this country and to the everyday lives of many people. They have their place, but we have learned over the years that sometimes their impact can be more damaging than it is worth.

In the 1970s and 1980s, we learned of the damage that out-of-town centres do to town centres. I wish that the Government would now learn the dangers of the express stores—the small stores—coming into what used to be the independent retailers' area. I do not object to Tesco the supermarket; we have learned to live with it and it has many advantages, although I know that farmers are very concerned about the pressure on them as suppliers. However, there is plenty of evidence to suggest that the worrying involvement of the big stores in small-scale retail developments in towns is very damaging.

The Association of Convenience Stores claims that some 2,000 independent stores went out of business last year. The Forum of Private Business has written to the Secretary of State for Trade and Industry. Nick Goulding, chief executive of the FPB said:

"We have written to the secretary of state, calling on him to use his powers to instruct the Office of Fair Trading to stop dithering".

That comment was made about the monopoly position of large stores. He continued:

"High streets are in crisis, with shops being forced to close at a rate of 50 a week due to the dominance of the retail chains."

The Government have failed to learn lessons and to appreciate the dangers that are affecting our market towns, which were set out in the 2004 report to which I referred and which are echoed two years later, in 2006. There has been a slow response. Our town centres and historic market towns demand something better.

The Government are also slow in relation to design. The design of new buildings in historic settings—indeed, in any setting—is important. The Minister will be aware of the criticisms made by the urban task force in November 2005. The UTF was set up by the Government but finds its voice listened to increasingly less. It issued an independent report that was critical of new design and new developments. On page 5, it stated:

"The majority of new developments remain poorly designed, with public realm and buildings of a very low quality. Where some good practice has emerged, it tends to be in smaller 'infill' schemes where designers can relate to an existing context. However, too many housing projects are just that—thoughtlessly laid out groups of cheaply built fragmented residential units relatively isolated from surrounding communities."

That is not what we need; we need a Government who listen carefully.

A further Government failing is that when a good initiative is introduced, such as the market towns initiative that emerged through the Countryside Agency, they cannot help but meddle. They took that initiative away from the Countryside Agency and put part of it with regional development agencies. That was a transfer to an unelected body—a collection of interests

which gets increasing powers and responsibilities. The Government meddled with the basis of an initiative that had attracted some interest and built up core skills, which were then diffused. The Government cannot resist being top-down, meddling and slow to respond to things that are necessary. That is the core of the issues that colleagues have raised today about our historic market towns and cities.

We need appropriate planning guidance that recognises the distinctive differences and characters of urban areas in the United Kingdom. We also need a Government who demonstrate that they have learned lessons and that they have seen the dangers to our historic cities and market towns, which colleagues from all parts of the Chamber have discussed in their contributions. Above all, we need a Government who recognise the importance of local decision making rather than having decisions increasingly being made by unelected regional assemblies.

The hon. Member for Cheadle had a sly dig at comments made by the shadow Chancellor, but he will have to consider how he reconciles local decision making with his own party's demands for regional government and for moving things further away from local regional councils. I assure him that our policy on the green belt is fixed: the green belt is important and remains a vital part of Conservative party planning policy; ensuring that we make better use of brownfield sites and of ill-designated green sites might help everyone. The House, and our historic cities and market towns are seeking those things, but I suspect we will not get them until the Minister and I swap places in some years to come.

3.50 pm

**The Minister for Housing and Planning (Yvette Cooper):** I congratulate the hon. Member for Lichfield (Michael Fabricant) on securing the debate and for leading the tributes to market towns throughout the country. I shall resist the temptation to tell the House about the market town in which I grew up, and I shall almost resist the temptation to pay tribute to the two market towns in my constituency. It has an interesting market town with sadly hidden Roman heritage, but more visible mediaeval heritage, including—to match the Banbury cakes of the hon. Member for Banbury (Tony Baldry)—Pontefract cakes, which are still enjoyed throughout the country. I also draw attention to the liquorice sweet factories that still exist in Pontefract.

I have no doubt about the importance of our market towns not only to the quality of life for those who live in them, but to local economies throughout the country. Many different issues have been raised today. I shall begin by talking about some town centre matters, after which I shall refer to many of the questions about housing asked by the hon. Member for Lichfield. Planning guidance has changed the balance in favour of our town centres, especially retail development. That is the right way forward. It is interesting that even IKEA has started to change its format to cover town centre developments, too. While it is true that many supermarket chain stores say that they prefer out-of-town developments, we know of many cases in which supermarkets are involved in the redevelopment of town and city centres, and they are often at the heart of urban renaissance and regeneration.

The hon. Member for Banbury made some thoughtful proposals on town centre regeneration, some of which we should obviously treat as Budget submissions to the Chancellor. I agree that town centre living and mixed housing, retail and other developments in town centres are important for the life of a town centre, not only because they make it more sustainable, support the local economy and keep buildings in use, but because they can improve the safety and the quality of life in a town centre. Such areas no longer become the deserted no-go zones in which people feel frightened late in the evening.

I was interested in the hon. Gentleman's ideas about the way in which we could support social housing and I shall look into that issue. Local authorities can use a wide range of powers to support town centres and to promote their development and redevelopment, whether they be planning powers, compulsory purchase orders or working relationships with local businesses to support business improvement districts. We have provided guidance and support on how to manage town centres, such as neighbourhood wardens and policing. We certainly need to provide guidance to support competition and the economic life of our town centres.

There have been debates about clone towns. Some people are hostile to chain shops, but if Next moved into one of the town centres in the market towns in my constituency, it would be really good. If some big chains moved into the market towns, that would be a sign of economic growth and prosperity. We must inject a little economic reality into our debates on the nature of our towns. We certainly need to support a wide variety of different businesses in town centres. As part of their planning approaches to town centres, we urge local authorities to consider the need to provide different premises. Perhaps they need to provide smaller units, for example, to enable smaller businesses to get going. There must be diversity of provision.

At the beginning of his speech, the hon. Member for Lichfield said that the quality of life depends very much on the quality of our communities and our market towns, and that that is a measure of the wealth of the community. He is right, but I am sure that he would agree that if we do not have enough homes for people or if people cannot afford to buy houses, it says bad things about the wealth of our communities and the nation. When talking about the need for housing development and its nature, whether in market towns or cities, we must be clear about the wider backdrop of housing need to which we must respond.

Over the past 30 years, there has been a 30 per cent. increase in the number of households, but a 50 per cent. drop in the level of new homes being built. As for household growth, about 190,000 new households are formed a year as a result of our ageing, growing population with more people living alone, but only about 150,000 new homes are being built. That gap is unsustainable. It is hardly surprising that, faced with that gap, our long-term house prices have risen considerably faster than those in other European countries to the point at which, even though we have 1 million more home owners since 1997 as a result of low mortgage rates, economic stability and prosperity, we have rising house prices that cause particular pressures for first-time buyers. Those pressures are unsustainable.

*[ Yvette Cooper ]*

We must respond to such pressures over the long term, too. If we carry on building at the current rate over the next 20 years, research shows that the proportion of two-earner, 30-year-old couples able to afford their own home will fall from more than 50 per cent. as it is today to nearer one third. That is unsustainable. We cannot have a society in which two thirds of 30-year-old, two-earner couples cannot afford to buy their own home on the basis of their earnings. I accept that some of them will still be able to afford their own home because they will receive gifts or inheritances from parents or grandparents, but it is not fair that people's chance of affording their own home is dependent on whether their parents or their grandparents were home owners. It is so important to build more new homes for the sake of first-time buyers in the future and for the sake of being able to deal with pressures such as overcrowding, homelessness and the problems of those on low incomes. We must accept as our starting point the need to build more new homes.

Where and how do we develop new homes and provide the housing that the nation undeniably needs? The Conservatives face a challenge. I recognise the point made by the hon. Member for New Forest, East (Dr. Lewis) when he said that perhaps we should be developing new towns instead of high-density developments in cities or existing towns. That was an honest recognition of the fact that there are trade-offs. It is unacceptable for people simply to say, "Yes, we need more new homes, but let us tell you all the places where you cannot build them and all the places where new housing is acceptable", and not to say, "Okay, so where should the new homes go?"

The hon. Member for Lichfield said that worries had been expressed about high-density development. There is a lot of high-density, high-quality developments. Let us consider the Georgian terraces in Bath: they are beautiful, extremely high-density developments—much higher than the density levels that are set out in planning guidance. Should we not have flexibility in the density to which we build? Should we not respect the different character of market towns and city locations? That is why PPS3 introduces much more clarity and flexibility in the guidance on housing density.

**Alistair Burt:** The Minister offered us a challenge, so I must toss one back. If terraces are so good, why have so many been knocked down in the north of England as a result of the pathfinder project rather, than being maintained and refurbished?

**Yvette Cooper:** As the hon. Gentleman will know, a huge number of Victorian terraces in our pathfinder areas throughout the north of England are being refurbished as a result of the pathfinder scheme. In fact, far more are being refurbished than are being demolished. In some areas, the quality of the housing and local demands or problems have meant that a variety of housing is needed. We must recognise that there is a wide variety of housing needs. We must respond to the local character of the places, and provide sensitive and sustainable housing. It is right that we have increased the proportion of houses being built on brownfield land.

Finally, I come to the planning gain supplement. I hope that the hon. Member for North-East Bedfordshire (Alistair Burt) will find himself contradicted by the hon. Member for Meriden (Mrs. Spelman) because the supplement will provide a good opportunity for us to raise the money that we desperately need for infrastructure. We cannot build new homes without the necessary infrastructure for local communities. We must accept that that is an important factor for the future. The issue is not simply where new homes should be built.

4 pm

*Sitting suspended for a Division in the House.*

4.14 pm

*On resuming—*

## NHS (North Northamptonshire)

**Mr. Peter Bone** (Wellingborough) (Con): I am pleased to be under your chairmanship, Mr. Chope, for this debate on an issue that is extremely important in my constituency. I am also grateful to Mr. Speaker for allowing the debate, and I hope that he recovers quickly and is back in the House as soon as possible. I thank the Under-Secretary of State for Health, the hon. Member for Don Valley (Caroline Flint), for attending, and I hope that she will be able to address the issues that I raise.

I note that my hon. Friend the Member for Kettering (Mr. Hollobone) is here; he has concerns about health care in north Northamptonshire, too. He and I have been raising local health care issues since we entered Parliament last May. In Wellingborough, health care has become the No. 1 issue to local people, as identified by my "listening to Wellingborough and Rushden" campaign. I note today that my excellent local newspaper, the *Evening Telegraph*, has a story about the health service with the headline "Crisis Point".

Back in the autumn of 2005, my hon. Friend the Member for Kettering and I wrote to the Secretary of State for Health requesting a meeting so that local health care problems could be discussed. I do not request meetings with Ministers lightly; in fact, it is only the second such request that I have made. I was eventually given an appointment with the Minister of State, Department of Health, the hon. Member for Doncaster, Central (Ms Winterton), on 1 December 2005. However, a few days before, the meeting was cancelled with no explanation. After hearing nothing from her regarding an alternative date, I contacted the Department of Health to say that my hon. Friend the Member for Kettering and I still desperately needed a meeting with the Minister. I was given an appointment for today, 1 March, which was in three months' time, but—lo and behold—a few a days ago that meeting was cancelled, too. I heard on Monday that it has been rescheduled for 19 April. Trying to get an appointment with the Minister is like trying to get an operation in a NHS hospital: one is never quite sure when it will be, and there is always a strong chance that it will be cancelled at the last minute.

My constituents, the people of Wellingborough, have been misled. The Government promised them something that they did not deliver. Last year, they promised that no one would wait more than six months for a NHS in-patient operation. Well, the Government misled the House. One of my constituents, whose operation was cancelled recently, has been forced to wait well over six months. I have a statement from Northamptonshire Heartlands primary care trust, saying that it cannot meet the Government guarantee. I also have a written answer to a parliamentary question, which I received two weeks ago. It confirms that scores of patients are waiting more than six months for an NHS in-patient operation.

We are only two months into 2006, and the Government have not kept their promise. Let me make it clear that the Government could never have kept it: the six-month guarantee was never feasible without massive extra resources for certain primary care trusts and hospital trusts. It is not that the guarantee went wrong; it was never possible to meet it. The guarantee has more to do with spin doctors than real doctors. The reason why the Government have not kept their promise to my constituents is lack of funding, pure and simple. For far too long, the Government have underfunded my local hospital—Kettering general hospital—as well as the Northamptonshire Heartlands primary care trust. Health care in general in my constituency is underfunded compared to other parts of the country.

I pay enormous tribute to the doctors, nurses and staff of Kettering general hospital; they do a superb job treating patients in difficult circumstances. I praise them for their excellent work. They often carry out additional work, for which they are not paid, to ensure that patients do not suffer. If it was not for them, local health care in my constituency would collapse.

The Government cannot claim that Kettering general hospital is inefficient and wastes money. The Government have a national formula for funding hospitals, allegedly so that there is no inequality for funding across the country, yet the funding is only 85 per cent. of what Kettering general hospital should get. It has a hospital budget of £119 million, which means a shortfall of £21 million. Because of that, it has one of the lowest nurse-to-patient ratios, yet under the Department of Health's standards, it comes in the top quartile for efficiency. It is a well run hospital, and I pay tribute to its professional managers and administrators for achieving what they do, but they are being asked to do it with £21 million being held back—£21 million that, by the Government's own standards, the hospital should have.

At the end of January 2006, Northamptonshire Heartlands primary care trust, which covers my constituency and Kettering general hospital's catchment area, announced that it was cutting £720,000—nearly three quarters of £1 million—from the planned budget of Kettering general hospital. As a result, Kettering said that it would have to cancel or postpone more than 2,800 out-patient appointments, 200 ear, nose and throat operations and 370 gynaecology operations. In addition, the hospital has had to close one gynaecology ward and theatre, reduce the number of beds on another ward, and redeploy doctors and nurses to work in others areas of the hospital.

Transferring gynaecology nurses to other wards, in areas in which they are not trained, can only be to the detriments of patients' health. What a totally unacceptable situation. We have the doctors, nurses and staff, the wards and operating theatres, and patients in desperate need of an operation, yet operations cannot be carried because the accountants will not allow it. All that does is to push the problem into the next financial year and the whole sorry cycle of events starts again—Ministers, civil servants and accountants deciding when people in my constituency who are in pain and in need of an operation can have an operation.

Let us examine what the Government's promise to the people of this country was. Last November, the Prime Minister stated in Prime Minister's questions that, from the end of that month, for patients awaiting an NHS in-patient operation

"there will be a six-month maximum wait".—[*Official Report*, 30 November 2005; Vol. 440, c. 264.]

*[Mr. Peter Bone]*

That was a guarantee to sick people that they would not have to wait more than six months. On 1 December 2005, I pointed out in the House that 437 people in my constituency were waiting more than six months, as recorded in column 401 of the *Official Report*. In fact, only five hospitals out of 205 in the whole country had more people waiting longer than six months for an NHS operation than Kettering general hospital did.

I wrote to the Prime Minister and the Secretary of State on that point and was advised that the maximum six-month wait for operations was to come into effect on 31 December 2005, not on 30 November 2005—a change in policy in fewer than 24 hours. The Secretary of State also wrote to me in a letter of 7 December that

"by the end of 2005, the maximum waiting time for a first outpatient appointment with a consultant will fall to 13 weeks and the maximum waiting time for in-patient treatment will fall to six months."

In a parliamentary answer to me given on 14 February 2006, the Minister for Health said:

"At the end of December 2005, there were no patients waiting for six months for in-patient treatment at the Kettering general hospital NHS trust."—[*Official Report*, 14 February 2006; Vol. 442, c. 2022W.]

However, on the very same day I received another parliamentary answer, from the Minister of State, Department of Health, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), who stated that scores of patients were waiting longer than six months for in-patient admission at the end of December 2005. The answer also referred me to the Department's website, for detailed figures by hospital trust. They showed that some patients were waiting more than 12 months for their operation. So much for the Prime Minister's six-month guarantee.

I was amazed that, out of the numbers of patients mentioned in the parliamentary answer, Kettering general hospital NHS trust was shown as having none waiting more than six months. I know that at least one patient has been waiting more than six months, so how many more have been waiting more than six months but not been disclosed? Getting an accurate figure from the Department is almost like pulling teeth.

On 14 July 2005, my constituent, Mrs. Michelle Baddock, received a letter from the hospital informing her of her in-patient operation, which was to take place on 1 February 2006, which by my calculations is more than six months. So how on earth can I receive a parliamentary answer stating that there were no patients at Kettering general hospital waiting more than six months for an operation when I have that example?

Of course, that is not the worst of it. Mrs. Baddock was admitted to hospital on 1 February 2006; but, after her pre-op, after being marked up for surgery and after being told to gown up to be ready to go down to theatre at 1 pm, she was told at 5 pm that the doctors would not be operating. Instead of pushing the operation back to the next day, which one might think would be the sensible thing, considering she that was completely ready for the operation, she was sent home. Having taken up Mrs. Baddock's case, I discover that her operation was scheduled for this week, some eight months after she was originally told that she needed the operation. I have here an unreserved apology from Kettering general hospital NHS trust to Mrs. Baddock.

In the same parliamentary answer that I received from the right hon. Member for Liverpool, Wavertree, she stated:

"No trusts have indicated they will not be able to meet the maximum wait standard."

That is good news, but in the very next paragraph she says that

"48 patients were waiting longer than six months."—[*Official Report*, 14 February 2006; Vol. 442, c. 2030W.]

We cannot have the Prime Minster and the Secretary of State giving us an assurance of a guaranteed maximum waiting time and then telling us that they are meeting that guarantee, only to find that the facts are massively inconsistent with their claims. We then have two parliamentary answers totally contradicting one another on the same day and we have a Department's website giving the wrong facts.

I wrote to the Secretary of State on 15 February urging her to come to the House to make a statement correcting the misleading impression that had been given. Would you believe it, Mr. Chope, the Department rang my office yesterday and stated that, owing to an administrative error, it had lost my letter? The Government obviously have something to hide. I am unable to get a meeting with the Minister, the Department loses my letter—why do the Government not just come clean?

One of the many problems with the Government's guarantee of a maximum six-month wait is that many people are having to wait longer. Patients who may have had to wait a few weeks are having their operations pushed back to five and a half months to try to squeeze everyone in. That sounds all right, but let me highlight what it means in practical terms.

In the autumn of 2005 my constituent, Miss Michelle Major, was told that she needed a hysterectomy. Several doctors recommended that she should have a hysterectomy, owing to the constant pain and other symptoms she had been suffering. On three occasions, the pain and bleeding had become so bad that she had been rushed to the hospital's A and E unit. Each time that happened she was sent away without seeing a consultant and just given a prescription for painkillers. Why is Miss Major unable to have the operation that she so desperately needs? Once again, the reason is funding. Kettering general hospital has the doctors and staff to perform the operation, but it has had to close one of its gynaecology wards. Miss Major was originally given an operation date of 8 March, but that was cancelled. As of yesterday, she had not been notified of when she will have an operation.

That is the crux of the problem with the Government's six-month waiting guarantee. More people are having to wait longer than they would have done for serious operations such as Miss Major's. I want a fairer share of Government funding to go to the Northamptonshire Heartlands primary care trust. I also want an emergency funding package for Kettering general hospital, so that it can carry out the operations needed and not have to close wards or transfer staff to areas in which they are not trained.

The Government may quote their rhetoric time and time again, but the rhetoric has got the people in my constituency nowhere. I am fed up with Government spin. I want guarantees and action. Can the Minister

guarantee patient and staff safety by transferring gynaecology nurses to work in other wards? Does she not agree that it is ludicrous for wards at Kettering general hospital to be closed when waiting lists are growing? Does she not agree that it is absurd to deny patients operations for financial reasons rather than clinical ones?

If a patient's operation is postponed or cancelled, their condition is likely to get worse, therefore requiring more treatment. Have the Government not learned that by pushing problems into the next financial year, those problems do not go away? They grow and grow. I want the Government to admit that they have failed to deliver on their promise of a six-month waiting guarantee, and I want them to apologise for misleading those of my constituents, and the other people throughout the country, who have had to wait more than six months for an operation.

From the facts that I have given today, it is clear that we are in desperate need of a community hospital in Wellingborough. Kettering general hospital is already full to capacity, and yet Northamptonshire's population is growing ever larger as it has been decreed one of the Deputy Prime Minister's areas for major growth. Over the next few years, 167,000 extra homes will be built in Northamptonshire, yet our local hospital cannot cope with the current levels of demand. We desperately need local facilities in Wellingborough; that would reduce the burden on Kettering general hospital and provide a service to local people. I hope that the Minister can give my constituents some hope in respect of this matter.

4.30 pm

**Mr. Philip Hollobone** (Kettering) (Con): I congratulate my hon. Friend the Member for Wellingborough (Mr. Bone) on securing this debate on such an important topic, and I thank the Minister for allowing me to say a few words in support of my parliamentary colleague.

I, too, wish to thank all the hard-working medical, administrative and ancillary staff at Kettering general hospital, and those who are involved in all the other NHS functions in our local area. Of course, our local GPs and dentists are also feeling the strain of the lack of NHS funding from central Government. In my constituency, all the local GP lists are closed. Local people are not able to go to the GP of their choice; they have to be allocated to them by the local health authority. So far as dentistry in the Kettering constituency is concerned, 7,000 local people have been thrown off NHS dental lists over the past three years and now have to go private, and I suspect that many thousands more will go down the same route as a result of the new dental contracts that are now being introduced.

Finally, I wish to emphasise the point about the growth in population in Kettering and Wellingborough. Under the Office of the Deputy Prime Minister house building expansion plans, the population of the local area is likely to increase by at least a third in the next 15 years. Therefore, we will need a third more dentists, a third more GPs, a third more nurses, a third more doctors, a third more spaces to park the car at Kettering general hospital, and so the list goes on. But the point is that we do not have enough of those resources now; we do not currently have enough personnel of that kind. Unless the Government realise the seriousness of this issue, local people will find that the local NHS in Kettering and Wellingborough simply will not deliver the world-class service that we have all come to expect, and that we all pay for.

4.33 pm

**The Parliamentary Under-Secretary of State for Health (Caroline Flint):** I congratulate the hon. Member for Wellingborough (Mr. Bone) on securing this Adjournment debate, and I welcome the presence of the hon. Member for Kettering (Mr. Hollobone).

Let me begin by saying something about the recent debate about health inequalities. I took a great number of interventions in my opening speech, and in closing I was left with less time than my Opposition counterpart. Although I was aware that the hon. Member for Wellingborough was present for the debate, my perception was that he was not present for all of it. When I did not take his intervention during the small amount of time I had for my closing speech, I made that point, and I think he was rather offended. I apologise for any offence caused, but I was present for the entire three hours, and it was my perception that the hon. Gentleman was not there for all that time. I hope that that has cleared that matter up to everybody's satisfaction.

Both of the hon. Gentlemen make important points, but what they leave out of their analysis of this situation is a frank discussion of the state of play in relation to waiting times and resourcing for the NHS prior—I am sorry to say—to my Government being elected in 1997. I am sure that the hon. Gentlemen will shrug their shoulders and say, "Well, what's that got to do with where we are today?" I think that the facts speak for themselves and I shall go into detail about that. For instance, we can compare the number of people who were waiting in those days, with those waiting today, or the number of doctors and nurses we have today, compared with the situation before 1997.

Of course, the NHS stands still for no one. People's expectations have changed as new drugs and technologies are used and become more commonplace, even during my lifetime. I can remember when hip operations were seen as a novel idea. It is fair to say that, although it is not commonplace for people to have such operations, it is now a pretty commonplace procedure. That is an important context in which to place these issues. It is undoubtedly the case that the Government are responsible for record levels of investment. The amount of money spent on the NHS has risen to about £60 billion from £34 billion in 1997, and it will go up to more than £90 billion in 2008. That represents a decade of significant investment in the NHS and a period of record investment in health services for the people of England, which applies to both hospital services and the development of services outside of hospital, too.

It is not just a question of putting money in; the process has to be accompanied by reform to ensure that we deliver a more efficient health service. During my time in this job during the past eight months, I have been surprised and worried in different respects by visits to certain hospitals and primary care trusts during which I

*[Caroline Flint]*

have seen how money is spent very well in some places, delivering better services for better value, but in some places—dare I say it—they could do better.

One of the aspects of the NHS the Government have to consider is best practice in order to see why certain places have better outcomes in their hospitals or in the community when compared with others. There are clear issues to discuss concerning the financing of the NHS and to be fair to my Government, we have shone a light on what has been a historical legacy of a smoke-and-mirrors approach to NHS funding in the past, where creative accountancy created debts going from one financial year to another. By shining that light, we have taken a risk because we have exposed historical funding anomalies that have to be put right.

We have also exposed underfunding in certain areas. This is certainly the case for the PCT area of the hon. Member for Wellingborough and, I think, for the hon. Member for Kettering. It is similar to the case of my own area in Doncaster where historically there has been underfunding compared with other areas where, when we have looked at what is necessary for the needs of the area, we have found overfunding. That is why a number of Health Secretaries have looked at how we can enable areas that have been historically underfunded to reach their target point of funding, work which has been continued by the work of my right hon. Friend the Secretary of State. I hope the hon. Member for Wellingborough agrees that in reaching that point we have to bring areas that have been overfunded to a level point, in order to bring the others up.

We are dealing with services and people, and a big bang approach could have caused a huge number of problems. I shall go into a little more detail about that, but I am pleased to say that we are gradually moving up. The hon. Gentleman's areas have benefited during the past three years from a steady movement towards their target, and there have been increases that were larger than the national average in the spend available for PCTs to plan their services locally.

Alongside that investment, we have seen important reform and that dynamic has to continue. We have also delivered extra staff and shorter waiting times. I am sure that the hon. Gentleman would agree that in the area that he represents, the big killer diseases caused by cardiovascular disease and cancer have been considerably dealt with and challenged. That is one of the reasons we are seeing people's overall life expectancy improving, although there are issues of health equality upon which we have to bear down even further. There has been a 47 per cent. increase in the number of consultants since 1997 and although I take on board the point made by the hon. Member for Kettering, there are now more GPs in the NHS than ever before, as is also the case for qualified nurses.

For the people of Northamptonshire, it comes down to the fact that there are 100 more GPs, more than 280 consultants, more than 1,500 more nurses and midwives and more than 1,400 more health care assistants in the Leicestershire, Northamptonshire and Rutland strategic health authority area than in 1997. If there are issues in more localised areas, the PCTs must address them, as they do in my area of Doncaster, attracting and recruiting professionals to work in our local health economies.

In terms of health and inequalities, one problem that was highlighted in our recent White Paper, was that our poorest areas are least well served by GPs. We must look into that. I say to GPs who may be listening to this debate, "Come and use your training for some of those most challenging communities that desperately need your expertise, professionalism and support. In those areas, there is the biggest challenge and the most satisfaction, because you can make a real impact."

The NHS plan sets out the direction of NHS reform, and we are half way through it. Local health economies will have to make some difficult decisions if we are to provide an NHS that can meet the needs of patients in the 21st century. I am sure that that the PCTs in the hon. Gentlemen's areas take that to heart, and that that is why they are considering the issues of operations and services.

Again, there is a judgment to make. We have always said that in all finance decisions, clinical issues and priorities must be taken into account. That should be set against the services that people were getting in those areas 10 and 20 years ago. They have been substantially improved. It is a sign of our success that people do not remember the long, one or two-year waits for treatment that they used to have, because, let us face it, why worry about what happened five years ago? They are concerned about what is happening today.

The waiting list issue was raised by the hon. Member for Wellingborough, and I shall ensure that my right hon. Friend sees his contribution about the cancellation of appointments. I assure him that there was no conspiracy. There was certainly a—I do not want to use an un-parliamentary expression—but there was no conspiracy. The hon. Gentleman acknowledged that his constituent Mrs. Baddock has received an apology. I understand also that on 27 February, she received her operation.

I have looked into the case, because it is a constituent concern, and to be honest, in an open way and in good faith, it was an administrative error that was caused locally. I do not want to get into a blame game about that, but several issues did not serve Mrs. Baddock well. There was no manipulation of waiting times, and there was no local or national conspiracy to try to hide situations in which people had said that six-month waiting times were being met when they were not. The trust has confirmed that it was an isolated case and that it continues to meet the national waiting time targets.

We are addressing issues about those targets. The six-month target came into effect at the end of December. Before that, it was a nine-month target, so on 1 December or 14 December, there were people who had been waiting six months, but that was based on the old nine-month target. Therefore, the two answers to the parliamentary questions to which the hon. Gentleman referred were both right in their own sense. One referred to how many people were waiting more than six months before we reached 31 December, and the other answered the question about the situation on 31 December.

There are some issues about the way in which the figures are collected, but counting the number of waiters at the end of a period is the method that the Department of Health has used to measure waiting times for more than 20 years. The reason why we continue with that is to be consistent.

**Mr. Christopher Chope (in the Chair):** Order. We must move on to the next debate.

## Fire Safety

4.44 pm

**Ms Celia Barlow** (Hove) (Lab): Two years ago, a terrible fire shattered the local community of Crowborough in East Sussex, just outside my constituency. Mr. and Mrs. Kent had their two sons, Alex and Philip, staying for the night. Alex was an off-duty fire officer. At about 2.30 in the morning, the East Sussex fire and rescue service received a call from the property. Alex Kent had woken up and discovered a fire in the lounge. This had triggered the smoke detector, and he had shouted to the others to escape. His parents hurried out, but there was no sign of Philip. Alex went upstairs to find him. They were never seen again. Both sons died in the fire. Mr. and Mrs. Kent lost their only two children and almost everything that reminded them of their lives. The couple eventually moved back into the house a year after the fire. Now a sprinkler system will ensure that such a tragedy never happens in that house again.

Adrian Brown of the East Sussex fire service, who managed the rescue attempt on that fatal night, is here as a visitor today. He told me about this sorry event. This drastic example shows how a house fire can devastate a family. It also shows that, despite all the security precautions, despite a smoke alarm, and even despite an experienced emergency worker staying in the house, terrible loss of life and injuries and massive property damage cannot be prevented.

This is not an isolated example. In the UK, two people are killed and 50 are injured in fires every day. Three out of four fires occur in private homes. Most of the people dying are young children, old people, disabled people and people under the influence of alcohol or drugs.

The family in Crowborough relied on the old saying that there is nothing as safe as houses. Today, I want to call for people to be safe in their houses as well—safe from a terrible fire death, from injury through smoke and burns and from severe property damage and loss of every precious little thing that matters to them. That is why in the first part of my speech I shall focus on fire sprinkler systems in domestic dwellings: private properties, care homes, houses in multiple occupation, and high-rise buildings. I am aware that fire sprinklers in schools is a contentious issue. Therefore, I shall add some thoughts on that at the end of my speech.

I call on the Government to use the current rethink of building regulations to consider the wider use of fire sprinklers in all new residential buildings in England and Wales. At the very least, it is high time to fit fire sprinkler systems in all newly built care homes for the elderly, for children and for the disabled. This must also apply to all care homes that are being refurbished. We must ensure that sprinklers are installed in all new high-rise buildings.

HMOs pose a particular problem. They tend to house a higher proportion of vulnerable people. Nationally, only about 5 per cent. of people live in HMOs, although Brighton and Hove, with 14,000, has a much higher percentage. Multi-occupancy properties account for more than one third of all fire deaths. Many of those living in HMOs are on a low income and are people who cannot be reached by the Government's fire safety messages.

*[Ms Celia Barlow]*

In an Adjournment debate on HMOs in 2000, the then Minister, my hon. Friend the Member for Sunderland, South (Mr. Mullin), acknowledged the considerably higher risk of dying in a fire in HMOs. He stated:

"I am aware of the growing body of support for the provision of residential sprinklers in houses in multiple occupation."

He went on to say that

"where the risk is justified ... sprinklers may well be appropriate."—[*Official Report, Westminster Hall*, 8 November 2000; Vol. 356, c. 173WH.]

I am not saying that sprinklers will guarantee that tragedies such as Crowborough never happen again. However, there is now a growing body of research and practical examples that shows that they would make a decisive contribution to the safety of our people.

**Andrew Gwynne** (Denton and Reddish) (Lab): I agree with my hon. Friend about the need to install sprinkler systems in HMOs. Does she agree that, if implemented, the effect would be as radical and as effective as the measures introduced after the 1979 Woolworths fire in Manchester? Fire safety regulations were overhauled for public places and workplaces.

**Ms Barlow:** I agree with my hon. Friend. The Woolworths fire was a tragedy, and it is a great pity that there were not fire sprinklers at that time. I agree that the Government have made advances in fire safety—there is no doubt about that.

I called for this debate because Brighton and Hove city council recently passed a motion to encourage developers to install sprinkler systems in all new buildings. It also asked the three Members of Parliament for Brighton and Hove to lobby the Government to include the installation of residential sprinkler systems as part of the revision to building regulations.

The motion had the unanimous support of the entire city council. That support reflects the unanimity that can be found among experts when it comes to fire sprinklers. The chief executives of the fire services, the fire fighters' unions and the Association of British Insurers are all in agreement that fire sprinklers are beneficial and should be used on a much greater scale.

The motion followed a long-standing campaign by East Sussex fire and rescue service calling for all newly built domestic dwellings and major refurbishment schemes in similar houses, including HMOs and schools, to be fitted with an appropriate sprinkler system. I recently spent a day at the headquarters of the East Sussex fire and rescue service and saw its professionalism and the excellent work done by the fire fighters day by day to keep everyone secure. They impressed on me the need for wider provision of fire sprinklers to avoid the terrible loss of lives, injuries and property damage that happens every day throughout the country. The advantages of sprinklers have been proven over many years. In short, they prevent casualties and avoid great property damage caused by fire and by water. They help to save water because they fight the fire in its early stages. Examples of sprinklers being tested and widely used have shown that they reduce the number of fire deaths considerably. According to the Fire Sprinkler Association, they reduce injuries by at least 80 per cent. and property damage by 90 per cent. They also use less water so are more environmentally friendly.

In 2004, there were eight fire deaths in my region of south-east England, four of them in residential dwellings. The Government have set a target to reduce the number of accidental fire-related deaths in the home by one fifth and they are moving towards that target. The progress made has been encouraging. In the UK in 2004, the number of fire-related deaths was just 500, which is the lowest for 45 years. However, I am sure that my hon. Friend and hon. Members will agree that that is still too many. The general public often do not take fire seriously; it is something that happens to other people. However, fires happen as often as burglaries. We spend millions on crime prevention, yet only £5 million on information about fire safety.

According to the Association of British Insurers, fire claims were at a record level in 2005, costing £1.15 billion throughout the year. Domestic fire losses were £358 million. Again, that was a record level. The insurance companies predict that that level is set to rise with an ageing population that is more vulnerable to smoking materials. We need to change our attitude to fire and the Government have made a great start with their consultation on building regulations last year.

A study by the Building Research Establishment commissioned by The buildings division of the Office of the Deputy Prime Minister commissioned a study by the Building Research Establishment. Its report, "The effectiveness of sprinklers in residential premises", concluded:

"For the majority of scenarios experimentally studied, the addition of residential sprinkler protection proved effective in potentially reducing casualties in the room of fire origin and connected spaces."

However, the project concluded that sprinklers were cost-effective only in buildings of 11 storeys or more and probably cost-effective in residential care homes.

I welcome those propositions and urge my hon. Friend to enforce them as soon as possible. However, in my constituency the redevelopment of the King Alfred sports centre is currently going through its planning process and under the current regime, only the car park will be protected by sprinklers; the people who will live in the flats above will not be protected by sprinklers.

Smoke alarms have a good track record of warning people of upcoming danger. However, for people who are infirm or disabled, the alert may not help. For example, in a care home at night with only two duty members of staff present, evacuation could take a long time and that time could run out too quickly. In reality, smoke alarms are often tampered with in HMOs as residents simply cut them off after a false alarm, thereby leaving everyone unprotected when a real fire breaks out.

What is more, smoke detectors may be ineffective when they are in the wrong place. Often they go off only when smoke from the room where the fire started has reached the hallway and that is particularly so in HMOs. That happened in the case of the fire in Crowborough which I mentioned earlier. That can mean that escape routes are blocked or that people sleeping upstairs have already inhaled a toxic amount of smoke.

Returning to the question of high-rise buildings, I argue that 11 storeys is too high a threshold for the installation of sprinklers. There was a terrible blaze in my constituency in 1992. Five people died in Palmeira avenue in Hove when a fire broke out during a party in a third-floor flat. The escape routes were blocked and the only way to survive was to jump from the roof and the windows. At least 12 occupants jumped or fell from the building to escape the flames. Three of them were later confirmed dead and a further two bodies were discovered inside. In addition, two people were seriously injured.

That dreadful event illustrates my point that it can be lethal to jump from the third floor. I therefore ask my hon. Friend the Minister to reconsider the 11-storey threshold.

In any case, smoke alarms should be complemented by sprinklers. Two good examples from north America show us how well they can protect lives and properties. The first is from Scottsdale, Arizona. In 1985, the town passed an ordinance requiring the installation of fire sprinklers in all new homes. The 15-year report states that more than half the homes in Scottsdale now have a sprinkler system installed. As people moved into older properties, they asked for sprinklers to be installed. There have been no deaths in a sprinklered home, but there have been 13 deaths in un-sprinklered homes during that period.

In the Canadian city of Vancouver, a similar success has been observed. During the 1970s, the fire death rate forced city officials to act. It reached its peak in 1973, when there were approximately 40 fire deaths. The city of Vancouver passed a byelaw requiring all new residential construction in the city to be built with fire sprinklers installed. In 1998, that city of more than half a million people recorded its first year with no fire deaths.

Sprinklers can be portrayed as too expensive, too ugly and prone to malfunction. I admit that their cost is an issue. However, I argue that if we change the building regulations and make it mandatory for all new homes to have sprinklers, that will become a normal part of the building process, together with the installation of pipes, electricity and the heating system, and that will drive the costs down considerably.

The Office of the Deputy Prime Minister could also explore opportunities to produce standard sprinklers for new homes. The British standard for sprinklers is higher than, for example, the American regulations. It is sometimes too over-engineered to be cost-effective. Research and development is also making progress. We should not forget that the normal lifetime of such a system is 50 years.

As I said, one objection is that sprinklers can look ugly or be intrusive. However, modern sprinkler heads can be integrated into the ceiling. If the heat is too high, the head will fall off, and only when the heat grows significantly greater will a bulb break and release the water—far less water than, for example, a fire hose uses. Sprinklers operate very early in the development of a fire and consequently require only a relatively small quantity of water to extinguish it.

As for malfunction, the chances of a sprinkler going off without mechanical assistance are one in 16 million. They are activated by heat rather than smoke. Sprinklers can make a significant difference. They are also effective at minimising property damage, which leads me to my second point, on the installation of sprinklers in schools.

Happily, no child or staff member has been killed or seriously injured in a school fire in recent years, but a fire can damage a school and disrupt learning for years and can traumatise the children. According to figures released by the Zurich Municipal insurance firm, the number of large fires causing significant damage to schools increased by more than 55 per cent. in 2004; 90 per cent. of the fires were a result of arson attacks. That firm believes that those large fires would not have escalated to such damaging proportions had the schools been fitted with sprinkler systems, and it is not alone in calling for sprinklers to be made compulsory in all new or refurbished schools.

A year ago, a school in Newhaven—near my constituency—in East Sussex was severely damaged by fire. Students lost all their coursework and the school was shut because of asbestos contamination. The children had to watch in horror when decontaminators in protective suits moved in and tried to clean their books. Their coursework had to be held up at windows to be photographed to assess their standard of reading and writing. That example shows that a school fire can be very damaging to a local community. Children lose their sense of safety and the central venue for their learning. Many schools are also used as a meeting point for the local community. Therefore, we cannot ignore the growing number of school fires and pretend that, because people are not dying, the issue is not important.

I realise that this topic comes under the remit not of this Minister but of the Department for Education and Skills, but I ask my hon. Friend to press for better fire safety in our schools. He knows much more about fire protection than many others do. Could he use his knowledge to have a word with my right hon. Friend the Minister for Schools to ensure that our substantial investment in education is not diminished by school fires? In addition to the statistics that I have mentioned, there are many small school fires.

I would like to draw hon. Members' attention to the early-day motion on sprinkler systems for schools that I tabled today. I am asking hon. Members for their support, as there should be nothing more precious to us than the safety of our children and the opportunity for them to learn without disruption.

It is high time to consider the use of sprinklers in private properties and schools. Over time, I am convinced that they need to become compulsory in every new residential building in England and Wales. At the very least, I urge my hon. Friends to commit to the installation of sprinklers in all newly built or refurbished care homes and high-rise dwellings. I should like the Minister to have a word with the Department for Education and Skills about sprinklers in schools.

People can lose everything that they value in a fire—every precious little photo, letter or book that they treasure—they can lose their health and, sometimes, even their life. It is time we took the danger of fire more seriously. We need sprinklers to be safe in our homes.

5 pm

**The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick):** It is a pleasure to see you in the Chair, Mr. Chope. I congratulate my hon. Friend the Member for Hove (Ms Barlow) on securing this important debate. She is fast gaining a reputation for being a champion of fire and safety issues, for which I commend her. Clearly, her interest is a result of her own experiences as well as that of her constituents, who have told her stories like the one from Crowborough. I send my commiserations to her constituents on their tragic loss.

Whether we are talking about the fire and rescue service, central Government or local government, the voluntary sector, or MPs and Ministers working on or interested in fire-related issues, we all share the same goal, which is to cut deaths and injuries from fire. That is reflected in the public service agreement target to reduce the number of accidental fire-related deaths in the home by 20 per cent. by April 2010, and achieve a 10 per cent. reduction in deliberate fires by the same date. These are ambitious targets.

We have been criticised for not aiming for zero deaths, but that is obviously unrealistic. The latest figures published only yesterday are encouraging. In the year ending June 2005, accidental fire deaths in the home in England were down 21 per cent. to 219 and injuries were down by 4 per cent. The only way we can continue achieving this kind of reduction and continue this downward trend in the long term is through prevention. We have a world-class emergency fire and rescue service—probably the best in the world—and we must maintain it. But however good it is, it can do no more than respond. More than half of all fire fatalities occur before the fire and rescue services are even called out.

Prevention must be, and is, the new culture, and that means helping the most vulnerable people in our society as a priority. We have made a great deal of progress, but statistics continue to show that a third of all fire deaths are people aged 65 and over, with the highest rate of all among those aged 80 and over. The demographics are working against us. We have an ageing population. By next year there will be more over 65-year olds than under-16s. We must do all that we can to protect the most vulnerable groups, including older people and the very young. The good news is that we are making significant progress.

The £25 million initiative from the Office of the Deputy Prime Minister to provide smoke alarms and fire safety advice to 1.25 million vulnerable households was launched nearly two years ago. So far, more than 416,000 home fire risk checks have been carried out and more than 451,000 smoke alarms have been installed. Older people have been one of the main target groups.

On behalf of the ODPM, I recently announced £11.4 million grant funding for fire and rescue authorities in England to cover the period April 2006 to March 2008 and it is to support fire prevention work, including community fire safety, arson reduction and work with children and young people. The single grant to all fire and rescue authorities replaces the grants paid to some authorities under the community fire safety innovation fund, as well as the arson control forum implementation fund up to 2006. The single grant provides revenue funding to complement the capital grants paid to all fire and rescue authorities under the home fire risk check initiative up to 2008. This substantial investment will support fire and rescue authorities, working with local partners, to continue reducing the number of accidental fire deaths in the home and the number of deliberate fires in our communities.

Statistics clearly show that vulnerable groups, deprived households and certain communities are at far greater risk of fire and suffer a greater impact from its effects. We will use the funding to narrow that inequality gap. In that way, the additional funding will also support the Government's wider neighbourhood renewal plans and dovetail with the Government's respect action plan agenda and antisocial behaviour plan.

The main theme of this debate is sprinklers. Sprinklers have an important role to play, particularly where their provision is targeted at buildings where the occupants are most at risk from fire. However, they are not a panacea, and it is important that they form part of a package of measures, both active—such as smoke detectors—and passive, such as fire doors, fire-resistant construction and compartmentation, the efficacy of which has been proved over many years, along with effective building management.

My hon. Friend referred to the success story with sprinklers of Scottsdale, Arizona, and asked why we do not copy its example. We follow its experience very closely; indeed, I should own up to having gone on holiday there in 2001, which shows how sad I am, but I wanted to see things for myself, and, as it turns out, Scottsdale is a beautiful part of the United States. If anybody wants a decent holiday in the desert, I can warmly recommend it, and they can benefit from some professional advice as well. Data from the United States show that about 0.3 per cent. of its residential premises currently have sprinklers. I will be happy to continue discussing Scottsdale after the debate.

I fully agree with my hon. Friend that the experiences of other countries can provide us with a valuable insight into the implementation and effect of residential sprinkler policies. But it is not a simple task to translate experience from other countries with different built environments from ours. That is why in April 2001 we commissioned an extensive research project with the Building Research Establishment to consider fully the effectiveness of residential sprinklers.

The research suggests that targeting the provision of sprinklers to particular types of building, typically those where the occupants are considered to be the most vulnerable to fire, would be the most effective and economically robust way forward. In the light of research findings, we have consulted on whether sprinklers should be provided in tall blocks of flats—those over 30m high—and in residential care homes. That is part of the current review of part B of schedule 1 of the Building Regulations 2000 and the guidance in approved document B. I hear what my hon. Friend says about her own views on this, and I can say that we are looking at the responses and hope to publish a revised version of part B and the supporting guidance in approved document B towards the end of the year. The aim is for that to come into force in April 2007.

We have also looked at the potential role of so-called "lower-cost" sprinklers for domestic dwellings. The findings of our research on their potential role in domestic dwellings—which we funded at Little Rissington in the Cotswolds—are very encouraging, but more work needs to be done. For example, there is a need to conduct more research to determine the robustness of the present design of the lower-cost sprinkler system in a real housing environment. The research also recommends that further supporting work be carried out to resolve a number of issues. Those include the possibility of a pilot scheme to see how the sprinklers would work in practice and to determine actual installation costs and so forth, so that we can take this forward on a fully informed and strong evidential basis.

We hope to make funds available from existing funding streams in 2006–07 to support a small pathfinder programme for installing lower-cost sprinkler systems in new social housing projects. That is under active consideration in several local authorities with several registered social landlords. That would enable us to gather cost data and also to monitor the efficacy of such systems in a real environment. Such a programme would also give potential installers the opportunity to resolve any practical problems and issues, which, in turn, would help us to develop a design and installation standard for lower-cost sprinklers. However, realistically, it will take several years before we have any meaningful results from any pilot scheme and the other further work that is required. It would therefore be premature to commit to any specific course of action, particularly in respect of whether it might become a regulatory requirement.

The capital funding set aside for the home fire risk checks is what the Government like to call non-ring-fenced. In effect, that means that it is open to fire and rescue authorities to use some of the money, if they think fit, to install sprinklers in domestic dwellings. We have evidence from fire authorities across the country who are doing just that, particularly in the sorts of care establishments described by hon. Friend. However, that is a decision for the local fire and rescue service, and it must be based on an assessment of local risks and on local strategies for improving prevention. It is certainly an important option to consider, and we are promoting it within fire and rescue services.

My hon. Friend suggested that one option for progress would be to fit sprinklers as a requirement of building regulations, but that is not necessarily the best way forward in the short to medium term. If lower-cost sprinklers were fitted in all dwellings subject to building regulations, it would affect only new and materially altered properties. In other words, the impact would be restricted to less than 1 per cent. of the building stock each year. Evidence shows that the majority of fire deaths occur in existing buildings. As I said earlier, they are often influenced by socio-economic factors, so although lower-cost sprinkler systems would prevent some fire deaths, the number might be fairly limited.

There have also been calls for the retrospective fitting of sprinkler systems in existing social housing by the beginning of 2007. That could be extremely costly and we believe that registered social landlords would argue for additional funding. RSLs are already carrying out improvements to meet the decent homes standard. The housing health and safety rating system will be introduced in April, and all RSLs and local authorities will have to consider whether their stock is free of serious hazards, including fire hazards.

My hon. Friend correctly said that sprinklers have a wider potential role than purely one of protecting domestic dwellings. Their possible role in schools and educational establishments is being considered by the Department for Education and Skills as part of its consultation on the draft fire safety guidance for schools, known as building bulletin 100, or BB100. It is one of a series of building bulletins that provide design guidance on various aspects of school buildings and facilities. BB100 is about designing fire safety at schools. The document highlights the value of a risk assessment approach to determining whether sprinklers should be installed in school buildings. It also deals with fire engineering solutions. I gather that the DFES hopes to publish a final version of BB100 later this year. We have liaised closely with the Department on its development, and will continue to do so.

We believe that sprinklers have a major contribution to make in preventing fire deaths and injuries, but there is clearly more work to do before we can be certain about the best way forward for their use in different places and circumstances. We are determined to go on doing whatever is needed to improve prevention and help the most vulnerable people in our society to live safer lives, free from the fear and tragedy that fire can cause.

In conclusion, I thank my hon. Friend for raising this important issue for debate. She can safely report back to Brighton and Hove council that she has lobbied us on this particular subject. It is only through social, business and political pressure that we can make real progress in campaigning for the level of safety that we want for all our citizens. All our officials in the fire and rescue service directorate and, I am sure, all those in the fire and rescue services, thank her for her support and attention.

*Question put and agreed to.*

*Adjourned accordingly at thirteen minutes past Five o'clock.*

# Westminster Hall

*Thursday 2 March 2006*

[MR. ROGER GALE *in the Chair*]

## Lone Parent Employment

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Mr. Roy.]*

2.30 pm

**The Minister for Employment and Welfare Reform (Margaret Hodge):** I am delighted to have the opportunity to debate, in this elite group, an important issue—lone parent employment. It is a central element of our welfare reform proposals, but in my view it has not been properly debated so far, or attracted as much attention as our proposals on incapacity benefit. I hope that this afternoon we can help to stimulate a discussion on the issues in the Green Paper as they affect lone parents.

There are many reasons for our developing the provision of effective support to lone parents in moving into work, but I shall pick out those that I consider the most important. The first is our ambition to eradicate child poverty. When we came into government in 1997 the UK suffered higher levels of child poverty than nearly all other industrialised nations. During the 20 years preceding 1997 the proportion of children in relatively low-income households had more than doubled, and the division, disadvantage, despair and lack of equal opportunity that that meant was intolerable to us as a Government, because the twin ambitions of economic prosperity and social inclusion are the underpinning objectives of all our public policies. That is why we have set ourselves the challenging goal of halving child poverty by 2010 and eradicating it by 2020.

**Mr. Tim Boswell** (Daventry) (Con): I am sorry to intervene so early on the Minister, and I hope that that will not be characteristic of our later exchanges, but before she goes too far into her prepared speech about the errors of the past, does she agree that at the moment income inequalities are tending to rise under the present Government, rather than to diminish?

**Margaret Hodge:** I do not agree with the hon. Gentleman that the number of people at the lower end of the scale is continuing to increase. In our attack on poverty, whether child poverty, pensioner poverty or family poverty, we have managed through our tax and benefit systems, our active employment policies and all that we have done in the way of investment and reform of public services, to draw people out of poverty. The hon. Gentleman is drawing attention to the fact that the rich are getting much richer, and the total spectrum may therefore alter—but the number being drawn out of absolute and relative poverty is improving, so I do not entirely accept what he said.

**Mr. David Laws** (Yeovil) (LD): I think that I heard the Minister say a moment ago that the Government remain committed to abolishing child poverty measured in relative terms. Can she clarify whether that is still their commitment, or whether the Government have moved away from that towards trying to bring British relative child poverty down into the lower portion of the league table in Europe? That was suggested to me by someone whom I spoke to earlier today, in relation to the publication of the new Department for Work and Pensions paper, which came out last year, on the Government's child poverty targets.

**Margaret Hodge:** I am somewhat bewildered by that intervention, because we remain as committed as we have ever been to the eradication of child poverty, and are currently working on the new measure of material deprivation that we announced when we announced the public service agreement targets. I hope to bring forward our definition of that in the not-too-distant future, so that we have another good way of measuring not just absolute poverty but the relative poverty of families with children. That, for me, is one of the Government's most important aspirations, and as I develop my opening remarks I hope that the hon. Gentleman will agree that the enormous inroads that have been made into absolute and relative child poverty are one of the Government's proudest achievements.

To achieve the challenging target that I have spoken about, we are implementing a multifaceted strategy: first to provide families with better financial support, secondly to tackle material deprivation, thirdly to invest in and reform public services so that we can improve children's life chances, and fourthly, to provide lone parents who want to work with the opportunity to do so, by breaking down the barriers that have stunted their opportunity in the past.

We know that children living in lone parent households are three times more likely to be living in poverty than children living in couple households. About two thirds of the children living in workless households live in a household headed by a lone parent. The combination of those two facts has led us to emphasise the importance of our new deal for lone parents and our intervention policies in relation to employment for lone parents. We know that through employment we can help to lift lone parents and their children out of poverty.

The second reason for our involvement in active labour market policies affecting lone parents is that lone parents tell us, in survey after survey, that they want to work. Nine out of 10 express the desire to work, but they face a range of barriers in realising their ambition. It is no surprise that people want to work. Work is important to all of us in the Chamber this afternoon. We need it. It is important because of the money that it brings to enable us to support ourselves and our families, the value and self-esteem that it gives us, and the position that it gives us in our communities and society. It is also important because of the network of relationships and friends that people can establish through work. We need to set about tackling the barriers that have prevented lone parents from realising their ambition to fulfil their potential through work.

In the past, lone parents were either ignored or stigmatised. They were ignored in the sense that no support was offered and they fell off the edge when their youngest child reached 16 and their automatic

*[Margaret Hodge]*

entitlement to income support stopped. Through our active labour market policies, the steps that we have taken to balance parents' responsibilities to their children with their workplace responsibilities, and the changes that we have made that ensure that work pays, we are responding to lone parents' express desire to work.

The third reason that I want to emphasise for our being involved in policies for the employment of lone parents is that we want to ensure that, as the demography of the country changes, we can continue to maintain growth and improve the prosperity of communities in Britain. We all know that 50 years ago, there were 10 people of working age to support every person in retirement. Today there are four people of working age to support every one person in retirement. Looking forward 50 years, we expect two people of working age to be supporting every one person in retirement. If we want to maintain prosperity and growth in our communities, we need to set ourselves, as we have done, a more ambitious target of bringing more people of working age into the labour market—hence our aspiration of an 80 per cent. employment rate for the UK.

We already enjoy an unrivalled record on the management of the economy and participation in the labour market. All hon. Members present will know that we have the highest employment rate among the G8 countries, and the second lowest unemployment rate, and that we have created almost 2.4 million new jobs for Britain since we have been in government. The right to enjoy the opportunity to work is both a modern and a traditional value for a Labour Government. Extending that right to people who were never before supported to move into work is at the heart of the Labour Government's purpose and reason for being. Our traditional values in this instance find clear meaning and vital purpose in a modern setting, with the demographic structure of our society pulling us in that direction. Those are the three main reasons why this issue is an important part of the Government's policy agenda. Although we are proud of what we have achieved so far, we recognise that there is much left for us to do if we are to realise our aspirations.

In 1997, just over 45 per cent. of lone parents worked. In a mere eight years, we have introduced policies that have helped us to increase that to 56.6 per cent. The figures are now higher than they have ever been, which is a tremendous achievement. About 1 million lone parents are now in work. Since 1998, our new deal for lone parents has helped more than 400,000 lone parents to find employment, lifting them and their families out of poverty and ensuring a net saving to the Exchequer of about £40 million a year, on the latest analysis that I have seen. Partly as a result of that intervention, we have been able—again on the latest figures available—to lift 600,000 children out of poverty on the measurement before housing costs; that is 500,000 after housing costs.

Our success is the result of a range of interventions. Through a number of policies, we have helped to make work pay, overcoming one of the key inhibitors for many lone parents seeking to move from benefit dependency into the world of work. That has happened partly because of the tax credit systems, under which the poorest fifth are now more than £3,300 better off than they were before the Labour party came to power. It has also happened because of the minimum wage, which has helped to make work pay, and because of a specific set of interventions in the new deal for lone parents, including job grants, work search premiums, in-work credits and linking housing benefit and mortgage interest benefit entitlements into the lifetime of people in work. So we have made work pay.

We have also made work more possible for lone parents. That is partly because of the £17 billion that we have invested to date in early years education and child care, nearly doubling the number of child care places available. It is also because of our introduction of better parental leave rights, better conditions for part-time workers and parents' right to request flexible working if their children are young.

**Kali Mountford** (Colne Valley) (Lab): My right hon. Friend rightly points to the financial and other benefits that accrue to families when a lone parent works. However, many of the people—they are mostly women—who take on flexible work patterns and part-time work find that they are under great pressure, without the same financial remuneration as their male counterparts. Can we do more to ensure that there is greater fairness in the system for women who take on such jobs?

**Margaret Hodge:** My hon. Friend talks about the pressure on women who work part-time and flexible hours, and to some extent I recognise the situation that she describes. However, when many of the employers to whom I talk introduce flexible arrangements—many of the staff involved are women and also mothers—they find that there is a massive benefit in terms of those people's productivity. Although there may be tensions involved in trying to negotiate such packages, we are rather rapidly reaching a situation in which employers who initially feared the introduction of the right to request flexible working are now welcoming it, because they see the benefits in productivity, staff loyalty and the commitment of those who choose flexible working.

The other issue to which my hon. Friend may have been referring is the difference in part-time and full-time pay, and we have to do much more work on that if we are to ensure fairness and equity between part-time and full-time workers. I entirely accept that.

**Mr. Boswell:** May I thank the Minister, on behalf of the hon. Member for Colne Valley (Kali Mountford), for that helpful comment? She has summarised the main concerns that we all have. Although she might not necessarily want to comment on this today, she will no doubt have in mind the finding in the case in another place yesterday, which made it clear, and stood on the principle, that part-time workers should be treated exactly the same as full-time workers in all aspects of their remuneration, including pension rights. Although that will not change the world tomorrow, it may well influence the course of the world over the next few years.

**Margaret Hodge:** I am delighted that the Opposition spokesman supports that progressive move. As

someone who has campaigned on these issues for more years than I would like to remember, I agree that that finding was very important and welcome.

**Mr. Boswell:** I thank the Minister. For the avoidance of doubt, I should declare an interest. I have a daughter who is a mother, and works part-time for the civil service, which in this respect is almost an exemplary employer.

**Margaret Hodge:** That is an issue on which we concur across the Chamber, and I welcome that.

I have talked about making work pay and making work possible. I also want to talk about the support that we have provided to help lone parents back into work through our introduction of compulsory work-focused interviews and the new deal for lone parents.

As I said earlier, in the past not a lot happened until a lone parent's youngest child reached the age of 16 and she—we are talking mainly about women—was suddenly thrown into a world where her entitlement to income support was challenged. In March 2000 we introduced the first compulsory work-focused interviews, and a growing and important body of evidence now demonstrates the positive impact of that intervention on people's lives. I talk endlessly to lone parents who have engaged with a personal adviser in a discourse about opportunities for work, although it could equally have been about other barriers that they face, such as problems in the home, financial problems, lack of confidence or lack of training. The ability to discuss all those issues with a personal adviser opens up opportunities for many women who previously felt that they did not have a proper contribution to make to society. Probably the most warming letters and cards that I receive are those from children of lone parents who have moved into work, saying, "Thank you for making my mum happy." That makes it all feel worth while.

The introduction of work-focused interviews has had a huge impact on many people's lives and has helped to bring parents on to the new deal for lone parents programme. Nearly a fifth of those who attend the compulsory work-focused interviews move on to that programme, and nearly half those who come on to the programme move into employment. Last October we extended the mandatory work-focused interview regime so that once a lone parent's youngest child reaches the age of 14, that parent is expected to have an interview every three months. That regularity of intervention and support is important and allows us more readily to prepare lone parents for moving into employment.

**Mr. Laws:** The Minister mentioned the improvement in the lone parent employment rate, which has been quite marked. Has the Department carried out any investigation into how much of that improvement is due to measures such as work-focused interviews, and how much is due to the general increase in employment opportunities and other measures? Has there been any attempt to break that down?

**Margaret Hodge:** We have done research on the impact of such measures, but it is of course difficult to quantify and distinguish clearly the general health of the economy and our stewardship of it from the effect of the active labour market policies. My recall is that about half the impact comes from the active labour market policy interventions and half from the general health of the economy and the growth in jobs. I shall write to the hon. Gentleman and give him the references, so that he can examine the research himself.

I have described what we have done through talking to lone parents in mandatory work-focused interviews. The new deal for lone parents was introduced in 1998. More than 600,000 lone parents have taken part and more than 400,000 have moved into work through the programme, which has evolved as we have learned what works. We have piloted an array of measures to respond to needs and priorities as they emerge in the work that we do with lone parents.

Some examples of that are that we now give job grants to lone parents, which may just help them to buy the suit that they need to go to the first interview, if they do not have appropriate clothing at home. We are piloting work search premiums to assist lone parents in looking for work as they prepare themselves for work. We also have the in-work emergency fund, which a lone parent can access if they face a financial difficulty during the first couple of months of work, as well as the in-work credit.

We have developed a much stronger outreach programme, and from my previous ministerial responsibilities for Sure Start, I think that our work with lone parents through that programme has been particularly innovative. Sure Start programmes tend to be located in areas that have a high prevalence of lone parents. It is wonderful to see Sure Start mothers building their confidence, from coming to Sure Start children's centres, meeting other mums and doing a bit of training, to perhaps doing some work in the centre and then out into employment elsewhere in their local communities. I often used to come across people who had started the Sure Start trajectory with no qualifications and very little work experience, but who had moved through even into NVQ level 4 undergraduate programmes and beyond. Sure Start has been an excellent outreach programme.

New deal plus has brought together many of the measures into one integrated programme. They range from discovery events, which help to build confidence and engage lone parents with employers, more concentrated support for child care, emphasising the financial support through the in-work credit scheme, to better personal support, by having a named personal adviser, continuing support with the lone parent after he or she moves in work, and other initiatives, such as our computer access jobpoints, for jobs in places such as children's centres. I saw such a scheme the other day in the Robert Owen children's centre in Greenwich. It appeared to have been really effective, with mums coming into the café, seeing the jobpoints, playing around with them on one day, accessing job opportunities a few weeks later and then moving into work.

Five districts launched the new deal plus in April 2005, in London, Bradford, Leicestershire, and Dudley and Sandwell, and we have just announced that from

*[Margaret Hodge]*

October 2006 we shall further pilot the scheme in Wales and Scotland. With that range of policy levers we are on track to increase the employment rate of lone parents.

**Mr. Laws:** The Minister mentioned the expansion of the pilots to incentivise lone parents to return to work, but when will those pilots become national? Are they pilots because the Government seek to learn something, or because they do not have enough money to spread the benefits of such an excellent policy throughout the country?

**Margaret Hodge:** The honest answer is a bit of both. We want to continue learning, and we are dealing with such an innovative cutting-edge area of public policy that we still have to experiment and see what works in breaking down the barriers for lone parents. In addition, we can develop the infrastructure of support for lone parents only as we can afford to do so. However, we have made terrifically rapid progress and the new deal is very cost-efficient as regards entry into work for lone parents, even in comparison with other aspects of the new deal, all of which have produced good results for the economy and the country.

We have set ourselves the target of an employment rate of 70 per cent. for lone parents by 2010. That means increasing the number of lone parents in work by more than 320,000. If are to achieve that objective, we reckon that we would lift a further 200,000 children out of poverty and reduce the number of children living in workless households by up to a further 450,000.

**Mr. Boswell:** Would the Minister like to confirm that in order to fulfil that target by 2010, it would be necessary for the improvement in the inclusion rate for lone parents as a percentage of the working population to rise above the recent trend line? The Government have to do better, not just as well.

**Margaret Hodge:** Yes. I was about to say that we need to do more if we are to remain on track. We reckon that if we maintained existing policies and the current suite of interventions, we could probably get a further 200,000 lone parents into the labour market, but to reach 70 per cent. we need to get about 320,000 into work, as I said. We need to go further; hence the Green Paper and the further proposals on which we are consulting.

Finally, what are those proposals? We want to intensify the regime of compulsory work-focused interviews and are suggesting quarterly interviews for all those whose youngest child is 11. We have made a further suggestion, to debate whether 11 is the right age or whether there is a consensus on starting when children are even younger—perhaps seven. That is particularly important, given our commitment through the national child care strategy to introduce extended schools facilities by 2010, and therefore make high-quality child care available to all children throughout the country.

I shall be interested to see the response to the consultation on those issues, but much of the data and research evidence shows that parents make such life choices when their children are in transition, so more parents move into work when their children move into primary school. Similarly, more parents choose to go back to work as their children transfer to secondary school. We need to capture those points of transition if we are to be effective in lifting lone parents out of poverty by bringing them into work.

As well as suggesting quarterly interviews from when the youngest child is seven, we want more work-focused interviews in the first year of a claim. Again, that is a theme that runs through the welfare reform Green Paper. We know that the earlier we intervene and give support, the more likely we are to be able to change patterns of behaviour, and build and retain people's confidence, so that they stay in the labour market. We have also suggested that once somebody has been on income support for a year, the frequency of the work-focused interview should be increased from one every year to one every six months.

Finally, we are introducing a new incentive that we also want to pilot with parents whose youngest child is 11. There are still about 150,000 lone parents on income support whose youngest child is 11. Although the labour market participation rate is of course is higher when the children are older, that is still quite a considerable cohort, which we wish to capture to raise those families and children out of poverty.

The incentive will be a work-related activity premium, to which lone parents will be entitled for engaging in activities that bring them closer to work. We are consulting on this issue, and I feel strongly about it. We have suggested that we should pilot the scheme as an entitlement in the pilot areas, and lone parents would have to opt out if they did not want to participate in work-related activities. Rather than an opt-in scheme, which a number of organisations in the field would prefer, I would like to use an opt-out scheme to see whether it has a different impact on lone parent participation in the labour market.

Those ideas are out for consultation. We will listen to what people say in the coming months. We are rightly proud of our record in government—of the support that we have developed for lone parents and the opportunities that we have given to so many to enjoy the benefits that work can bring to them and their children—and we want to take our policies one step further. All the measures that we have introduced are aimed at making it easier for lone parents to find and enter work, as well as ensuring that their children are well cared for in a safe and stimulating environment. I strongly believe that our approach is a winning formula that will help us to provide a lasting legacy in lifting children out of poverty and enabling lone parents to realise their potential and fulfil their ambitions.

3.1 pm

**Mr. David Laws** (Yeovil) (LD): As the Minister said, this is an extremely important debate. It is a pity that there are not more hon. Members here to contribute.

The Minister has clearly set out some of the issues and challenges that the Government faced in 1997. I shall sketch out my party's view of some of those challenges and draw attention to some of the Government's genuine achievements. However, in case we get too consensual, in view of the small number of Members

present, I shall go on to consider some of the potential deficiencies in the Government's plans. I hope that the Minister will view that as a constructive part of the debate about the Green Paper—*[Interruption.]*

If I am not being misled by my Conservative colleague, the hon. Member for Daventry (Mr. Boswell), whose pager service is working better than mine, I should like to be the first in the House to welcome my right hon. and learned Friend the Member for North-East Fife, the excellent Sir Ming Campbell, as the new leader of my party. I am pleased to say that he is the one whom I supported.

**Mr. Boswell:** That is what they are all saying.

**Mr. Laws:** That is what I am telling him, anyway.

There are three huge challenges for the Department for Work and Pensions. One of those issues—pensions and retirement—we are not talking about today, but the other two big issues are getting as many people as possible back into the labour market, which is in their interests and in those of the taxpayer, and child poverty. This debate touches on both those vital issues.

The Minister was gentle with her Conservative counterpart—unusually gentle given the nature of these debates—about the developments in both those areas in the 1980s and 1990s. I do not go over those developments purely to make the hon. Member for Daventry uncomfortable, but it is worth drawing attention to the enormous social changes that took place in those decades, because they had enormous economic and social consequences. For example, there was an explosion in lone parenthood in the United Kingdom, which was not seen across most of the rest of the developed world. For a while, we were the lone parent capital of most of Europe.

Associated with the explosion in lone parenthood was an almost unprecedented increase in child poverty from something like 14 children in every 100 at the end of the 1970s to a peak of 34 in every 100 at the mid-point of the 1990s. I suspect that that phenomenal social change has had enormous implications for crime rates, education standards, benefit costs and other consequences that fall on the taxpayer. One of the Government's great achievements so far is their attempt to tackle child poverty, albeit with only moderate results so far—moderate in terms of relative poverty, but more impressive in terms of absolute poverty.

The Government have also had some success in getting people back into the labour market. As the Minister indicated, the lone parent employment rate has increased by about 10 per cent. in the past decade or so. That is quite a large increase considering the nature of these things, but I remain sceptical about whether the 70 per cent. target will be easy to deliver.

The Government should take those issues seriously for three reasons, the first of which is that worklessness has a huge impact on the country as a whole. About one in four individuals of working age is not currently in employment, and groups such as lone parents are over-represented among workless households. That means that people in those households often have low incomes and lose contact with many of the social opportunities that people have through work. It also means that they will probably retire on poor incomes. The benefit cost alone of lone parenthood is vast—about £4.6 billion a year, which I believe is more than we spend on jobseeker's allowance. That is a significant change from the situation 20 years ago.

At the same time, 27 or 28 per cent. of children are still in relative poverty. The impact of that on opportunities for those children, as well as the situation in which they live, must be phenomenal. Therefore, any sensible Government—now or in future—should do everything possible to increase employment rates for lone parents and the population as a whole, and attempt to tackle and reduce child poverty. Whether it will be possible to reduce child poverty to zero is another matter, as is the question of whether the Government are sensible to set a target of zero for child poverty without setting any equivalent levels for poverty among other individuals.

A legitimate issue for debate, on which we can only touch today, is the fact that the Government have decided to pour a lot of money into areas of the benefit system covering what are seen as worthy and deserving causes, such as children and pensioners, when many people rely on benefits that have been fixed in relation to prices rather than wages for the best part of 20 years. For example, the jobseeker's allowance rate is now about 12 per cent. of average earnings, compared with 21 per cent. in the late 1970s. If that price indexation continues, people such as single parents who rely on the underlying benefits rather than the child-related benefits might find themselves in deep poverty in future.

**Kali Mountford:** The hon. Gentleman has advanced these arguments before. I recall his previous statements about the parent's shopping bag, and being able to make sure that a certain set of goods can be bought. If I recall correctly, he acknowledged that that could be a costly way of ensuring that a family has enough to eat and sufficient shelter. Has he thought that policy through further and come to some proper costings, so that we can compare his approach with what is happening now?

**Mr. Laws:** Unless I misunderstand the hon. Lady's point, there are two issues to address. First, what measures of poverty do we use—material, relative or absolute? Even the Government have acknowledged that none of those is perfect. They are, I believe, running those three targets alongside each other.

The other point that I sought to make is that if some of our social security system is linked to prices and other parts of it are linked to earnings to deal with issues such as child poverty, we might unintentionally end up with some individuals on extremely low incomes. Considering that some lone parents' benefits in relation to their children might be more generous, but that they might have underlying price-linked benefits, we might also find it difficult to meet some of the extremely ambitious child poverty targets that the Government have set.

The Government deserve some credit, not only for making these matters big priorities and allocating a lot of money to them, but for some of the detailed proposals in the new deal and other schemes that seek to help people back into the labour market. However, it is more interesting today to focus on where things are going wrong and what changes may need to be made in the future. That is the purpose of the debate, which comes on the back of the Green Paper.

*[Mr. Laws]*

My first point was made earlier by the Conservative spokesman. Although the 70 per cent. target looks to be of the right order of magnitude if the Government are to address worklessness, the trends over the past decade make it difficult to imagine that they will hit that target.

The Library has produced a good briefing note for Members, which shows the lone parent employment rate since 1995. That has two interesting aspects. First, that rate was increasing fairly markedly before the Government's arrival in 1997. It is clear, as the Minister generously acknowledged, that part of the improvement must be due to the generally improved state of the economy after the severe recession in the early 1990s. It is not clear from the chart that there was any particular acceleration in the improvement in the lone parent employment rate until 2003–04. The Minister may claim that there has been some distortion, or that is when her policies kicked in and started to look impressive.

Secondly, about a year ago there seemed to be a pause in the rate of improvement in the lone parent employment rate. The Minister might be able to confirm that those figures are slightly out of date and that there has been an improvement, but the "plateauing off" in the lone parent employment rate would appear to coincide with the flattening off of the labour market as a whole, which has led to some 11 or 12 months of increasing claimant count over the past year. I do not seek to pretend that economies do not sometimes slow down under all Governments, and clearly we have had a long period of sustained increase in output. However, if the labour market continues to be weak and we continue to have such a plateau for several years, it seems almost impossible that we shall reach the Government's ambitious target by 2010.

**Mr. Boswell:** I had come to rather the same conclusions as the hon. Gentleman, but—to muddy the academic waters further—will he also note that the turndown in the improvement of the participation of lone parents in employment is also coincident with a reduction in the expenditure on the new deal for lone parents, which is also set out in the Library briefing? That dropped from £95 million to £91 million in the years in question.

**Mr. Laws:** The hon. Gentleman raises an important point about how the Government will financially support getting people back into employment during what is widely anticipated—correctly, I suspect—to be a much more difficult spending round next time.

**Margaret Hodge:** I acknowledge that the economy has been in a flattened period in the past year, but would the hon. Gentleman acknowledge that although there has been a slight rise in claimant count, we have also seen a welcome reduction of those on active benefits, including both lone parents and those on incapacity benefit? That tends to suggest that our labour market interventions over the past few years have been effective in tackling the most disadvantaged in the labour market.

**Mr. Laws:** It that is accurate, it is encouraging—but I would be interested to hear whether the Minister has more up-to-date figures relating to the table, and can clarify what has happened to the lone-parent employment rate since autumn 2004. Has it continued to plateau or is it inclined to increase? Tempted by my success in anticipating the outcome of the Liberal Democrat leadership election, I would wager a bet that the Minister will find it difficult to meet her target of 70 per cent. by 2010. We all have to hope that the labour market will start to improve rather rapidly, rather than continue to pause.

There is clearly a challenge for the Government, and all parties, to consider other measures that may be able to support accelerating the rate at which lone parents get back into employment. It seems statistically to be the case that without acceleration, the target will simply not be met. It seems less likely to be met than the Government's child poverty targets for the same period.

That takes us to Government policy in the area. One of the most complicated and controversial issues is what the benefit rules for lone parents should be. That is always controversial, and in our Library briefing pack we have a headline from *The Independent on Sunday* from 23 October last year, which reads "Blunkett to crack down on single mothers". The article quotes the Minister as saying:

> "If you are a lone parent and you have a child in secondary school, I think you have a responsibility to support and provide for your family and that is as important as being there for children",

and I will surprise her by telling her that I entirely agree.

One of the things that has baffled me when considering the social security system is how far out of line on this matter we appear to be with other countries across the world. I wonder whether the rules are based on a view of the role of women, particularly, in the labour market that is totally out of date and based on Beveridge's conception in the 1940s, after the use of women in the labour market during the second world war, that the natural place for women was at home. Even today, after the Government have supposedly put rights and responsibilities high on their agenda, the presumption in the benefit system is that there is no obligation on a lone parent to work. They can stay on income support until their youngest child is 16.

I was surprised when I first heard the limit. Testing my perception of it on other individuals in Westminster and my constituency, I found that they were almost universally baffled that that was still the rule in the United Kingdom in 2006 under this Government. I have a table that compares us with other countries on whether there is a work test or whether lone parents are expected to be willing to go back into employment, and we seem to be dramatically out of line. Not only are the lone parent employment rates in many other countries far better than ours, but they almost all appear to have a work test for lone parents when children are still at an early age. In fact, the age range for the work test is between one year and seven years. The briefing note says that of the countries in the tabie that do not already have a work test, only Ireland and the United Kingdom do not plan to introduce one. A number of those who have work tests plan to increase their severity. In some parts of the United States of America, the age threshold for youngsters at which their lone parents are expected to present themselves to go back into the labour market is not 16 years, but 16 weeks. That is an extraordinary comparison with the United Kingdom.

I am not suggesting that 16 weeks is an age that my party would support; most of my colleagues would not—and I am sure that the new compassionate Conservative party would not support a reduction to that level, either. However, we should be having a real debate about whether the benefit system in that area is completely out of line with modern reality, and whether we are sending out a message to lone parents that they should consider it normal to stay out of the labour market for that long. After all, if a lone parent has several children it could mean the person being out of the labour market for two decades. We do not need to be a genius to work out that if a person has been out of the labour market for 20 years, their skills and willingness to return to employment would be eroded dramatically.

The Government said in one of their publications that a large proportion of lone parents who were still out of employment when their children turned 16 years old ended up automatically on incapacity benefit. That is a worrying escalator. That is not to say that some lone parents may not be genuinely unable to work, but we must suspect that some of them have simply fallen out of the labour market altogether and, given the level of jobseeker's allowance, sensibly and rationally looked at other benefits that they could claim.

The Green Paper quotes the Organisation for Economic Co-operation and Development as saying that

"once employment and childcare support is available on a comprehensive basis, it would be reasonable to oblige sole parents on Income Support to make use of it".

The Government then state:

"By 2008, half of all families will have access to school-based care for 5 to 11-year-olds. By 2010, all parents of school-age children will have access to care from 8am to 6pm all year round."

That seems to show that the Government believe that when that child care is available, it will be an obvious time to change policy.

Will the Minister explain her thinking on that topic? Does she consider that it will be right at some stage for the Government to make re-engaging with the labour market and going back on jobseeker's allowance or into employment, rather than being on income support, compulsory? Does she think that that should be part of the benefit system, rather than encouraging lone parents back to work as the Government have chosen to do, through the work-focused interview route? I am not suggesting for one moment that there will not need to be all types of support to help lone parents back into employment. Perhaps a work-focused interview approach will still be part of the system, but is it sensible to have a benefit system predicated on the basis that anyone who has a child can stay at home until that child is a certain age?

It is difficult to calculate the right age at which a work obligation should be imposed. My initial inclination was that it should at least be when a child goes to secondary school. However, people's expectations have moved on rapidly in recent years, as has the Government's provision of child care. Many of those whom I have spoken to in my constituency would set the threshold far lower than I would. They would put it more in line with the figures in the rest of the developed world—presumably at the age when children enter primary school. The Government should be considering such matters. Parents have a responsibility to provide for their children, and that is difficult to do on benefits. If we are to have a benefit system with support and child care provision, as well as opportunities, incentives and responsibilities, the existing rules seem rather out of date.

I referred earlier to the pilot. How much budgetary support will there be to help lone parents and others back into the labour market? It is difficult to establish whether over the next few years the Government will put in the financial resources necessary to help individuals, many of whom have been out of the labour market for many years, to reconnect with the labour market. Presumably, the Government will want to help through those reforms the many lone parents on incapacity benefit, as well as those on income support.

Given that the Government have piloted some of the schemes, several of which have been successful in giving lone parents economic incentives to return to work, is it not unsatisfactory that they are not made part of a national benefit system? As the Minister candidly admitted, is there not a danger that the Government will do no more than pilot the schemes more extensively, although they know that they are working successfully, because they do not have enough money to deliver them throughout the country?

If so, how will the prioritisation process work? Will pilot schemes be scattered geographically at random? Will the Minister explain how the process works now? Alternatively, will the Government pilot the schemes in areas with the highest number of lone parents and people on incapacity benefit? That would be more logical, although it still would not be consistent with the national benefit system; it might seem a rational approach, although it would not satisfy my constituents. However, when we consider some of the pilot areas, such as those in Surrey, Somerset and elsewhere, it is clear that the Government are not taking such an approach. Perhaps the pilots are supposed to be spread throughout the country to capture different labour market features.

If it is demonstrated eventually that the pilots work, how will we guarantee that everyone will have access to them? Is it fair that a lone parent seeking to go back into employment in one part of the country will not have access to an advantage that a lone parent elsewhere will have? In addition, can the Minister give us a little more information about the roll-out of assistance for people on incapacity benefit who need support to go back into work? She will be aware that there is considerable worry about whether the incapacity benefit reforms will be properly funded, when the Department for Work and Pensions budget is bound to be under great pressure during the next spending review. We know that the next spending review will bring about a much lower overall settlement than the present one.

**Mr. Boswell:** Does the hon. Gentleman agree, particularly in the context of incapacity reform as well as benefits for lone parents and others, that this is not only a matter of the internal DWP budget, but of ensuring access to all the other support services that may

*[Mr. Boswell]*

be required—not only child care but housing or educational support, too—to strengthen people's claim and potential to return to the labour market?

**Mr. Laws:** I agree. The Government deserve some credit for recognising that, in areas such as incapacity benefit, a huge range of services need to be joined together and funded if people with long-term illnesses are to be helped back into the labour market. We all know from Government figures that when someone is on incapacity benefit for a year or more, they are stuck on that benefit for eight years on average, and might need considerable help to get back into the labour market. The funding of incapacity benefit reform and pilots is critical.

Will the Minister clarify the success of the existing employment zones? I understand that some have been extremely successful, and that the Government have allocated some of the funding that might have been spent through Jobcentre Plus to private sector deliverers to encourage them to get people back into the labour market. I have been told that although the zones have been successful, their range has been limited and that there are no clear plans to roll them out further. It would be interesting to receive clarification from the Minister.

Over the past 20 years, there has been an enormous turnaround in the number of people on incapacity benefit compared with the number of people on jobseeker's allowance. The figures have flipped on their head. We are now spending three times as much on incapacity benefit as we are on jobseeker's allowance. One of the reasons might be that, as was said earlier, jobseeker's allowance has been at fixed prices for the past 20 years, so its value has contracted rapidly. It is set at what most people would regard as a low level. The longer term incapacity benefit rates are set higher, and many people might be suspicious that, given the differential between the two, there is a considerable incentive for people to get themselves on incapacity benefit, not jobseeker's allowance.

When the benefits system was established in its relatively modern form by Mr. Beveridge, he was very clear that benefit levels would be set against a measure of how much people needed to live on to stay out of poverty. I believe that I am right in saying that he thought that it would be appropriate to set benefits for people who were out of work because they could not get a job at the same rate as benefits for people who had disabilities and therefore could not get a job. One can imagine that some people who are unemployed because they cannot find a job and others who cannot get employment because they have disabilities might have similar economic needs. Have the Government ruled out having a single rate of benefit for people on incapacity benefit and those on jobseeker's allowance? Presumably, it would need to be set at a higher rate than jobseeker's allowance, but would that not be more rational than the present position, whereby people have a large incentive to get themselves on incapacity benefit rather than on jobseeker's allowance? I appreciate that the transition to such a new benefit would be complex and that there would be understandable concerns about winners and losers, but is there really much logic in the present system? In addition, given the Government's concerns about the abuse of incapacity benefit and about people who end up stuck on that benefit because of legitimate illness, would it not be sensible to look at that option?

**Margaret Hodge:** I am sure that the hon. Gentleman has read the welfare reform Green Paper carefully, but may I draw his attention to chapter 7? We say there:

> "The reforms set out in this Green Paper will reduce much of the complexity surrounding existing benefits for those facing health problems and disability. We consider that there may be advantages in moving in the longer term towards a single system of benefits for all people of working age, with appropriate additions for those who have caring responsibilities and those with a long-term illness or disability."

I assume from the hon. Gentleman's comments that he supports that long-term aim.

**Mr. Laws:** I do support the long-term aim, and I certainly think that the Government should be looking into that, but I fear that the long term may be very long term indeed because the Government have only just begun the process of reforming the incapacity benefit system, as announced by the Secretary of State for Work and Pensions a few weeks ago, I think. I am losing sense of time, but I believe that the announcement was made a few weeks ago. I recall asking exactly the same question as I have asked today of the Secretary of State after his statement to the House, and I do not believe that I had a response to it.

It is difficult to understand why the Government are undertaking a major reform of the incapacity benefit system without including that possibility. After all, the Minister cannot possibly think that in the few years immediately following the reform there will be yet another reform of the incapacity benefit system. The transition from the existing system to the new system will be complex. If the Government are attracted to this idea and want to give the impression to people who think that it is a good idea that they think that it might be a good idea, why on earth are they not going ahead with it now? Is the reason simply that they are too nervous about the political consequences given some of the other controversial measures that have been going through the House of Commons recently?

**Margaret Hodge:** I cannot immediately identify the relevant diagram in the Green Paper, but although I respect the hon. Gentleman's great intellect he should read the section where we address the employment support allowance carefully, because he will see that that allowance is an addition, over and above the basic JSA rate. That appears to me to be a logical reform that carries us along the road in what we both think is the right direction; I say that because I thought he shared our view that it would be sensible over time to have one benefit for people of working age who are not in work, with additions to that benefit depending on the responsibilities of those individuals, such as caring responsibilities, and on whether there are additional costs arising out of ill health or disability. If the hon. Gentleman looks again, he will see that we are taking a logical next step in the movement towards that longer-term reform.

**Mr. Laws:** I am mildly cheered, but I am not entirely persuaded that the step is a logical one. The Government's proposals on incapacity benefit reform produce a slightly more logical system and they attempt to deal with some of the undesirable incentives in the existing system, but they do not remotely correspond to the Beveridge principle and they continue the situation in which people on JSA are on one very low rate that has continued to contract rapidly in relation to average earnings over two decades, while other people who could have exactly the same economic needs get a substantial premium even though they are engaging in what is presumably almost exactly the same work-related activity as the people on JSA who are engaged in work-related activity to find jobs. I do not understand how that can possibly be a transition; surely it is a completely different alternative.

**Margaret Hodge:** I simply pose a question back to the hon. Gentleman, in his role as the Liberal Democrat spokesman. Is my understanding correct that if he held my position he would propose a massive increase in JSA to bring it into line with current levels of incapacity benefit, with additions beyond that for people with ill health and disabilities? If he is proposing such an increase, how would he fund it?

**Mr. Laws:** I thought we were making progress towards agreeing that we needed a single benefit. Now the Minister is telling me why we have not got a single benefit: she is not willing to increase the rate of JSA and she is not willing to cut incapacity benefit from the rate that the Government envisage. If that is her view, how will we ever have a single rate?

Yes, I would argue that there is a strong case for having a single rate of benefit for people of working age who are not in the labour market, and for the distinction between those on incapacity benefit and those who are not on incapacity benefit being related to the costs of the disability, not to the fact that one set of people are on work-related activity because they have a disability and another set are on work-related activity because they cannot find a job. That may sound like a bogus distinction now, but were we to return to the situation we were in 10 or 20 years ago, when millions of people were unemployed and many towns across the country suffered huge worklessness, the distribution of benefits between two types of household, both of whose members are workless and want jobs, would be irrational. The Government would be sending out a signal—as they are now, although we do not know how powerful it is—that people would do better to have themselves classified as unable to work than to be on JSA trying to get work in the labour market. That is not a sensible structure for benefits, and it was not the structure that we started off with in the 1940s.

I see you leaning forward, Mr. Gale, and I will not extend this debate any further in case you get impatient with me, but I must ask the Minister one question. As the Green Paper is considered, will she mull over the issue and tell us what the long term is? I fear that the long term is even further away than the time when child poverty is completely abolished, and that is quite a long way ahead.

I will raise only one more point, because I have spoken considerably longer than I expected—buoyed, perhaps, by the good news from down the road. The point relates to any attempts to get single parents or anybody else back into the labour market. There continues to be strong disincentives within the benefit system, the council tax system and the housing benefit system against getting back into the labour market. The Government have been conscious of the issue since 1997 and they have taken some action to reduce the number of people who experience high marginal tax rates when they go back into employment because they lose a lot of their benefits. However, the number of such people who are experiencing marginal tax rates of 60 per cent. or more in the labour market has increased from 760,000 when the Government came to power in 1997 to almost 1.9 million. The spread of means-testing, as the Government increasingly seek to target resources on those on low incomes, has meant that more people are being trapped in this net.

When the Prime Minister debates the structure of the income tax system, he always says that a 50 per cent. upper rate of tax for people with incomes of more than £100,000 a year would have horrific effects, and that those people would immediately stop working or flee aboard. However, a much greater number of people, almost 2 million, face tax rates that are higher than that—60 per cent. or 70 per cent.—when they go back into the labour market. Whether the Government can do, or try to do, anything to reduce those marginal tax rates is an issue, as is whether they can continue along the route of tackling child poverty by for ever increasing means-tested benefits without increasing the extent of disincentives in the system. Doing so could damage their ability to get others back into the labour market. That is a point on which the Minister could usefully concentrate.

We have had an interesting debate so far; I have acknowledged some of the Government's successes on this subject since 1997, but also pointed out some of the problems ahead. Without tackling those problems, it is unlikely that the target that the Government set themselves will be met.

3.41 pm

**Kali Mountford** (Colne Valley) (Lab): It is a pleasure to take part in this debate, especially with the hon. Member for Daventry (Mr. Boswell), because he and I have debated these issues many times.

I want to start if not where the hon. Member for Yeovil (Mr. Laws) left off, then at least on a point that he mulled over: that of Beveridge and people's social attitudes, particularly to women in the labour market. I should like to take the hon. Gentleman back even further to the Marxist analysis of women as the reserve labour force, or the reserve army, as I think Marx called us at one time. That really shows the social attitude that the hon. Gentleman quite rightly identified, whereby women were not necessarily key drivers of the economy, but instead could be picked up and put down at any time, and were not necessarily accepted as the family's main breadwinner.

The hon. Gentleman pointed to a useful graph from the Library and also made a remark about women's employment—or lone-parent employment—having

*[Kali Mountford]*

generally grown with the overall growth in the economy, and with more people being in work. He asked whether there was really any difference. I should like to take him back to the social attitudes that he rightly identified.

One of the problems was always that even if an economy was growing, women did not necessarily get any share of that growth, except when there was real dire need. For example, during times of great crisis when the men were sent away to war, it was suddenly all right for women to go to work. That social attitude had to be tackled—and still does, to some extent. The hon. Gentleman is right to point to the fact that women still are not generally accepted as the key earners for their family, even when they are the only adult in the family able to earn that money.

That brings me to the issue of pressures; they are distinctly different for women in the work force and for women who are the only carer for their family. The first issue is that of social attitudes. If a woman declares that she wants to earn for her family, she will still not get unanimous support from everyone around her. It is difficult sometimes, even when we make as many provisions as we reasonably can when the economy is growing and when we can make the investments in infrastructure that are necessary to change those social attitudes. Even when the support systems that can be supplied by a Government, a local authority or any other network are in place, family and friends may tell a mother that her real place is caring for her child. They ask, "What if the child falls down? What if they get ill? What if they need you? What if you are too tired? What if you have not sat them on your knee? What if they leave school and feel deprived?" There is a "what if?" all the time.

Women, I tell the House, are born to guilt, and we bear that guilt daily, particularly when we are mothers. It is very difficult to get around that social attitude, but it can be done. As recently as Monday, I was in the local Sure Start in my constituency. The changes that it has made to local women just amazed me. The hon. Member for Yeovil rightly pointed out how women sometimes feel after only a short time out of the work force. Sometimes, they have never been to work at all; they may have had a child very young—I will pick up on that point later—and may have no confidence in their own ability.

It was tragic to hear one woman say that she felt completely isolated in her home. She did not go out and there was nobody she would trust with her child. She would not leave the child with anybody, not even her sister, for fear that something would happen—whether it was the child's first steps or first word, or the first time that she read something—when she was not there. The mother worried that someone might give the child food that she would not have approved of, or might chastise her in a way that she did not agree with. She had become completely overprotective of the child and withdrew more and more into herself. That is not something that has happened to just one woman; I have met many people who have experienced that sort of thing.

That woman, encouraged by her neighbour, decided to go along to Sure Start and give it a go. She has changed remarkably, and she is not the only one, although her story stood out in my mind because the change was so dramatic. The change in the child was dramatic, too, and that is key to why we need women to go to work when they are the only parent. The child changed not just because her mother was starting to change, but because she was mixing with other children. She had been a frightened child because she was isolated at home with her mother, but once she had social contact, she stopped all the screaming and clinginess and started to develop and do the very things that the mother was afraid she would miss out on—make friends, enjoy herself and play.

Encouraged by that experience, the woman thought, "Perhaps I'll take on a little training." The training was provided through Sure Start, and the woman took the first step of her own 10-step road to recovery, as the Americans might call it, if they were here. There is a 10-step programme for everything.

The woman took that next step and took on a little training, but not too much. She was a little overwhelmed at first, but she carried on. She thought, "I can do this. Perhaps I'll do some training that will lead to something more concrete; I'll do a national vocational qualification", and she did. With the help of Sure Start, she had that opportunity. And so it went on, although I shall not go through all 10 steps. Eventually, she started a part-time job, and she describes not only herself, but her child, as transformed. Other women gathered around, saying, "That's exactly what happened to me." It was an absolutely fabulous day. I would tell anyone who can spend a day in a Sure Start to go and do it. It was great to see such happy children and adults.

Key to the whole process is the fact that there is a credit union based inside the Sure Start premises, and health support is available there. All the things needed to give a person the confidence to make a radical change to their life for themselves were put in one place. To me, that is the key building block of the entire process. We cannot assume that we can make the changes that the hon. Member for Yeovil described as desirable unless those building blocks are in place.

The House might say to me, "You've been here a while now. Why haven't you done something about the issue already?" Quite right too—we should always aspire to what is even better—but let us be realistic about where we started from. We started from an absolute assumption that when a parent was on their own for whatever reason—and there are a variety of reasons—that parent would stay at home. The hon. Member for Yeovil points to the fact that across Europe there are different attitudes. I do not know the precise list that he had in front of him, but if he looks down it and considers what the rest of society is doing in those countries with a different attitude, and what infrastructure there allowed social attitudes to change, we might see a clearer or more complete picture.

I do not think it reasonable to send people off into the world unless there is something concrete for them to rely on. It is the reliability that parents are looking for. They have to be certain that if they take steps into employment when they are not used to it, the package in place for them is completely reliable.

**Mr. Laws:** If those measures were in place, what would be the hon. Lady's view of the right age at which the ability to rely on income support should end, and at

which people should be expected to transfer to jobseeker's allowance or take a work test of some kind? From her experience, what would be the right point in a child's development?

**Kali Mountford:** According to Helen Bee's book, "The Developing Child", there would never be a right place. I studied that book in the 1980s, when there was a real change in attitude to child development. It could easily be said that a child might be in some sort of care, outside the home, from birth.

There is no reason why, if we make decisions on the basis of the development of a child, there has to be an age element. We have to consider what people prefer for their own families and accept that. Although I chose to work from day one after the birth of both my children, which was my choice and that of many other women, many women have never made that choice and are influenced by other voices saying, "This might be bad for the development of your child."

I do not want to give an age in respect of the development of the child. Instead, I want to look at how families cope at different stages—not of the child's development, but of the care available for the child that the parent can be confident about. Sure Start is involved in the very early years. Incidentally, I make a plea to the Government, as we need to extend Sure Start to older age groups. Sure Start helps children around the age of five, with some schemes letting children who are a little older through the door—but we will not say too much about that. If a child is in Sure Start aged five, with a sister and brother aged six and seven, we need to consider how we can move that provision on, because it is so useful to people who want to get into the workplace.

At the ages that we are talking about, there are school places available, so mothers tend to look outside the home for something to do, knowing that the child is in a secure, safe place during the day. We need to consider flexible working, which we were talking about earlier, because work patterns tend to operate around the school day. That almost brings me to the schools Bill, but I will not venture into that too much, Mr. Gale, which I am sure you will be pleased about.

On the issue of caring for a child throughout the day, I attended a seminar by somebody who runs an academy. We will call it a school, rather than an academy, for the ease of my tongue. He opens up at 7 am, so parents can go in, and there is flexible working for the teachers and teaching assistants, so that somebody reliable is there from 7 o'clock in the morning right through to 6.30 in the evening. The school is open to the families all that time, so they have that reliability. We need to consider the reliability of the care of the child, which is the key, rather than whether a child has reached a certain point in their development. There is much evidence suggesting that a child's development accelerates when they are in the company of other children. It is useful for children to have that social interaction and organised play as a means of learning.

The attitude that working mothers are doing a disservice to their children by not staying at home is starting to change, but it can do so only through experience and through people knowing that, once a system has been put in place, they can rely on it as genuinely safe and something that will not be taken away from them. The idea that parents go into Sure Start with their child and develop that understanding has been key to them changing their role and going out to work.

I want to see more people taking up the opportunity of working because of all the things that the hon. Member for Yeovil said about what happens then economically to the family and also throughout their lives. Presenting a role model to the child is so important. So many children used to be brought up in households where no adult had ever worked. That was particularly true when certain industries, particularly coal and steel, were collapsing in areas around Yorkshire. It was the natural pattern, for generations, for some families not to work at all. The growing number of lone-parent families also became a pattern, which was regrettable. However, the answer is not to wag the finger at those families and say, "You bad person, get yourself sorted out." Our duty must be to the children in those families and to get the families economically viable, so they can have the kind of life that they need. We know that if we do not do that, the health of the children and the parent will be affected, and all of us in the long term will pay a heavy price, because of either their ongoing behaviour or the cost to us as a nation of their ill health.

It is sensible to ensure that people go to work. Instead of looking at the moral imperative—it is a strong, good idea for lone parents to work and we should deal with the social attitudes mentioned by the hon. Member for Yeovil—we should consider the strong economic imperative for us to ensure that this happens, even if it means switching the balance a little, so that the work force, who used mainly to be made up of male earners in two-parent families, include all people—men and women, and one and two-parent families alike. We should not say, "These people can be left out of the system."

There are two benefits from doing more to encourage people into the system: the moral and the economic. To get to the position that the hon. Member for Yeovil was talking about, there has to be a great deal of investment in the infrastructures that I am talking about, which means extending not just the Sure Start scheme, early breakfast clubs and after-school clubs, but child care generally. It is pleasing to see the number of child care places increasing, but some mothers want a different system, partly because they have not yet had the opportunity of a Sure Start scheme in their area. Such schemes are not yet universal. We need to consider more closely the reliability and credibility of such schemes, and people's sureness of the safety of their child in the hands of somebody they approve of.

Some local authorities put a great deal of time, care and energy into these issues, and child minders are an essential part of the infrastructure that we need to have in place so that lone parents can take up opportunities. For example, a woman who phoned me recently was concerned that she had been invited for an interview and wondered what that meant for her. The first thing she thought was how, if she was made to take a job—she had not yet understood that nobody was going to make her do anything—she would know that her son would be cared for after school. The traditional "what if?" came in straight away. She wondered what would happen if the hours were too late, or she did not like the job.

*[Kali Mountford]*

I had to persuade that person to go to the interview and not worry about the "what ifs?", because there was no question of her being made to do a job until 6 pm, meaning her son would return to an empty house; her being unable to find a child minder in her street—she would not want him to go any further from home than that—and the local authority not being able to get child minders fast enough because they have to be checked out. I said, "Never mind the 'what ifs?'; just go and find out."

That woman did find out. She was told about what the benefits could be of going into work, which is another essential part of this process. By talking to her about those potential benefits—as the hon. Member for Yeovil said, some people are concerned that they might lose their housing and council tax benefits—a calculation could be made to show that, at a certain earnings point and taking into account various amounts of tax credit and a sum of money to pay for a child care place, she would be better off. Such analysis might make a difference for her.

That process has made us see that there is another possibility, although that woman is still concerned that the system might not be robust and that she might try a job but later realise that her son, as she predicted, was not doing his homework and starting to fail in school because she had been, as she would see it, guilty of neglecting him, which is her concern. She might retreat to the home if she thinks that the safest and best thing for her child.

These are the real issues that parents are challenged with and try to make decisions about. They need support in making those decisions. The conversation that the woman I have mentioned had with the adviser at the jobcentre was good, and, as far as I could see, she was not forced into anything at all. All the adviser did was open up the possibilities that might be available to her. I met both those women in the same week, and I almost felt that I wanted to introduce them to each other and say, "Look what it can be like."

We need to do much more to tell people about what things can be like. We are combating a huge set of social attitudes that, it is fair to say, have not caught up with the modern world. Sometimes I am surprised that people can watch certain television programmes—sometimes soap operas—and see all the ideas from around the world, yet still believe that everybody in their street is going to point and wag a finger at them. However, they believe that because it often happens.

I went to a community centre in my constituency where women gather together, usually while the children are at school, and share information. The idea is that they should gain knowledge, but they also share information. Unfortunately, some of it is incorrect. I often find myself having to debunk the myths about what would happen if they got a job. One myth might be—it is absolutely true, because Elsie said so—that the women would not get the money that everybody said they would, and that if they ever claimed benefits again after they got a job, they would have to wait for months. Some believe that they would have to wait six months, or even longer, because their benefits would have been stopped. We are battling against those myths all the time when people make those decisions.

**Mr. Laws:** The hon. Lady has raised extremely important issues about people's concerns as they move from benefit into work. Does she agree that there are sometimes significant transitional problems for some individuals? Without making too cheap a party political point, I should say that the recent problems at Jobcentre Plus offices and with the benefit delivery system are creating and underpinning some of those fears. Sometimes those matters of concern are matters of fact.

**Kali Mountford:** It is true that they are matters of concern, although I have not really understood the hon. Gentleman's point about changes at Jobcentre Plus. Perhaps he will enlighten me. Was he talking about the introduction of interviews or structural change at Jobcentre Plus? *[Interruption.]* I shall assume that he means the changes in respect of interviews. I do not think that such concerns are always borne out. They might be genuine in so far as people think they will lose out, but, given that an in-work benefit analysis can be done reasonably accurately, any fears that somebody taking a particular job will end up worse off can be ameliorated. If it turns out that they will be worse off in a particular job, they have the opportunity to take some other job that does not lead to that disbenefit.

If, for example, somebody's family finances have become totally reliant on making sure that the tax credits and everything else are in place, there is no reason for them to be concerned that those benefits will be taken away unreasonably because the in-work benefit analysis can be done before any job is taken up. That is the safeguard.

The problem is the fear that we do not really mean all that, that the analysis will show that the person will not be better off working in a particular job, and that if they turn that job down, they will lose out on benefits. The Minister will correct me if I am wrong, but I believe that that is not the case. The requirement is to look only at what is available and what opportunities are out there—and, perhaps, what training is available.

Training is another point that arises from the speech of the hon. Member for Yeovil. A key barrier to work is the fact that somebody who has been out of work for a time might have lost skills. It is important, especially when somebody has lost confidence, that we build up skills to an appropriate level at a speed that people can cope with. I hope that the Government will consider carefully the speed people can cope with, because some do not become job-ready as quickly as others. There are all sorts of different problems to cope with.

Sometimes we make it sound so easy to be a parent, and also a working parent, but being a parent is extraordinarily difficult, especially when someone dealing with a crying, demanding or needy child is told that she also has to go to work—and, by the way, get some skills. When I talk about pressures on mothers, those are the pressures I think of, and they are real and significant. Although those problems can be overcome, and people can become a great deal better off by overcoming them, the worry over facing them is very

real to people, who must be able to move at a speed that is okay for them. Otherwise, they will feel completely overwhelmed, especially if they find, as they have a cup of coffee in the community centre, that many local employers are not as generous as the superlative employers that we all hope they could be.

Some employers offer flexible working patterns and part-time work at an appropriate rate, and they are to be applauded for that. My right hon. Friend the Minister was right in saying that such employers get in return a properly trained, loyal work force and that everybody benefits from that. Unfortunately, some employers have not yet caught on, and there is work to be done in helping them see the error of their ways.

I hear many stories about women, often in caring professions, who work very long hours—sometimes more than their allotted hours. They do not get proper remuneration for that overtime—they feel deeply about the clients they care for—and their employers use the guilt trip to put upon them and get them to do jobs later in the day than they should without pay. That is appalling.

There is often not enough support for people to get access even to the minimum wage. I hear awful stories about women who accept a lower than minimum wage, often due to jiggery pokery around bonuses through which employers try to get out of paying the proper rate for the job. Although trade unions do a marvellous job of representing their members, they are traditionally not present in the smaller workplace, where women do not feel that they can access the advice that they need to ensure that they get the pay they need. That means a knock-on effect on their tax credits and that overall family income is not what it should be.

Those situations result from people playing around with the rules, which are there to protect people, and the issue is what we do when the rules are broken. It is easy for me to say to such ladies, as I often do, "Look, you will get this, that and the other and it will all add up. You will get your wages; you can get this tax credit, and then another to help with your child care—the whole package together. You will be well supported economically."

These women have never had the confidence to take a job, so if they know that there are local employers that break the rules and that the pay is not what it is said to be, it is a big step for them to challenge those employers about the appropriate rate for the job. We might need to re-examine that area again, although we should not go so far as to say that the idea of the minimum wage is wrong. We need to ensure that appropriate support exists for people who want to challenge the remuneration for their job.

In addition, a great deal more can be done to help people move on from a base-level job into something better. That can work only if a point of entry to the workplace is just that, not the only place in which a lone parent stays in work. There must be an avenue for people to move on, otherwise what the hon. Member for Yeovil was saying about pensions will become a problem. Obviously, if a person's working life was limited because time is taken out to care for children, older parents or other family members, and we had already limited the number of years available in which to accrue a pension, restricting things yet further because income was artificially kept down would be another injustice.

That would also not achieve what we want: to demonstrate to the children in the family that working pays and makes people better off—not just financially, but in themselves. People get something for working, not just the friendships that everyone else has talked about, which build people up as individuals and give them a reason to get out of bed every morning. Working gives a structure to the day, which is psychologically important. People need to know that it is right, fair and proper, otherwise the message is wrong.

I am not saying that this is a universal problem, but I doubt whether any constituency does not have at least one employer that does not play by the rules properly. I have battles from time to time with some employers in my constituency who—I will be careful with my words since this is on the record—sometimes play fast and loose with the employment of women. I deplore that and I hope that they will step away from that kind of activity. We need to be able to examine these matters and ensure that people have adequate support if they feel that they are not being properly treated.

I would like to conclude—perhaps hon. Members will be delighted to know that—by saying that I have concerns relating to ensuring that what is available for lone parents as they move into work is robust and secure. We need to give them the support that they need for their working lives to grow. I am delighted that we have started down a path that challenges the social attitudes that make the assumption that parents—especially lone parents—stay at home.

We need to tackle one more social attitude, which is that of young girls who think that one way of having an identity is to become a lone parent very early in life. I make no assumption about young women who have babies when they are teenagers. However, some make the choice to do so because it seems a logical one. They think that to be a mother gives them an identity and allows them to feel that they play a part in society. As some have found it difficult to achieve in school, and perhaps because that is the pattern for the family, deciding to have a child seems an appropriate thing to do. That attitude is less common than it used to be, but I still encounter it.

A couple of schools in my constituency have achieved quite a lot through the healthy schools programme. The touchy subject of sexual activity and all that goes with it is often discussed. There remains a great deal to do to raise people's expectations when they are young: perhaps having a child so early in life is not an appropriate choice, and if they made different choices they could have their children inside a happy home where everybody had an opportunity to do well for themselves.

We know what a dreadful effect having children early in life can have on young women—we might be talking about not just the effect on women. It is difficult for them to succeed in their lives and to bring up their children in the way that we would hope. I am not assuming anything about any of those mothers, because I know that they try extremely hard. If there was a little more support for sexually active young people, perhaps we might avoid some of them becoming lone parents in the first place.

*[Kali Mountford]*

We might be able to give them the opportunity to wait to make decisions at a more appropriate time in their lives. Having done that, I hope that the Government ensure that all those parents who find themselves alone, for whatever reason, are appropriately supported in their efforts to bring up their families, so that they and their children can all do well.

4.15 pm

**Mr. Tim Boswell** (Daventry) (Con): I genuinely welcome this opportunity to discuss these serious issues in a relatively calm, objective and non-partisan format. I think that on the whole so far—I cannot speak about myself—we have done the House credit in having done so.

I pay tribute to the Minister for the way in which she introduced the debate, for some of the Government policies that she is bringing forward and for the insight into future policies that she gave. Like some other Ministers, she has a tendency to regard 1997 as year zero and not always to give credit for social advances that may have taken place before then or, as the hon. Member for Yeovil (Mr. Laws) pointed out, for trends towards the greater participation of lone parents in the labour force that were grounded in actions that were taken earlier. On this occasion, however, we will excuse her and treat the debate and these serious issues on their merits.

The hon. Member for Yeovil did exactly that, very commendably in view of the fact that he might well have been distracted by other events. I hope that he will not regard it as in any way sinister if I borrow a phrase from our last election campaign: he might well have been thinking some of the things that we were thinking about some of the defects in the present position and about how we should proceed. There is a good deal of understanding, not least of how complex these issues are.

My good friend the hon. Member for Colne Valley (Kali Mountford) spoke eloquently about the huge opportunities for women and the way in which they can be empowered by going out to work and doing things that they might never have thought of being able to do in the past, but equally about the big cultural and sometimes practical constraints that need to be overcome for that to happen. I thought she put a healthy human face on the debate—not that other participants have not done so. I look forward to the Minister's response to her hon. Friend's remarks.

I want to state as clearly as I can that my party and I recognise the difficulties faced by most, if not almost all, lone parents and indeed, by parents generally. The difficulties are magnified considerably for any lone parent. Their situation is complex and there is a variety of lone parents. We tend to forget, possibly because it is now 60 years since the end of world war two, that lone parents include a significant number of widows and widowers with young children—one was in correspondence with me the other day—people who were once married or in a firm relationship and are now separated or divorced, and many parents who have never married. As the hon. Member for Colne Valley said, their motives and circumstances might be very different.

All these things together add up to there being 1.8 million lone parents in Great Britain. We should not forget that slightly less than 10 per cent. of them are lone fathers, who also have to cope with the situation and perhaps with the expectation that they should be at work as well. Despite the advances that the Minister has recorded—the Government are entitled to some credit for some of their programmes—we can always argue about the contribution made by the general buoyancy in the labour market and about how much has been done by specific active labour market policies and whether they are the right ones or not. Whatever the mix, things have got better. However, we must remind ourselves that nearly half of the 1.8 million lone parents are still on income support—the figure is a little less than that, at about 800,000, but that is still a large number.

All lone parents face a tough time, but they have strong aspirations, which we should recognise. Almost all of them want to do the very best for their children and for their family unit, as well as for themselves. There is not and never should be a war on lone parents. We must pay them the tribute of understanding their position and the barriers that they face, whether psychological or practical or some other form of obstacle. When we understand some of the issues that have been developed in this debate, we can give them practical help.

The debate is entitled "Lone Parent Employment" so I do not want to confine myself narrowly to what I refer to in shorthand as "new deal issues"—the specific programmes of the Department for Work and Pensions—at the expense of the wider context. First, I shall say something about an issue that has already featured in the debate. We should acknowledge that the employment rate for lone mothers has now reached 56.6 per cent. I am glad that it has gone up, but the reasons for that are complex: they include economic buoyancy as well as specific interventions. I am not sure that anyone has done an entirely convincing regression analysis that reveals exactly how the numbers pan out. Incidentally, picking up on a point made by the hon. Member for Yeovil—the Minister may have noticed this too—the Secretary of State claimed on, I believe, 22 November that there was a 50:50 split between active labour market interventions and the state of the labour market, so the right hon. Lady got it spot on today. At least she is on message.

Whatever the cause, the employment rate among lone mothers has increased. It is significantly below the employment rate among mothers with partners—that is 72 per cent. The Government's target of 70 per cent. for participation of lone parents is below the current figure for mothers with partners. The Minister explicitly acknowledged today that it will be extremely difficult to hit the target. There are only four years to go, and a progression of some 3 to 4 per cent. a year would be required, which would be unprecedented in terms of the trend that has developed since about 1992.

We must remember that many mothers go out to work, or return to work, without any involvement with income support, the benefit system, Jobcentre Plus or any other labour market intervention. Indeed, my daughter is one of them—for the avoidance of doubt, I should say that she is married. They make their own way; of course, they may have difficulties because of their family circumstances, but they carve out their own destiny. Equally, others will avail themselves of the

strong right, which, as the hon. Member for Yeovil said, is somewhat unprecedented in other countries, to stay at home with their children.

We must consider the exact balance between pressure and incentive. We must remember that some parents, even parents of secondary age school children, may have good reasons for staying at home. They may not be organised as or defined as carers, but they may be responsible for caring for another member of the family. There may be particular circumstances, and we should not rush to judgment. As the hon. Gentleman said, we have a benefit system and we must think about the balance that must be drawn between sanctions that disapply benefits and the individual's circumstances—certainly if ruinous cost is to be avoided.

**Mr. Laws:** Can I tempt the hon. Gentleman to indicate his party's view on one point? The age of the youngest child is the basis for parents continuing to claim income support. Do the Conservatives think that the present age limit should be reduced? It was not reduced over a long period of Conservative Government, so a decision must have been taken not to do that. Does he believe that now is the time to reduce the age limit?

**Mr. Boswell:** The hon. Gentleman is seductive. He tempts me, but I shall follow only to the extent of saying that age is a relevant consideration that should at least be re-examined. It is for anyone to make a principled case for keeping the limit as it is. One of the dangers of adopting any rigid policy is that there may have to be exceptions for some cases. We should all reflect on that. It is easy to produce a new formula and say that the limit will be the beginning of secondary school or primary school, but then fall flat on our face when somebody comes along with a perfectly sensible set of family circumstances that preclude following that formula.

It has always been difficult to disentangle cause and effect. As I said, the present Government are past masters of attributing improvement in the participation of lone parents in the labour market to the new deal programme, yet we know that there was a sort of deadweight, in that unemployment was falling anyway because of wider economic factors. The relevance of that to the present circumstances has been touched on in the debate: the Government must be concerned—I certainly am—about the growth in the unemployment claimant count in the past 12 months, particularly the sharp rise in youth unemployment, which, for the purpose of our debate, is extremely relevant.

Such a rise could have two malign effects: the direct effect could be to drive up demand for marginal employees; and, in terms of labour market action, the effect could be to put further strain on the Government's employment services at a time when the Department has to hold back resources to support continuing problems at the Child Support Agency. The Department also has to deal with the Jobcentre Plus customer relationship management problems, which have been mentioned, and fulfil Gershon efficiency and head count targets.

All of that could mean that some of the extra public activities that are foreshadowed in the welfare reform Green Paper and which the Minister spoke about today could amount to mere pie in the sky. Even if they did come to fruition, any benefits that they offer could be negated by problems in the labour market. It is no good introducing people to the labour market if the labour market is shrinking and is no longer prepared to absorb them.

**Margaret Hodge:** In his analysis of the labour market, will the hon. Gentleman acknowledge that nearly 2.4 million new jobs have been created since year zero—1997—and that even in the past year, which I believe we all accept has been a more difficult year for the economy and the labour market, 300,000 new jobs have been created in Britain? If he looks at the most recent labour market statistics, he will see that the claimant count has started to decline for the first time in 11 months.

**Mr. Boswell:** I am happy to respond to that. The buzz that I put around my colleagues in the Conservative research department was that if we had sacked everyone in sight, we would just about have turned those figures—the decrease in the claimant count was that small. However, it is no part of my purpose today to belittle the Government's efforts, although I cannot call it the Government's creation of jobs, because they do not create jobs except through their own spending. Of course I welcome the fact that more people are in employment, but that is not directly attributable to the Government. It is subject to qualifications such as, for example, whether people are in full-time or part-time employment. I do not seek to make qualitative distinctions, only to say that people are not working as long. One can split up the activities in different ways. However, I persist in saying to the Minister that we are worried about whether the buoyancy that has characterised previous years will continue and about her Department's ability to secure the budget that will enable it to carry on intervening to meet those challenges.

I now turn to the new deal for lone parents as it has operated to date and how it might progress. From the outset, our criticism of the schemes taken together and branded as the new deal centres not on their motivation—although that might be mixed in some respects—but on whether or not they have worked: their effectiveness. We are happy to embrace what we described in our recent election manifesto as

"Cost-effective schemes that work",

and we are happy to adopt active labour market policies. The House may recall our "work first" proposals, which drew on the experience of the Government's own employment zones and working neighbourhoods. I recall making a particularly constructive visit to Birmingham in the months leading up to the election. The schemes I saw there seemed to have worked rather better than the flagship policy of the new deal itself.

Our "work first" proposals were based on what we regarded as cardinal principles: first, greater private and voluntary sector involvement, run on contract, with payment by results rather than for participation; secondly, greater flexibility for assistance tailored to the needs of the individual; and thirdly, a emphasis on jobs that last rather than the Government's revolving door into work, on to unemployment, back on to the programme and then round the houses again, which is

*[Mr. Boswell]*

slightly characteristic of the new deal. It is a small wonder, and the cardinal weakness of the new deal, that the targets—how new Labour loves targets—never measure or track employment sustained after 26 weeks, although we do know that even on the more simple issue of entry to employment at zero weeks after the programme only 55 per cent. of lone parents leave for employment in the first instance.

**Margaret Hodge:** I am astounded by that remark because I think that that figure is jolly good. If the hon. Gentleman were to examine labour market interventions throughout the world, he would find that it is necessary to work pretty hard and make comprehensive interventions to secure the sort of result where half the people who get involved in the programme succeed in moving to employment. Of course we want that employment to be sustained, and we want to do better in that regard, but the hon. Gentleman ought to have the grace to accept that that sort of success rate for labour market intervention should be welcomed in this nation. It is certainly welcomed internationally.

**Mr. Boswell:** I am not trying to belittle anything that the Government have done. What I am saying is that the coverage is not complete. My substantive point, which the Minister should reflect on, is that it is very difficult to log whether people are staying in employment beyond 26 weeks. In effect, it is almost as though the attitude is, "The target has been met; we move on the next target."

There is absolutely no doubt that activity is taking place under the new deal programmes. The question has always been whether it is devised to best effect. At least in the area of lone parents, and having regard to the sensitivities mentioned earlier, which we all understand, I acknowledge that the programme is more or less voluntary. The only element of stick as opposed to carrot, if I can put it like that, is the requirement to attend a work-focused interview if the applicant is receiving income support. Since October last year, that process is refreshed after six months, with those who have older children required to report in quarterly. The Minister touched on further proposals in relation to the welfare reform Green Paper.

I calculate that the number of initial or review meetings now taking place must be approaching a million a year. I would be grateful if the Minister told us the average cost of each interview and perhaps the time involved, too. Will she also let us know more about the profile of the work load? Is it true, as I have heard anecdotally, that the word has gone out that halls are to be hired and "conveyor belt" interviews conducted before the end of the financial year in order to meet targets for participation? Is there a backlog that has to be cleared?

It would also be helpful if the Minister gave us further and current details of the one element of the programme that involves a degree of coercion—the sanctions for non-attendance at interview. According to the latest figures that I have, about 100,000 lone parents must have suffered at least one partial deferral of benefit. Is that problem going away, or is it likely to increase when we move to more than one interview a year? It was suggested that the change is an attempt to winkle out the people who were, for whatever reason, really determined not to go back to work without very good reason, and there is an idea that they might need to be seen more often than that. It is going to be quite difficult to get them to attend quarterly.

I give the Minister a slight warning: I hope that slippages in the timetable for interview, or other means such as letting people off without good cause—of course, they should be let off for good cause—are not used as a device to massage the figures to make them look better. I would like the Minister to unpick that area. I am not saying that there should not be sanctions or interviews—far from it—but it is important that they are carried out genuinely and in the way described by the hon. Member for Colne Valley: supportively, helpfully and with a reasonable allocation of time. They should not be used just as a bureaucratic procedure related to arbitrary targets.

As the Minister will have picked up from our exchanges, I am not surprised—but not gratified either—to be told by the Department's annual report that if one examines the total expenditure on the new deal for lone parents, which now approaches £100 million a year, two thirds go on administration and less than a third is spent on programmes.

**Margaret Hodge:** Hidden behind those figures are all the lone parent personal advisers, who are counted as part of the administration. The service that they provide is a direct service to lone parents—perhaps the most important element of our service because it helps in relation to the issues raised by my hon. Friend the Member for Colne Valley (Kali Mountford). People are able to sit down and talk through all their problems and barriers with an individual who is entirely focused on their needs. I hope that the hon. Gentleman is not trying distort the statistics and that he recognises that those are direct costs of direct services that assist lone parents.

**Mr. Boswell:** I have not the slightest wish to distort because it is important that we have a better understanding of the process. I quote only from figures provided by the Library briefing on expenditure on the new deal for lone people, which are divided into administrative and programme expenditure and relate to a source in the departmental report. What our exchanges lead on to is the suggestion that it would be to the public benefit to know more about the matter. I understand that advisers have to be in place; they have to conduct interviews and devote time to that. They also have their "piggy bank", if I may put it that way: the £100 discretionary allowance. I notice that most of those allowances are spent in full, but I welcome that sort of flexibility in the system. I am not suggesting that any of this process should be cheap, but I want to get every pound that we can into the front line of delivery while spending the minimum amount on bureaucracy. I give the Minister credit for sharing that objective.

The Minister knows that I approach life as an optimist. I genuinely do not want to end on a wholly negative note. There are elements of the current arrangements that could be of some future use. In particular, I agree that the problems and situations faced by lone parents are likely to be complex, so whatever the actual programme and whatever its

branding and design at any one time, those problems will require complex and usually holistic solutions, and not just a one-shot solution. It would be interesting to learn more about not only the Minister's experience of the old pilots from autumn 2004, but the range of the new pilots' design, particularly in relation to the welfare reform Green Paper. If she could say a little about what has happened with child care and the job grant from autumn 2004, that would be helpful. I hope that they have been successful.

In relation to pilots in general, I hope that the Government drop their habit of making decisions first and running the pilots in parallel, and properly evaluate what works and what is cost effective. I hope that with the health warnings that the hon. Member for Yeovil has already given, they carry on that new approach into the new pilots that were foreshadowed in the Green Paper. We must be sure that the resources are available and, if the approach is to be a success, that they can be rolled out.

In particular, I hope that future developments within the Minister's brief—while it continues—also take on board the lessons of the more explicitly work-oriented programmes in the United States. The work emphasis of those programmes has always been strong, whereas ours is person-oriented. It is a question of bringing the two together rather than excluding one or the other.

We would all do well to remember the importance of employers in the process. In discussing some Conservative concepts drawn from the approach that we developed and labelled "work first", I wanted to emphasise the greater flexibility and smaller bureaucracy of the private sector approach to preparing people for job readiness. That need not shock the Minister, because she knows that the right hon. Member for Kingston upon Hull, West and Hessle (Alan Johnson), the last Secretary of State for Work and Pensions but two, used to emphasise how much of the Department's labour policy work was already outsourced. I think that in correspondence with my colleagues he said that 30 per cent. was outsourced. The wider role of the private sector as the provider of real and sustainable jobs for lone parents and others wanting to return to work is crucial.

By offering people the prospect of a job, private employers could play an invaluable role in pulling people through into employment. People come from different types of social exclusion—as lone parents, or after a long period of exclusion in prison, for example. They may need a period of intensive support or mentoring before they can take their first step in the labour market, and they might better do so with the protection of a job offer. It will motivate them to carry through that process. We want those people to take their first step in the labour market. That is where we should all like them to be, but between us there are differences of emphasis about how that should be achieved.

Finally, we must offer lone parents opportunity rather than any suggestion of coercion. There must be rules, but they should be seen as reasonable and sustainable, and not designed to penalise lone parents. We must offer them help rather than cynicism or bureaucracy. As a Conservative, I believe in trusting people and sharing responsibility. I want all our citizens to have a chance to find for themselves economic independence and job satisfaction, and in so doing to make their full contribution to our society. The Opposition are not after quick fixes or silly targets, and we shall welcome anything well founded that the Government do now for the long term. We all ought to be focused on something built to last. It is a phrase that will resonate on Conservative lips, and of which the nation may hear quite a bit, in the months to come.

4.45 pm

**Margaret Hodge:** I shall try to respond to the key issues that have been raised in the debate, but I start by saying that I do not think that we could have had a debate of this nature eight or nine years ago. I want to retain the atmosphere that we have enjoyed this afternoon. The hon. Member for Daventry (Mr. Boswell) has said that he does not want to wage a war on lone parents, and I really welcome that. I remember with horror how the right hon. Member for Hitchin and Harpenden (Mr. Lilley), when he was Secretary of State for Social Security, did just that at a Conservative party conference sometime in the 1980s.

I tend to think of 1997 as year zero in some respects, because as somebody who has worked in public life for more than 30 years, what I found most difficult when I entered Parliament and most challenging when I became a Minister was the legacy of child poverty that we inherited. The divisions that were created during the preceding 20 years, leading to one in three of our children growing up in relative or absolute poverty, were outrageously awful. Many of them were the result from the war that was waged on the poorest, among whom I include lone parents. In that context, I am delighted by the change of atmosphere and the approach that the hon. Member for Daventry reflects as a spokesman for the Conservative party.

I am delighted also that there is a consensus about the complexity of the issues with which we are dealing. There appears to be a consensus of ambition: that trying to help lone parents and their children out of poverty by creating opportunities for work through active labour market policies is a legitimate role for the Government, and one that we should try to pursue.

**Mr. Boswell:** To emphasise the positive, or areas on which we might agree, rather than re-fight the past, this debate is essentially about establishing a good business case for lone parent employment, and not only in terms of lone parents themselves, their aspirations, finances and opportunities, but in terms of the wider economy. We live in a world where even if there are short-term labour difficulties, there may be an increasing demand for skills. If we are not prepared to recruit those people, we will all be losers in the wider economy.

**Margaret Hodge:** I accept that entirely, but I would go further: there is not only a business case, but a social exclusion case. The reason we have focused our energy on those who have traditionally been most disadvantaged in and ignored by the labour market is that, although we want to promote the economic prosperity that comes from using the skills and attributes of all in our society, we want to promote social inclusion, too, by bringing people into work.

It is important to deal with the key issues. All my discussions with labour market economists—I cannot believe that Opposition Members do not also engage in

*[Margaret Hodge]*

such discussions—lead me to retain my optimism and confidence that we have in place the basic structures that will ensure that as we develop our active labour market policies for the most disadvantaged in the communities, plenty of good-quality jobs will be available to them.

The overall employment rate in Great Britain increased from 74.6 per cent. in 2003, to 74.7 per cent. in 2004; in 2005, which was a flat year, it went down 0.1 per cent. to 74.6 per cent. again. However, lone parent employment rates continued to increase throughout those years: in 2003, the rate was 53.1 per cent., rising to 54.3 per cent. in 2004, and in our latest figures from spring 2005, which appear to be more up to date than the Library's, the rate was 56.6 per cent. Even with the flattening of the overall labour market, through our interventions we have been able to obtain some improvement in lone parent participation.

I have identified the source of the research that my right hon. Friend the Secretary of State and I used to produce the figures. It is by Paul Gregg and Susan Harkness and it covers employment changes from 1992 to 2002. It is as a result of that research that we come to the assertion that half the employment rate increase is due to Government policies, the majority of which were implemented after 1997.

I accept that our target of reaching a 70 per cent. participation rate by lone parents by 2010 is ambitious. One of the joys of government is setting oneself stretching, ambitious objectives. The difficulty of government is trying to achieve them, but if we had set less ambitious objectives, no doubt this debate would have been about how unambitious and constrained our policies were. I am confident that we will reach that rate, but I accept that we need to introduce more policy changes. That is precisely why we have the propositions in the Green Paper, and we called for the debate this afternoon so that they could be discussed.

The hon. Member for Yeovil (Mr. Laws) raised the interesting question of compulsion. I put much of our success down to the fact that we have moved along in a gradual way on a voluntary basis. We have engaged lone parents. The only element of compulsion is that they should attend a lone parent interview; we have not put any further compulsion on them. That is one reason why we have been so successful at lifting the lone parent participation rate by more than 11 per cent.

**Mr. Boswell:** Does the Minister agree that there is great value in trust and that if there is any suggestion that the programme is derogatory, nasty or unduly coercive, at that point trust goes out of the window and many of the other benefits will be lost?

**Margaret Hodge:** That tends to be my view. I have looked a little at the experience in America, where the system involves much more compulsion, and at the impact of that. As in the rest of the welfare reform Green Paper, our purpose is not to cut the benefits bill, much as we would like to use our resources more creatively and positively to invest in services such as education and health. Our purpose is to tackle child poverty and to provide opportunities—in this instance, for many lone parents locked into benefit dependence, who experience all the fears that were so brilliantly expressed by my hon. Friend the Member for Colne Valley (Kali Mountford).

**Mr. Laws:** Does the Minister therefore rule out a change in the age limit in relation to which lone parents can continue to receive income support without having to pass a work test? If she does, can she say why, because that is inconsistent with experience across most of the rest of the developed world and with the Government's application of the sanction regime in respect of jobseeker's allowance?

**Margaret Hodge:** I was going to develop that thought. The evidence from America, where there is much more compulsion through the work test, is that lone parents and their children get locked into a downward spiral—a cycle of deprivation. The women tend to go, because they are forced to do so, into very low-paid jobs, and their children tend to go into very poor-quality child care. The women tend to be in the revolving door of going in and out of work, and the outcomes for the children as they move into adulthood are extremely poor. Our objective is to deal with child poverty and deprivation, to provide proper opportunity, including sustained employment opportunities, for the women and to improve the lifelong opportunities of their children. Given that, a work test in the absence of good-quality jobs and child care and proper support for parents is inappropriate.

**Mr. Laws:** Is not the Minister underestimating the contrast between her policies and those of the United States of America? Given what the Government have done on tax credits—the working tax credit, child tax credit and child care tax credit—is there any reason to think that the problems that have arisen in the United States because of the work sanction would arise in the United Kingdom? Surely the Minister underestimates the Government's achievements.

**Margaret Hodge:** Not at all. We have built an infrastructure to make work pay through the tax credit system and we have supported children's opportunities through the child care infrastructure of Sure Start and extended schools. Because of that and because of our effective stewardship of the economy, we do not have to force women into work, which is what happens all too often in America with the work test and the test of eligibility for benefits. We do, however, support and encourage, which is much more successful. In such an environment, we bring women into sustained employment. I quarrel with the concept that many of the jobs are not sustained: that is not what the evidence tends to show. We bring women into sustained employment and effectively lift the children, over their lifetime, out of poverty and into opportunity.

Having said that, if the hon. Member for Yeovil looks at our propositions and at the further proposals that we have made, he will see that we are increasingly growing the conditionality that we believe is appropriate.

However, doing that in a gentle way and bringing lone parents with us is much more effective as a longer-term sustainable policy intervention than suddenly—

**Mr. Laws** *rose—*

**Margaret Hodge:** I will not take another intervention because there are only five minutes left and I want to deal with—

**Mr. Laws:** There is another half an hour.

**Margaret Hodge:** In that case, I will take another intervention, but just let me finish the point. Bringing lone parents with us is much more effective in the longer term in tackling poverty and in ensuring that lone parents move into sustained employment, which is the key to ensuring a better future for their children.

**Mr. Laws:** I feel very uncomfortable outflanking a Blairite Minister on some kind of responsibility agenda. She talked about increasing the degree of conditionality. Is she saying that she will eventually end up in the same place as me, or is she giving us an assurance that the Government have no plans ever to reduce the age in relation to which lone parents can continue to claim income support?

**Margaret Hodge:** The proposals in the Green Paper suggest that we should lower the age in relation to which we start requiring lone parents to come in for work-focused interviews. From October last year, we introduced quarterly work-focused interviews for lone parents whose youngest child was 14. The Green Paper proposals take the age down to 11 and suggest a discussion on whether that is the appropriate age, and we await a response. I say to the hon. Member for Yeovil that much of the success of the programme in enticing, encouraging and supporting lone parents back into the labour market has been achieved because we have got the balance right between conditionality and support. Much of the reason for having to do that has to do with the social attitudes about which my hon. Friend the Member for Colne Valley talked so eloquently.

The hon. Member for Yeovil raised a range of issues relating to whether we have sufficient budget resources to ensure that we can continue our programme. He will know the priority that the Government attach to ensuring that as many people as possible have an opportunity to work, for both economic and social purposes. He will know how important it is to all of us in government that we do all that we can to eradicate child poverty. As we discover what works, we will ensure that the appropriate support infrastructure is in place to enable us to progress in the direction in which we want to go. Through the careful use of our resources, the Department for Work and Pensions has ensured that we can roll out the pathways to work, for example, for all new claimants by 2008. I hoped that the hon. Gentleman would welcome that as another element of the welfare reform Green Paper.

My hon. Friend the Member for Colne Valley talked largely, and extremely eloquently, about attitudes to women and work. She brought us to the reality of what the issue means to the lives of people outside this Chamber in the community and constituency that she represents. Nothing that she said was not important. All parents—particularly mothers and lone parents—struggle to find the right balance between their responsibility to support their families through work by bringing money into the house and their responsibility to support their families by caring for their children. I have yet to come across a mother who works who does not feel guilty about getting the balance wrong. Perhaps my hon. Friend and I, having been through it all, are the only ones here who can properly understand how difficult it is to get the balance right.

I am proud of what the Government have put in place to support women to move into work and I am proud of what we have done through the Sure Start programme. I urge my hon. Friend to examine in detail the extended schools programme, which for me is Sure Start writ large for children throughout their childhood and teenage years. It brings together not only quality child care and invigorating activities in school, but all the other services that families need on a school site, whether they be primary health care services, employment support services or Jobcentre Plus advisers.

We hope to introduce a range of services. Indeed, a debate is taking place in the House this afternoon on the Children and Adoption Bill, which contains a proposal to bring contact centres for separated parents on to the school site. There is a range of support, which builds on what we have learned through Sure Start, for children and teenagers through the extended schools programme.

I also accept entirely that if we are to be successful in encouraging more lone parents to return to work, we must not only continue to transform social attitudes, but have reliable packages of support. That is why our commitments in the extended schools policy and a clause in one of the education Bills going through Parliament, which places a duty on local authorities to provide a sufficient package of child care support for all children of school age, are so important to our policy of increasing the number of lone parents in work.

I completely concur with the view of my hon. Friend the Member for Colne Valley on working lone parents being role models for their children, particularly on some of our more difficult estates, where it is often unusual to find many people in work and where there tends to be a concentration of lone parents. I also concur with what she said about trying to encourage personal advisers to support lone parents in transforming their attitudes to work and building confidence. People very quickly lose confidence when they move out of the labour market. All of us who have had time out of the labour market, whether through having children or for other reasons, know that one can quickly start to feel that one has little to contribute. Building and retaining confidence and self-esteem are important.

My hon. Friend also talked about teenage pregnancy and what we need to do to ensure that that group of lone parents decreases. We have a terrible record of teenage pregnancy in this country, with one of the highest rates. The teenage pregnancy strategy, for which I had some responsibility in my previous ministerial role, was difficult to get right so as to tackle all the issues that cause too many young people to become parents at too young an age.

*[Margaret Hodge]*

I was therefore particularly pleased to see the most recent figures, which I think were released in the past week or two by my right hon. Friend the Minister for Children and Families. They show a 15.2 per cent. drop in conception among under-16s since 1998 and that the teenage pregnancy rate has declined overall by more than 11 per cent. We now have conception rates lower than at any time since the mid-1980s. It is important to raise the aspirations of those young girls, who are often the children of lone parents and teenage mothers, so that they feel that there are other ways to gain recognition, status and esteem within society through education, training and other means. I thank my hon. Friend the Member for Colne Valley for her contribution.

Finally, the hon. Member for Daventry, speaking for the Opposition, said that our proposals are pie in the sky for two reasons: because we do not have the resources to implement them and because of the possibility of the employment rate not growing.

**Mr. Boswell:** The conditional has been omitted—I said that the proposals "could" be pie in the sky. I was simply seeking to impose a constraint on the Minister's ebullience, rather than firmly predicting a disaster.

**Margaret Hodge:** I am so tempted that I cannot resist saying that, as long as we have a Labour Government, I am completely confident that we will continue to have good stewardship of the economy and a growing number of jobs with which to increase the employment rate. We will ensure in the prioritisation of our resources, in what will undoubtedly be a tight fiscal environment for public spending, that we focus on what we know will make a lasting difference to children and their families. Nothing is more important than providing the opportunity for work.

The hon. Gentleman raised the role of the private and voluntary sectors. He has probably heard all the Department for Work and Pensions team concur with him that many support services that we want delivered for people—particularly those most disadvantaged in the labour market, be they lone parents, incapacity benefit claimants or others—are often best delivered by voluntary and private providers.

However, we do not have an ideological commitment to one sector as always the most appropriate to intervene above another. We will always use the sector that works most effectively to provide our objectives. In some instances, that might well be the state, working through the Government, Government agencies or local authorities; in other instances, the private sector, the voluntary sector or both might have a key role to play.

**Mr. Boswell:** I thank the Minister for that helpful formulation of the Government's position. Does she agree that ever since their inception, including in the latest tranche, the new deal for lone parents pilots have characteristically, if not universally, involved some private or voluntary partner participation?

**Margaret Hodge:** All the new deals involve private and voluntary sector participation, because often the services that we need to provide for individuals are most appropriately provided by private and voluntary sector partners. As we have said, as we roll out the next phase of pathways to work services throughout the country, we will probably focus mainly on private and voluntary sector providers to deliver many of those services.

I tend to feel that the hon. Gentleman's remarks contained an ideological preference for the private and voluntary sectors. I do not share that. I believe that we need to use the agency that works best in a particular instance. Perhaps he has not thought of this, but as we move forward, in some instances sanctioning people's benefit if they fail to participate in particular work-related activities, it is difficult to say that private and voluntary agencies working on our behalf should do that, rather than the state and its agencies. He might hold a different view from me on that, but it is one of the rather difficult issues that we have to think through.

With the Australian experience, there has been great emphasis on private and voluntary sector providers. They provide the services while the state agency does the sanctioning, yet when the private and voluntary sectors refer to the state, a different decision is taken by the state from that taken by the front-line provider working with the individual. This certainly is not an easy ideological debate from my standpoint; I hope it does not become one from the hon. Gentleman's standpoint or that of his party.

We recognise that employment zones have been successful, and much of the greatest success comes from flexibility. We are trying to learn from that as we move forward. The hon. Gentleman is, again, right to say that we do not measure whether people maintain their jobs for more than 26 weeks. The difficulty with that is collecting data and keeping track of people who move into employment, but we hope that the movement-to-job outcome target, which will start in April and for which we will use Treasury data rather than our own, will significantly improve our ability to measure retention. I hope he will support our work on that.

I shall come back to the hon. Gentleman about the cost per interview, but my recollection—from figures that I looked at in preparation for the publication of the Green Paper—is that it is less than £10. All our evidence shows that work-focused interviews are a successful way of engaging lone parents and supporting their transition into work. The figures that I have been given show that one lone parent in five moves from the initial new deal for lone parents interview into a six-monthly review, and then about half—45 per cent.—go on into employment.

The hon. Gentleman talked about sanctions; I have figures here that will help him. Since we started to develop work-focused interviews as a condition of benefits, we have had to sanction only 58,400 people up to August 2005. Relative to the number of interviews that we must have done since they first became compulsory in 2000, that is a small number. Of those people, 65 per cent. subsequently participated in the

work-focused interviews, so the sanctions on them were lifted; 11 per cent. did not pursue their claims; 10 per cent. left the benefit; and only 14 per cent. stayed on income support—at a reduced rate. One way in which sanctions work effectively is that their very existence encourages people to participate in the various activities there are to bring them closer to the labour market. It is not necessarily the implementation of sanctions and the associated poverty that lead us forward.

This has been a consensual and interesting debate. The problems are complex—I agree with the hon. Gentleman on that—but that is why we need to learn from "what works", and why we will keep trying to innovate through either the policy levers that we put forward or the innovation that is much easier to take forward with private and voluntary sector providers. We will also subject everything that we do to rigorous evaluation. I hope that all hon. Members accept that all such labour market interventions are constantly rigorously evaluated—sometimes using too many of the always limited resources that I have available, but ensuring that we properly test everything we do.

This issue is an incredibly important part of our welfare-to-work programme and vital for attacking child poverty and ensuring social inclusion. It is a bit sad that, because it is a Thursday afternoon and there is snow around the country, there are not more Members here to engage in the debate, but I hope that some people read the report of this afternoon's proceedings in this Chamber and that that ensures that there is engagement with this part of the welfare reform Green Paper and our proposals within it. It is exciting and difficult, but I am glad that we are embarking on this journey.

*Question put and agreed to.*

*Adjourned accordingly at fifteen minutes past Five o'clock.*

# Westminster Hall

*Tuesday 7 March 2006*

[JOHN CUMMINGS *in the Chair*]

## Employee Share Schemes

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Dawn Primarolo.]*

9.30 am

**Mr. Mark Hendrick** (Preston) (Lab/Co-op): I am fortunate to be selected to have this debate. As a Labour and Co-operative MP, I believe that it is important for employees in an enterprise to have a stake in the business in which they work, for a variety of reasons. First, a stake incentivises them, because they are likely to be more motivated to ensure that the enterprise is a success. Secondly, a stake tends to give the employee more influence in the running and operation of the enterprise than if they had no stake whatever in the company. To some extent that gives the employee a voice and allows various democratic influences to be brought to bear on the enterprise. Co-operative businesses have played a role in achieving those outcomes, but employee-owned and trust-owned businesses generally have also operated to some degree on that basis.

I shall propose a number of ways of improving the tax and legal regimes that affect the environment in which employee share schemes operate. Following that, I intend to suggest the setting up of a support unit working alongside the Inland Revenue to deal with the non-financial aspects of employee share ownership.

The Employee Share Schemes Act 2002 was carried through the House by my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz). It received strong support from the Co-operative party, and its passage was also assisted by the advice and guidance of Job Ownership Ltd, which, for those who are unacquainted with it, is an association of employee-owned and trust-owned businesses.

There are a number of key points to be made about employee share ownership schemes. First, employee financial participation is welcomed by the Government and has grown significantly, owing to favourable tax treatment, in particular my right hon. Friend the Chancellor's tax advantaged share incentive plan and his enterprise management incentives share option plan, both of which were introduced in 2000. However, research shows generally that employee financial participation alone does not transform employee commitment or greatly boost productivity.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): My hon. Friend is a fellow Labour and Co-operative Member, as, indeed, is my hon. Friend the Member for Edinburgh, North and Leith, who has done so much in this and the previous Parliament. Does he agree that, for employee commitment and all the other benefits that can come from employee share ownership, it is important for a broad-based ownership to arise from the use of such measures and any fiscal incentives? There is some evidence that ownership is sometimes restricted to the upper tiers of the employees—directors and others. There have also been some rather unfortunate activities, as in QinetiQ and elsewhere, which bring such activity into disrepute.

**Mr. Hendrick:** I totally agree. Indeed, I will propose that share ownership plans that provide facilities for wider participation, involving not just the big boys at the top in management, should receive tax advantages that other employee-owned trusts should not.

Research generally shows that employee financial participation on its own does not transform employee commitment or boost productivity. Improved commitment and productivity require three components from employers: financial participation, to which I have referred, a serious commitment to employee involvement, and some form of collective voice for employees. The significance of achieving a collective voice cannot be overemphasised. The current tax treatment of employee share schemes needs to be reformed to remove the barriers, so that some key means can be used for that collective voice, namely in the employee trusts.

Before I go into more detail, it is important to distinguish between the various types of share ownership that are available. First, there is direct share ownership, whereby workers own their shares individually. Secondly, there is indirect ownership, whereby shares are held by or for employees collectively in some form of trust. Direct or individual share ownership can give employees a real sense of owning a piece of the business. Indirect or collective ownership through a trust is, some would argue, even more important, as it provides the collective voice that is vital to the mix of the three components.

A trust may often offer the only affordable vehicle for achieving employee ownership in the first place and provides a secure block of shares that cannot be traded, which protects the business against instability or predators. Individual shareholdings, with uninfluential voting rights, do not in themselves create a strong basis for employee involvement. An employee trust with a significant shareholding adds that extra dimension. Trustees have to take into account the interests of beneficiaries. An employee trust provides a means of rewarding employees financially, and can deliver the necessary employee involvement and collective voice to ensure that the three key components boost productivity. An employee trust designed to benefit all employees in that way is less likely to be abused by the few.

However, various problems still loom. First, the employee trust structure is at a tax disadvantage as compared with the treatment of direct shareholdings. Most of the relevant tax incentives focus on direct—that is, individual—employee share ownership, which is only one of the components and the least likely to produce stable employee ownership. There is no corporation tax deduction for a company contributing to an employee trust if the trust retains those shares for the long-term benefit of staff. A previous deduction was removed in the Finance Act 2003, because Her Majesty's Revenue and Customs was trying to stop trusts being used for tax avoidance. It is important to make a distinction between trusts that are set up to benefit all employees in a company and those that are set up to benefit just one or two people—the fat cats.

*[Mr. Hendrick]*

There are no tax breaks at all for employee trusts with long-term shareholdings. There is also some complexity in the system, in that companies must have one trust to hold shares for any period and a SIP trust to distribute shares tax efficiently to employees. That is costly in both fees and time.

The SIP tax breaks are given if an employee agrees to keep his shares in a SIP trust for five years. That is considered by some to be too long to make employees wait before they can sell shares that they have bought as part of a SIP scheme, and it might be regarded as a reason not to buy shares in the first place. However, it can also be argued that if the period were to be less than five years, the investment might not be considered to be long term.

Returning to the benefits of tax breaks, existing law has various ways of trying to prevent abuse and target tax benefits. The SIP, for example, requires all employees to be offered participation, and to participate on similar terms. The EMI plan is available only to companies in certain qualifying trades with gross assets of £30 million or less. Any change must be carefully focused to avoid abuse.

What changes are needed? My right hon. Friend the Paymaster General should consider the likely impact of shortening the SIP waiting time, before which employees who have bought shares under the scheme can sell them, to less than five years. That might encourage share ownership generally. I would not like the five-year rule to be abolished if the result is that things do not work so well in terms of wider share ownership and the SIP scheme, which has been a considerable success.

Consideration should also be given to the statutory recognition of an acceptable—in tax avoidance terms—form of employee trust, contributions to which are tax deductible even if shares are held indefinitely in the trust. That is to say that there would be no corporation tax on money that an employer put into that trust. The trust structure could be simplified so that a single trust could hold shares for a long period, and easily and efficiently distribute shares to employees. There is a way to achieve both those aims in a manner that focuses on the tax break and avoids abuse, by building on the tax break introduced by the 2002 Act.

The Government accept that if a stake of at least 10 per cent. is bought by a SIP trust from individual shareholders, the company financing the purchase can get a tax deduction, and the SIP trust can take up to 10 years to distribute the shares to employees. There is also a suggestion from JOL that the 10-year requirement be removed for a defined class of eligible companies. The defined class could be based on the EMI qualifying company tests in order to show its availability. In that way, eligible companies would get a tax deduction for shares bought and held permanently in the SIP trust. The SIP is an approved plan and so is subject to Her Majesty's Revenue and Customs scrutiny, again to prevent abuse. Many would argue that if such tax breaks were created within the SIP legislation a company would need only one employee trust—a SIP trust—to hold shares for a long period and to distribute them to employees.

I propose setting up what I would call an employees direct unit to deliver and promote the productivity benefits of employee share ownership. It would raise the Government's profile in relation to employee ownership, through both the number of companies that introduce the SIP and the way in which they operate it. Companies that follow Government guidelines and what I would call best practice, and introduce employee ownership alongside true participation, will be more likely to achieve enhanced productivity.

Government support for the introduction of the SIP, through the offices of the Inland Revenue, is based only on the financial aspects of the scheme in the form of tax relief. The problem with that is that companies will continue to regard tax relief as the main purpose of the scheme and will pass that message on to their employees. Only enlightened and committed companies will seek to introduce complementary participation schemes; hence the need for the employees direct unit, which would deliver and promote the productivity benefits of employee share ownership schemes.

**David Taylor:** My hon. Friend mentions the potential benefits of employee participation. He makes an elegant and persuasive Budget submission, even at this late date. Does he agree that to achieve one of the benefits of employee share ownership—more tranquil industrial relations, which has generally been obtained where employee share ownership has been widespread—employee participation is vital? It is much more than just a fiscal incentive. If people feel part of and valued by an organisation, the former tension between management and work force will be replaced by something more positive.

**Mr. Hendrick:** I totally agree. We need to change the culture and the way in which business operates. Instead of there being a them and us between management and work force, there needs to be a culture of involvement and participation, and the democratisation of the workplace. Only by giving the employee a stake in that enterprise—

**David Taylor:** A voice.

**Mr. Hendrick:** And a voice. Only then will that be engendered. Schemes should be seen not just as providing a tax break or—some would say—a tax dodge, but as a means of enabling a new culture to permeate the British workplace. If the Government were to set up such a unit, to work alongside the Inland Revenue, they would play a great part in promoting that culture.

**Mr. Philip Hollobone** (Kettering) (Con): I have listened carefully to the hon. Gentleman. Does he think that his latest proposal would be appropriate if applied, for example, to the Post Office?

**Mr. Hendrick:** I am being asked to tread on some controversial ground. I would not want to comment on any specific business. All I would say is that if that culture were to permeate business, the biggest benefit would be to private business and publicly owned companies. While there is scope for that, it would need to be considered in a different light.

The Government cannot hope to reap the maximum reward of improved productivity if they do not provide clear, constructive advice to companies and organisations on what we regard as best practice in the implementation and operation of employee ownership schemes. They are being too optimistic if they believe that a scheme can be introduced on a purely financial basis, and succeed. The introduction and operation of such schemes in any company is a complex process, which depends for its success on effective communication, ongoing provision of information and a clear commitment to the concept of partnership across the organisation. We cannot assume that companies will automatically understand that without the information, clear guidance and examples of best practice that the Government could give. If companies are left to learn by experience, their enjoyment of the benefits of employee ownership might be delayed or not fully realised.

If the Government wish to reap the greatest productivity rewards from employee ownership, they should be proactive and should, from the outset, provide advice and assistance to companies on human resource-based policies that will enhance the introduction of the SIP and establish a participation audit for the operation of such schemes. Therefore, I request that a new dedicated unit be established to work alongside the Revenue on the non-financial aspects of employee ownership: collating research, information and case studies on best practice, providing training for employee trustees, and, if thought fit, establishing a code of conduct for all companies that wish to participate in the SIP.

The Government should consider giving statutory recognition to an acceptable form of employee trust, contributions to which would be tax deductible even if shares were retained indefinitely in that trust. Such a trust could benefit from other tax advantages to promote employee ownership, such as an exemption from the loans to the participators' provisions and other measures to remove the barriers that I mentioned and even to encourage such trusts.

I acknowledge the positive steps taken by the Government to foster employee share ownership, and the need to prevent and address tax avoidance, but my proposals merit serious consideration. I respectfully ask the Paymaster General to let Treasury officials consider them to see whether they could supplement and enhance the Government's approach to the wider encouragement of employee share ownership schemes.

9.51 am

**Dr. Vincent Cable** (Twickenham) (LD):I welcome the hon. Member for Preston (Mr. Hendrick) to the Chamber and thank him for securing a debate on this important subject, which perhaps does not get the discussion and analysis it deserves. It is useful to point out at the outset that although worker share ownership has been described in a generic way, we are talking about different philosophies and approaches. On the one hand, we have worker, co-operative type structures that are all-inclusive, equitable and have one philosophy. On the other hand, as the hon. Member for North-West Leicestershire (David Taylor) reminded us, there are share option schemes of the kind that are common in the United States, which are designed to remunerate highly paid management employees and are highly exclusive. Such schemes have a completely different philosophy and different consequences. When we talk about worker share ownership, we need to be clear that there is a wide continuum of different kinds of animals.

There is a long history behind such schemes. The idea is not new and has been through many changes over the years. I was born and grew up in the city of York, and my parents worked in the Rowntrees and Terry's factories, where the idea of worker share ownership has been around for generations—when the divvy came was always a talking point in the family. The concept has been embedded for a long time. Whatever their other consequences, such schemes created much better labour relationships. There were rarely any industrial disputes at Rowntrees or Terry's, as there was a sense of involvement. However, it shaded into paternalism; that is one aspect of the schemes about which the trade union movement has been nervous over the years.

The development of worker share ownership had a burst of life with the intellectual debate in the 1960s, when people were looking for middle ways between socialism and raw capitalism. Certainly, people in the liberal tradition argued strongly for that model. However, it was criticised by at least sections of the trade union movement on two grounds, the first of which was that it blunted what were, in many cases, clear divisions of interest between owners of capital and workers—although that may not have been right, politically. The more serious and practical objection, which is relevant to this day, was that it increased the risks to workers. They are always at risk of losing their jobs, and occupational pension schemes if they are tied to a particular employer. It was thought that those who owned shares were exposed to an additional, highly concentrated risk. That downside has been widely understood over the years.

The next stage at which worker share ownership had a new lease of life was in the early 1980s, when people were looking for alternatives to the incomes policy of trying to get the work force to appreciate the problems associated with the profitability of companies, and to moderate pay claims. There was a strong stream of thinking led, I think, by Sam Brittan of the *Financial Times*, which Nigel Lawson, or Lord Lawson as he now is, took up when he was Chancellor, to encourage worker share ownership, with one of the objectives being to moderate pay claims. There was a different element in the argument. I make those points to stress that different people have come at this subject for different reasons over quite a long period.

The hon. Member for Preston rightly wanted to concentrate on the advances made in the period of Labour Government. He rightly said that there has been a big step forward in enlarging worker share ownership. There is also the separate system of share save, which is about taking options rather than taking shares. It reduces the risk but might be less remunerative. There are different models even within the current arrangement that the Government have introduced. A large number of companies are now involved. Some 6,400 have a form of employee share ownership, and the total business is about £20 billion a year. We are talking about substantial amounts.

*[Dr. Vincent Cable]*

I shall trespass on the rather sensitive question of how we take this matter forward, as raised by the hon. Member for Kettering (Mr. Hollobone). The Government could use their few remaining publicly owned assets to develop share ownership. The sensitive subject of the Post Office has been touched on, and I shall touch on it again, because we raised it at our party conference this weekend.

We have adopted a model for the Post Office that would involve selling 49 per cent. of Post Office shares to employees and small investors, and dividing the remaining 51 per cent. equally between a state golden share and a John Lewis-type partnership. We argued for that because previous attempts to use privatisation as a way of developing worker share ownership foundered in the case of the National Freight Corporation, in which the people who were given shares quickly disposed of them in the secondary market. It simply became another private company and any sense of employee involvement was lost. The way to get around that would be to have a John Lewis trust model, whereby the shares are kept within a trust structure that is not diluted. That is the best way of keeping the motivation.

**David Taylor:** The hon. Gentleman describes his party's U-turn on the Post Office over the weekend. Does he believe that such an arrangement would soothe industrial relations between the Post Office's management and work force, which are notoriously fractious, although they have been quieter in the past year or two?

**Dr. Cable:** The hon. Gentleman is right to say that relations are notoriously fractious. My experience is that there is a particular problem in the large postal sorting offices in London, but that in some of the smaller operations, such as the one in south-west London, where I am the local MP, relations are very good. I have always found the representatives of the work force there with whom I have dealt constructive, although they have rejected the option that we suggest because they think that it would open the way to what they see as the wrong kind of privatisation. That is a legitimate point of view, but we think that if it were done in the right way, it would do exactly what he wants: increase motivation and involvement.

The other way in which the Government could advance the situation is through the tax regime. We need to consider seriously two proposals made by the hon. Gentleman. The first is the suggestion that we restrict tax privileges in certain areas to schemes with which there is a genuine model of participation and involvement, rather than share option schemes of the QinetiQ type model, with which there are elements of serious abuse. I have secured a debate to discuss that in an hour or so. If such privileges can be narrowed to areas of genuine participation, that would be more appropriate and less costly to the Treasury.

The hon. Member for Preston's other proposal went in the opposite direction: that we should enlarge tax privileges to be sympathetic to trust arrangements. That is a good suggestion. I do not know what it would cost—perhaps the Paymaster General will tell us—but the concept seems right. It is unfortunate that because of measures to prevent tax evasion or avoidance by unscrupulous operators, good schemes such as those provided by John Lewis, Ove Arup and the Bader Foundation have found themselves at a disadvantage. It would be helpful to find a way around that.

The final point that I want to make is that not only a lot of anecdotes but a lot of research have come out of the United States, among other places, where there are good and well conceived worker share ownership schemes linked to participation. Empirical evidence shows that that does a lot to improve productivity and motivation. Common sense would suggest that that would be the outcome.

**David Taylor:** The hon. Gentleman cites the example of the United States of America. Would he care to speculate on the spectacular problems encountered by United Airlines, where the majority of shares were owned within such frameworks?

**Dr. Cable:** There are risks with such schemes. As the hon. Gentleman well knows, much of the airline industry in the United States is bankrupt and there are risks as well as benefits associated with worker share ownership. That is why people putting all their eggs in one basket, with workers having almost all their asset wealth in shares in their own company, is not sensible. However, it is almost certainly sensible for them to have some involvement. As I suggested, research shows that the outcome is generally positive.

My final point repeats one made by the hon. Member for Preston. In order for worker share ownership to be broadly accepted and to gather wide political support, it has to be seen to be genuine and not simply an excuse for the kind of share option schemes that we have seen in some companies which have involved serious abuse.

10.1 am

**Mr. Mark Hoban** (Fareham) (Con): I congratulate the hon. Member for Preston (Mr. Hendrick) on securing the debate, which raises important issues about how we should align the interests of the work force and employees with the interests of the owners of a business. One reason why we have share option schemes is to strengthen that alignment of interests so that both employees and shareholders work in the same direction to strengthen the business and bring about its goals. That is an important reason why so many share option schemes are available.

The hon. Member for Twickenham (Dr. Cable) said that there are 6,400 share schemes. It is interesting to break that down and consider their availability. Just over 1,000 all-employee share schemes are available. A good proportion are in listed companies, so that 93 of the FTSE 100 and 160 of the FTSE 250 have all-employee share schemes. If we compare the number of all-employee share schemes with the number of discretionary share option schemes, we start to see the difference opening up. Although there are 1,000 all-employee share schemes, there are more than 6,300 discretionary share option schemes, predominately among unlisted, private companies. If we are to align the interests of shareholders and employees, it is important that we also take into account the number of unlisted companies with share schemes as well as the number of listed companies.

The hon. Member for Preston waxed lyrical on the benefits of aligning ownership and employment. I am surprised that he did not grip with more enthusiasm the suggestion from my hon. Friend the Member for Kettering (Mr. Hollobone) that the model that he outlined should be applied to the Post Office. The hon. Gentleman was somewhat reticent in identifying the way in which the interests of postal employees could be aligned with those of management by introducing an element of employee share ownership. I am sure that the Secretary of State for Trade and Industry would be interested in considering the ideas that he has put forward, in order to introduce such a congruence of interests in the Post Office. Perhaps we would see a continued improvement in industrial relations if that were to continue.

There is a reluctance at times from the collective voice of employees—the trade unions—to embrace employee share ownership. The hon. Member for Twickenham referred to the National Freight Corporation and the way in which employees sold their shares in the secondary market. I also understand that the trade unions representing those employees were reluctant to encourage employees to take up the ownership of shares in the corporation.

The subject is important and we need to recognise the continuum of interest. There are businesses that are happy to ensure that a share option scheme forms part of the remuneration of their employees and to encourage the identification of a common interest, but there are those who want to move further down the route referred to by the hon. Member for Preston, where share ownership is allied with more formal participation and a collective voice on the way in which the company is run. Many businesses will go for the share option scheme and will be able to introduce that, but will not go down the route of greater employee involvement. Businesses in my constituency, particularly the smaller businesses that might not have employee share option schemes, find ways to ensure that employees are engaged with the business. They have regular consultations about the productivity and profitability of the business, and try to encourage input from employees. They do not necessarily need to go down the route of share ownership to have that involvement in the way in which the business is run.

I was slightly concerned by the direction in which the hon. Gentleman was heading when he talked about the employees direct unit. I was not sure whether he was suggesting that it would be a precondition of tax incentives for employee share ownership to have greater participation in the running of the business. He talked about participation orders, which sound quite expensive. I am not sure who would fund the participation order—the business or the taxpayer. We would need to consider that.

The hon. Gentleman also referred to a code of conduct being required for businesses with share options and share ownership schemes. Again, it was not clear whether that code of conduct would be compulsory and whether employers who did not wish to set up some mechanism for employee share owners to have a collective voice would be forced to go down that route. We need to be careful that in trying to promote the goal of one distinct model of employee share ownership and participation through the combination of the three conditions to which the hon. Gentleman referred—financial participation, employee involvement and collective voice—all employee share schemes do not cease to be attractive to employers as a means of remuneration. I was not sure where he was heading, and whether he wanted a voluntary or compulsory scheme. Perhaps he would like to elaborate.

**Mr. Hendrick:** I was not trying to be prescriptive with any formula for any particular company. I was trying to give an impression and idea of what needs to be involved, so that we can move towards a generalised model that would allow participation, give a voice and be financially beneficial to the companies and employees by providing tax incentives and tax breaks. I would not say that anything should be conditional on a code of conduct, but such a code would be strongly advised if companies want any of the schemes that they may wish to operate to succeed.

**Mr. Hoban:** I am sure that I and others will be reassured that the hon. Gentleman meant a voluntary scheme. That would remove some of the disincentives that might arise if codes of conduct and participation orders became compulsory or even strongly advised. They could act as a disincentive for employers who wish to introduce employee share schemes. It is important to consider that. We would not want to see a decrease in the number of employee share schemes.

The hon. Gentleman identified a means by which the effectiveness of the beneficial impact of such schemes on businesses might be increased, but I do not think that we should be forced to go down a particular route to maximise the benefit. There are a range of reasons why businesses would introduce share option schemes, and they are not necessarily all of the model that he identified.

Following a significant expansion in the number of share option schemes, approval of such schemes is starting to tail off. It is interesting that 120 save-as-you-earn schemes were approved in 1999–2000 but that that fell to 38 in 2003–04. It might be argued that that was a consequence of the introduction of the share incentive plan, but there again the number of plans that have been approved has fallen from 220 in 2001–02 to 95 in 2003–04.

An issue therefore arises about the take-up of those schemes and the number of businesses that want to establish new schemes, particularly given the large gap between the number of all-employee share schemes, which is just over 1,000, and discretionary schemes, at just over 6,300. We need to continue to consider the matter and to find new ways of encouraging employee share ownership, to bring about greater alignment between the interests of employees and shareholders. I am sure that the House and the Government will return to the topic.

10.11 am

**The Paymaster General (Dawn Primarolo):** I congratulate my hon. Friend the Member for Preston (Mr. Hendrick) on securing this important debate. From the comments made by the hon. Members for Twickenham (Dr. Cable) and for Fareham (Mr. Hoban), there appears to be agreement across Parliament on the importance of providing for employee share ownership,

*[Dawn Primarolo]*

notwithstanding the need to consider safeguards in ensuring that the schemes achieve their objectives, as mentioned by my hon. Friend.

I want to reinforce the important points that my hon. Friend made about the importance of share ownership: it gives financial participation; it can bring about a commitment from employees and employers in partnership; and it can, if other arrangements are established, give a collective voice not only to employees but to everyone who wants their business to prosper. I recognise the contribution not only of my hon. Friend, but of those who have been involved for a considerable time in the development of policies on employee-owned businesses. That has contributed to a rich and important debate not only in Parliament but in the country. I particularly want to mention the Co-operative parliamentary group, which continues to make important contributions.

The Government have shown their commitment to employee share ownership with the introduction in 2000 of two extremely generous schemes to encourage employees to take a stake in their employer, as my hon. Friend said. They have both been mentioned: the share incentive plan and the enterprise management incentive. In addition, the save-as-you-earn and company share option plans are also available. The SIP plan incorporates specific provisions to enable mutually owned co-operatives to enter into a plan.

In 2002, the Government and the House collaborated with my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on his private Member's Bill, the Employee Share Schemes Bill, which enabled companies to obtain "up-front" corporation tax relief on money given to a share incentive plan trust to buy a larger block of shares. The 2002 Act enshrined in legislation the right to elect worker shareholders as trustees of share incentive plan trusts. That was followed by legislation in 2003 to provide employers with the certainty of a statutory route to a corporation tax deduction for the cost of their employee share schemes.

Reference has been made to the scale of participation. I take in the spirit in which they were intended—of wanting to build on something important—the points made by the hon. Member for Fareham about the number of schemes being registered now. However, more than 4 million employees—nearly 20 per cent of private sector employees—are participating in tax-advantaged schemes. In 2004, more than 6,000 companies were operating tax-advantaged schemes and more than 1,000 were open to all employees. The share incentive plan has become the most popular tax-advantaged all-employee share scheme ever, with nearly 3.9 million people buying shares in 2003–04. There could be many explanations for our reaching the point that we are at, but it is not a lack of popularity, or, currently, lack of participation.

The fact that the schemes are tax advantaged means that the employees benefit from about £710 million in income tax and national insurance contributions relief on shares and share option gains in 2003–04. That is very significant and generous support by any international standards for participation in the schemes.

My hon. Friend the Member for Preston referred to Job Ownership Ltd., and I want to return to that subject. It is important to establish how well the schemes have gone before we begin to consider how to improve them. A recent report published by Job Ownership Ltd called "Shared Company: how employee share ownership works" comments:

> "Largely thanks to HM Treasury's determination to make employee shareholding a serious element in corporate governance, the UK now leads at least its European competitors in both the degree of meaningful employee financial participation, and in the scale of our employee owned business sector ".

We must not be complacent, but that is an important milestone. I was interested in the points made about the need to continue to engage in dialogue to see how we can continue to take things forward, and I should like to deal with some of the specific points that my hon. Friend and the hon. Members for Twickenham and for Fareham made.

The first point that my hon. Friend made was about a major awareness campaign. He mentioned it several times, including when he referred to the employee unit. I was not clear what the role of Government might be in that context. The remit of a number of industry-sponsored organisations includes considering the wider benefits. Perhaps he felt that if things were left to Her Majesty's Revenue and Customs the focus might be only on tax advantage, whereas there are wider advantages. I took that point, although the hon. Member for Fareham rightly picked up on whether he had in mind a complex scheme. I took my hon. Friend's point in its broadest sense of whether a unit with the role of advocacy on a wider basis, without compulsion, would be appropriate.

The Government already participate in the arena of discussion of employee share ownership. I do not have a view, particularly, on whether a unit of the kind in question is necessary, what it would do, where it would fit, or whether it would bring a benefit, and the hon. Member for Fareham made a relevant point about increasing awareness and thus application. Her Majesty's Revenue and Customs does participate in a series of what are called "employer talk" events around the country, at which officials not only talk to business about employee share schemes, and raise awareness, but discuss the wider benefits. The approach of my hon. Friend the Member for Preston is interesting, although a lot of work would need to be done on it. However, I am happy, as always, to tell people, including those outside the House who advocate such an approach and who have a contribution to make on improving schemes, that speaking to officials at HMRC who deal with such issues is an important first step. I do not know exactly what that would entail, or whether it would be appropriate, but I am happy to take such representations to my officials.

I would also need to be sure that we were adding something. We need to have a view of the current situation and of why employees and employers take up share ownership schemes. What do they feel the benefits are? What are the major drivers and how might we measure them? Is there a gap in understanding or can more be said about productivity and participation? If so, what is the appropriate unit? I am a Treasury

Minister, and before Treasury Ministers agree to spend money, they need to be assured that there is a purpose to doing so and that there will be an outcome.

**Mr. Hendrick:** Does my right hon. Friend accept that many people believe that the SIP scheme and other schemes are a means of giving financial advantage to the share ownership? As I said, participation and a collective voice would go a lot further towards promoting such schemes and making them more successful. If she agrees, would she also accept that the Government could facilitate that process, if not through the unit that I suggested, then through the Department of Trade and Industry or HMRC?

**Dawn Primarolo:** I was coming to SIPs, but I would make one point to my hon. Friend, which was mentioned by the hon. Member for Twickenham. Share ownership schemes, by themselves, might not be enough to achieve all the objectives that my hon. Friend identified. I think that everyone who has spoken would agree on that. We need to consider other changes in the workplace, as well as attitudes to partnership and involvement in the workplace. That will need to involve not only employees, but management, which takes me back to his point.

SIPs are the largest schemes; they are all-employee and very successful, and a lot of taxpayer's money is invested in the SIP principle through reliefs. A review of SIPs is under way, and internal research contractors have been engaged to carry out detailed research into employees' and employers' use of SIPs and to evaluate the policy's impact. On the financial side, we know from the sheer numbers that take-up is very high, but we need to look at the wider issues. That research will be published in due course, although I do not have a date for that. Like today's debate, that would be an appropriate time for anybody with ideas for improving schemes, and particularly SIPs, which have been the major issue this morning, to put those ideas forward.

Specifically on SIPs and trusts, the Government are not against including mutual or trust-owned businesses in a SIP if the right way of doing so can be found. My officials and I will continue to consider proposals from trusts, employee-owned companies and mutually owned organisations, but any arrangement would need to meet the Government's aim of linking employees' effort and commitment with outcomes such as productivity, a voice, participation and performance, as my hon. Friend said.

Regrettably, there are those who, regardless of Parliament's intent, seek to use tax reliefs, including even those that apply in this area, in ways that were not intended. Given that experience, there is always a precautionary principle. As a Minister, therefore, I am somewhat reluctant to go beyond what is offered now until the case for doing so is absolutely established. However, where companies allow their employees to hold a real stake through direct shareholdings, and that is done in conjunction with wider, good employee participation measures, there is evidence that the company's productivity and performance will improve. The Government's tax advantage schemes are a good basis on which to align treatment of such issues.

My hon. Friend also mentioned trusts, which involve complex issues. Companies have a choice about which structure to use. When the Government offer a complete scheme, we cannot go into all the vagaries, reflecting what every company might like: we offer a general scheme, and companies have a choice about which structure to use. Some use SIPs with tax breaks, and others use a trust, including a SIP trust that involves tax breaks. I agree that that is more complicated. If we add two trusts to a financial and legal chain, it is bound to be more complicated, but that is the company's choice. Perhaps we need to consider that.

As I said, however, it is a sad fact of life that employee benefit trusts can be used to enable employers and employees to avoid paying their proper share of tax and national insurance on employment reward. The problem takes many forms. An employer might offer an employee a way of apparently earning less, but in fact getting more. It might reduce the employee's tax and national insurance liability, and the individual will go for it because it makes economic sense. When everything is unwound through the system, and the mechanisms that are used are identified, particularly by the tax authorities, it is then suggested that that was not actually the intention.

My hon. Friend referred to the changes in 2003, which ensure that companies get corporation tax relief where the employee reward is in share-based form and is properly subject to tax and national insurance. I am sorry to say that any change must still fit in with those changes. There have been repeated discussions across the board, including with established and good companies, such as the John Lewis Partnership and its advisers, which have sought a proposal allowing them to put in place new arrangements. However, there have been difficulties at every stage, and the tax authorities immediately felt uncomfortable, not about the intention of those who made the proposals, but about the possibility that others outside that circle would be able to use the relief in ways that we could not allow.

The five-year rule for SIPs was part of the consultation that took place before they were set up. All the advice was that five years was a reasonable period for which to give employees a stake in a business and for employees to have a voice in the choices that influenced that business, as opposed to having a tax-reduced way of receiving employment income. That is why we have five years. We should wait to see what the research says, but I have seen nothing advocating that five years is an unreasonable period. Of course, the shares can be removed between three and five years, but a different regime applies in that respect.

I referred to Job Ownership Ltd., as did my hon. Friend. He will know that the Chancellor spoke at its conference last year and that representatives from that organisation have met officials to discuss share ownership through a trust structure. I have said that we are committed to listening to such ideas and that if we can find a way, and if proposals come forward that meet with his agreement—it depends on whether they cost a lot of money or not and there might be other priorities—we are prepared to take them forward.

On the Royal Mail, I have only two things to say on Government policy. First, other people can say what their policy is, but the Government have no plans to privatise or part-privatise the Royal Mail. Secondly, however, as the hon. Member for Fareham said, it does not need to be privatised or part-privatised for those within the organisation to favour some form of

*[Dawn Primarolo]*

employee share scheme. I understand that some are in favour and that the Department of Trade and Industry is willing to consider such a scheme. Again, that depends on the proposals. Let us not suggest that the Royal Mail has to be privatised to get share ownership. That is, rightly, a commitment that can be achieved, as others have said.

I again congratulate my hon. Friend on securing the debate. I am heartened, and I hope that he will be, that this might just be the first debate on employee share ownership in which all three political parties present—the Conservatives, the Liberal Democrats and Labour—have talked about making a commitment to it. We are clearly saying that it must be done in a structured and not overly complex way that protects the taxpayer from its being used inappropriately. It should enhance employee participation and voice, create improvements in productivity and give them an important stake.

Leaving aside the fact that my hon. Friend now has my agreement to go away to examine a number of things, he should be congratulated on, and heartened by, the fact that at last we have reached the point at which the political parties are agreed that this is the way forward. That must surely lead to a blossoming in the future development of employee share ownership.

10.32 am

*Sitting suspended.*

## Competitiveness (Northern Ireland)

11 am

**David Simpson** (Upper Bann) (DUP): I am grateful for the opportunity to debate an issue that is crucial to the future of Northern Ireland. I thank the Under-Secretary of State for Northern Ireland, the hon. Member for Basildon (Angela E. Smith), for attending today. She is a very busy lady and I appreciate her giving her time to be here. She is one of the direct rule Ministers who pays a lot of attention to Northern Ireland and is dedicated to it—so she tells me.

The economic competitiveness of any region is of immense importance to its people, their standards of living, their ability to care for the weakest members of society, the upbringing of their children and their ability to provide for their own retirement. Northern Ireland is a small regional economy within the UK economy, similar to but smaller than Wales, north-east and north-west England. It accounts for 2.9 per cent. of the people of the United Kingdom and just 2.6 per cent. of its expenditure. Northern Ireland's economy has experienced severe strains over recent decades, not through any lack of inventiveness on the part of its citizens or any lack of ambition on the part of its business community, but because it was directly and systematically targeted by terrorists, who calculated that, by planting bombs, setting fires, threatening business men and extorting money from them, they could not only terrorise the community, but destabilise the economy, make Northern Ireland less attractive to potential investors and thereby cripple the entire society.

Undoubtedly, inward investment and business growth were hindered during the years of intense terrorist campaigns. The provincial towns, as I am sure the Minister would agree, were more badly hit than other areas. They were attacked by the bombs, fires or whatever. It has been difficult. None was more affected than my own constituency. Lurgan town was badly affected by bombs, little money was put into the infrastructure and it needs a lot of investment. I would appreciate it if the Minister used her influence with the other Ministers involved, so that some money was poured in to help the regeneration company, Lurgan Forward, which has done tremendous work over the past 10 years but needs Government help and funding to push it forward.

The Government's response has been to prioritise inward investment, and help to keep society stable and the economy moving by enlarging the public sector. Consequently, and for understandable reasons, our public sector has significantly outgrown the private sector. In recent months, the competitiveness of our economy has come under more subtle pressure, thanks in no small part to the comments of the Secretary of State for Northern Ireland, who, while in America, said that the Northern Ireland economy was unsustainable, despite the fact that the single biggest factor in deciding whether a potential investor comes to Northern Ireland, or locates in the Irish Republic, is not in the control of anyone in Northern Ireland, but is the Secretary of State's responsibility. I refer to the level of corporation tax, which is entirely in the remit of Government and which, in comparison with that of our nearest competitor to the south, has a detrimental impact on our

economy. I have raised that matter in the House and we shall return to it later in this debate. However, for the moment, I make it clear that, if any chief executive of any commercial enterprise said the things about its products or the company that the Secretary of State said about the Northern Ireland economy—especially if it related to a matter pertaining exclusively to his own responsibilities in his post—he would very quickly find himself on gardening leave. Business people, politicians and civic leaders were busy trying to promote Northern Ireland, but our Government were busy chipping away with a pick axe at our economic bedrock.

For the Secretary of State to say what he did in America, of all places—the biggest source of foreign direct investment in Northern Ireland—was particularly ill judged and damaging. It was carelessness of a kind that no community should have to experience and it also ignored certain key facts. Northern Ireland gross domestic product growth has equalled or outperformed the UK average since the mid to late 1990s and manufacturing output has outperformed the UK average since the late 1990s. Output grew by 2.3 per cent. between quarter four of 2003 and quarter four of 2004, compared with 0.6 per cent. on the mainland, with proportionately fewer job losses than in the UK. Employment is at a record high, with 10,830 jobs created in the last 12 months. Unemployment is at a 26-year low and has been below 5 per cent. for 43 consecutive months. Northern Ireland is currently the fourth best performing of the 12 UK regions.

Despite all the turmoil, violence and death visited upon the Province by terrorist organisations, Northern Ireland's people continued year on year to prove the lie of a former Prime Minister, who described them as "spongers". The resilience, inventiveness, and dogged iron will of its people not to let adversity overcome them convinces me that, given the proper opportunity, business in Northern Ireland can prove to be as good, if not better, than anywhere in the British Isles. But it must be given a fair opportunity.

Despite the Secretary of State's comments on these matters, he has identified certain things that are relevant to today's debate. Northern Ireland's apparent strong performance conceals underlying structural weaknesses, which are well documented. Although we do not have the time to go into those in full detail today, they can be summarised as follows: an underdeveloped private sector; an over-dependence on the public sector; low levels of business formation and research and development spend; low participation in the labour market; high long-term unemployment; uneven sub-regional growth; and the £5 billion annual subvention from GB, which I agree is not sustainable. To that could be added the demographic time bomb of 40,400 people going into the work force in the next decade. On that measure alone, Northern Ireland needs 4,400 new jobs annually just to stand still. If we add to that the Government targets on civil service reductions and the indications in relation to the economically inactive, we shall need 141,000 new jobs by 2015 just to stand still.

As can be seen from all that, we are still facing major economic challenges. The Secretary of State has drawn attention to the need to transform Northern Ireland from a public sector-reliant economy to a highly efficient and competitive private sector-led economy. We in my party agree and are keen to discover what steps he has taken to date, what he proposes to do to facilitate that transformation, over what time scale and what the annual targets are for that transformation. Perhaps the Minister will outline some of those things for us today.

Government cannot do the job of business, but must create the conditions in which business can compete and win. It should be clear, from the challenges Northern Ireland faces that I have outlined, that only a managed transition from the current public sector domination to a private sector-led economy will work. I place on record my request that that managed approach be the Government's approach to that crucial task. Perhaps the Minister will confirm that.

Steep tax increases with sharp reductions in public expenditure will stall the economy, already overwhelmingly dependent on historic levels of Government support, and may impact on political and security stability. Managed transition requires steady private sector expansion, continued growth in foreign direct investment, growth in indigenous businesses and increased entrepreneurship.

It should be clear to all that the Government must commit to a privatisation programme, including significant transfers of both service and estate from the public sector. However, they must also pledge that any revenues accrued through such a programme will remain in Northern Ireland by way of investment in our infrastructure, help for new private sector initiatives and assistance for research and development. Again, will the Minister deal with that?

Increasing Northern Ireland's competitiveness will demand the following: a world-class infrastructure, which could be partly funded by a radical programme of privatisation; ring-fencing and reinvesting the proceeds of privatisation to fund new investment and to alleviate excessive long-term debt; and transparent funding of the £14.7 billion investment strategy for Northern Ireland to prevent the Government from mortgaging future generations in Northern Ireland. Will the Minister commit to those essentials today?

I turn to corporation tax. Northern Ireland is the only part of the United Kingdom with a land border with another European state. That brings significant challenges. Not only are we neighbours to another European country, but that country continues to invest massively in infrastructure and, even more importantly, it has a corporation tax rate of 12.5 per cent. According to the former chief executive of the Irish Development Agency:

> "In the battle to attract overseas investment to Ireland, no financial weapon has been more important than tax in convincing new industry to locate here. It remains the IDA's unique selling point, giving Ireland a critical advantage in winning new investment."

The most basic economic analysis indicates what a massive advantage such a low corporation tax rate brings. The number of international businesses with European headquarters in the Republic of Ireland is a testament to that. Almost no matter what else we do in Northern Ireland, while the corporation tax rate differential remains at the present rate, it will be virtually impossible to compete with the Republic of Ireland.

Through parliamentary questions, I have sought repeatedly to get the Government even to acknowledge that corporation tax is a factor, but all to no avail. It is

*[David Simpson]*

clear from my earlier quote that the Irish Treasury, which has been the biggest beneficiary of the different rates of corporation tax, is aware of the significance of that difference, even if the Treasury in the UK, which has been the loser, claims not to recognise it.

The stark reality remains, and it is known by the Government, even if thus far there has been a steadfast refusal to say so openly. Corporation tax has been, if I might coin a phrase, the tax that dare not speak its name. Over the years, pleas for a lower corporation tax rate for Northern Ireland have been made by all parties and dismissed by the Treasury. Those of us who are familiar with the issue are aware of the arguments routinely employed as to why a different corporation tax rate is not possible for Northern Ireland, and we may hear some of them repeated by the Minister today. However, such a change is possible. It is a only matter of will.

It cannot be that the Government are concerned by the loss of a portion of the very modest corporation tax generated in Northern Ireland. The loss of revenue from the reduction in corporation tax that we propose would amount to approximately £350 million, which would be more than offset by increased revenues from new jobs. Indeed, as part of any reduction, the Chancellor of the Exchequer could put in place new job targets for the first and second year. That would wipe out any loss of revenue.

If the Government are serious about improving Northern Ireland's economic competitiveness, the single most significant step that they could take would be to lower corporation tax for Northern Ireland to below the prevailing rate in the Republic of Ireland. In doing so, let the Treasury set annual targets for business growth and new investment, to test my belief and that of the business community in Northern Ireland that, far from reducing tax revenues, such a step would, over time, significantly increase them. I repeat that call again today and ask the Minister to address the issue.

What I ask for could be done in a manner that directly altered the rate for companies already in operation in Northern Ireland, or new foreign investors in the UK. Such a move would prevent companies already in place in mainland Great Britain from upping sticks and setting up a shadow company in Northern Ireland solely to milk the benefits of the lower corporation tax. Perhaps the Minister could give a commitment to give the matter serious consideration. The simple, easily monitored alteration I have suggested would allay the Chancellor's fears that such a system could be massively abused, and would at a stroke ensure that Northern Ireland was able to compete with its neighbour, the Republic.

What objections could central Government, or for that matter the Treasury, have if the result were increased revenue from new, skilled jobs and reduced benefit claims? The only remaining objection would be the old chestnut that we cannot treat Northern Ireland differently for fear of having to do the same for other regions of the UK. The answer to that is simple—when during the past 30 years has Northern Ireland not been treated differently when it suited the Government?

Indeed, there have been examples of time-limited fiscal variations—for example, in relation to the climate change levy and its non-implementation, to assist the development of the natural gas industry. Corporation tax variation is a further measure that could have a dramatic influence for good in the Province, not just for one industry, but for all. Instead of casting around for reasons not to vary the tax, surely the Government should think of the contribution that they could make to the future of the most disadvantaged part of the UK.

As I have stated, corporation tax could be changed directly with very little trouble, and that is our goal. If the Government remain timid about such things, perhaps the Minister, whom I know is certainly not timid, could consult with the Chancellor about alternative ways of getting to the same place. For example, the Government are aware of the proposal that approved and allowable expenditure for research and development and for training and marketing included in the corporation tax computation could be multiplied by a factor of three and allowed as a deduction in arriving at the taxable profits for businesses based in Northern Ireland. Might the Minister and the Chancellor get together on that?

Corporation tax may be the most significant issue for economic competitiveness in Northern Ireland, but it is not the only one. A number of significant problems face various sectors of our economy and they must be addressed. I should like to move on to aggregates tax. The disparity between aggregates tax levels in Northern Ireland and those across the border is both a drain on the Northern Ireland economy and an incentive for illegal smuggling. Given the evasion and avoidance, special arrangements for Northern Ireland could increase the economic competitiveness of the Province without having a significant impact on the taxes raised. Can we have an assurance today that that issue will be taken up? Without that, business will continue to drain away across the border, and no benefit will accrue to the Treasury or to businesses in the Province.

Another matter that I would like to spend some time on is industrial derating. The decision to remove that has the potential to cause the most damage to the manufacturing industry in Northern Ireland in a generation. The decision has had a serious impact on manufacturing across the Province. It is clear that the measure will particularly affect the profitability and viability of a number of businesses, so it is vital that the phasing in of the policy is frozen and that a detailed analysis of its impact is carried out. Unless the proposals are halted, or other assistance is given, many crucial jobs will be lost to the economy. Surely that is not something that the Minister is prepared to contemplate. Perhaps we might hear the Government's view today.

The ending of industrial derating could devastate the economy of Northern Ireland. The competitive advantage in business has tilted dramatically in favour of the south. That decision has no saving graces: our economy will lose jobs, tax revenues and entrepreneurial talent. At a time when Invest Northern Ireland is working to promote the economy, industrial derating will completely undermine any modest advances. Any good work in other areas could be entirely wiped out by that measure, and economic progress could be set back years. I ask the Minister why the Government would act against their own jobs promotion agency.

All that comes when many traditional manufacturing jobs are being lost because of lower costs abroad. There is concern that industrial derating will be very damaging to existing businesses and those that may be considering coming to the Province. Industrial derating was once a selling point and advantage that Northern Ireland offered, but now even that has gone.

Large companies in Northern Ireland operate in extremely competitive international markets on extremely tight margins and cannot increase prices to absorb such cost increases. Industrial derating will hit hardest the bigger companies, particularly those with large premises. By implication, they employ the most people, or deal in commodities with tight margins. This state of affairs was brought about not by international competition or by internal terrorism in this instance, but by a stroke of a Government pen. Like Nicodemus of old, I ask, "How can these things be?"

I would like to take a few moments to consider the landfill tax. In the 2003 Budget, which I have raised with the Minister before, the Chancellor promised that any increase in landfill tax would be implemented in a revenue-neutral manner. He promised that additional revenue would be ploughed back by way of grants. However, I have had it confirmed by Stephen Peover of the Department of the Environment, in a letter dated 17 February, that the Secretary of State for Northern Ireland has used his ministerial discretion to ensure that the Chancellor's promise will not be honoured in Northern Ireland, thus placing Northern Ireland businesses at a direct and severe disadvantage compared with the rest of the UK. I ask the Minister to find out how the Secretary of State is using his discretion to ensure that the negative effect of his reneging on the Chancellor's promise will be offset.

There are several other issues that I would like briefly to highlight. Northern Ireland is already at a disadvantage because of higher electricity, insurance and transport costs and waste disposal charges. Even our education system, which traditionally has been one of our strongest selling points, is under threat because of the Government's dogmatic approach. All those disadvantages, which have been made far worse by the Government's policies, must be addressed properly—not to ensure the maintenance of political dogma, but for the good of the Province. What comfort can the Minister give us today?

Far too many of Northern Ireland's potential work force are not economically active. More than 530,000 people—41 per cent. of the working-age population—fall into that category, and there are worrying underlying trends. Since 1978, unemployment has fallen by 45 per cent. and employment has risen by 33 per cent., yet the number of incapacity benefit claimants has risen by 156 per cent. The rise in incapacity claimants is three times the total fall in unemployment. Northern Ireland has the highest long-term and youth unemployment among the 12 UK regions. It is obvious that it needs a vigorous programme to encourage people into the workplace. How does the Minister propose to address the problem? What action will she take? What targets will she set each year to reduce the number of people who are economically inactive?

I would like to mention public sector reform in Northern Ireland again briefly. It is undoubtedly needed. We need less government and better and faster planning procedures. There is no political, social or economic argument for the vast array of Departments and quangos that have been inflicted on Northern Ireland. They have had a stifling effect on the Province and would be neither missed nor mourned. Is the Minister prepared to be as brave as the problem requires, and can we have clear assurances to that effect today?

Northern Ireland does not have a good reputation for being able to deliver quick planning decisions. It is not my purpose to apportion blame for that, but it is important to get it right. No doubt it will take a combination of additional resources, more streamlined procedures and a willingness to take decisions rather than sit on them. Quick decisions are vital to attracting investment and securing jobs. Planning delay discourages private sector involvement and sends out a signal that Northern Ireland is not geared up to do business at the highest level. When opportunities arise, we must be in a position to take advantage of them. We cannot do anything about our geographical location at the edge of Europe, but there is no reason why we cannot have a planning process to rival any in Europe.

What commitments can the Minister give us on that matter? For example, having consulted on the investment strategy, is further time-consuming planning consultation necessary for each project or each part of its implementation? Perhaps the Minister might care to tackle that as well in her response.

In conclusion—I am sure that my colleagues and the Minister are glad to hear those words—we have focused thus far on what the Government can do, but it is important to put it on the record that, if the Government do what they should, it will be up to the people of Northern Ireland to respond and to take advantage of the opportunities. I believe that the whole of the UK will benefit in the long run by helping Northern Ireland now. Northern Ireland has the potential to transform its economy into one that is more balanced between the public and private sector, but that will not happen unless it has the opportunity to prosper. Simply wishing it to happen will not deliver it. The Government must put in place the proper environment.

Today, I have touched on just a few of the many areas that need to be addressed, and I am sure that my hon. Friends will pick up any slack that I have missed. Although many of these matters will ultimately fall to a devolved Administration, others will need the assistance of the Treasury. Either way, Northern Ireland cannot afford to wait for devolution before it makes the changes that are needed to equip our economy for the years and decades to come. The Government have the opportunity to make a difference and to create a Northern Ireland that has not only put violence behind it, but has a secure economic future. I call upon the Government to rise to those challenges.

11.30 am

**Sammy Wilson** (East Antrim) (DUP): I congratulate my hon. Friend the Member for Upper Bann (David Simpson) on securing the debate. The competitiveness of the Northern Ireland economy has been well

*[Sammy Wilson]*

highlighted by recent pronouncements not only by the Secretary of State but by others in Northern Ireland who increasingly realise that we are dependent on the public sector. That is not what people in Northern Ireland want, and it is not sustainable in the long run [illegible]ow. However, when it comes to public [illegible]ncements, it is important that public representatives, including the Secretary of State, should talk up our economy rather than talk it down. We all want to work towards the goal of reducing the public sector, but we can only do that if we engender confidence in the private sector to attract outside investment.

I want to make a couple of general points and then move on to specific points relating to my constituency of East Antrim. My hon. Friend made many references to the tax regime in Northern Ireland, especially the differences between corporation tax in the Republic and in Northern Ireland, which create disadvantages when trying to attract outside investment. There is no doubt about that. The complaints from other European countries indicate that one of the Irish Republic's biggest advantages in attracting outside investment has been the low corporation tax it has imposed on manufacturing companies that export a large percentage of their output.

I know that there has been resistance but, in the long run, reducing corporation tax would not be a cost to the Exchequer. One has only to examine the figures in the Republic. Although its corporation tax is lower than corporation tax in the United Kingdom, it comprises a substantially higher percentage of total tax revenue than corporation tax in the UK. To use the economists' term, the elasticity of demand is such that the lower the tax rate, the higher the total revenue obtained.

If the Minister is concerned that that would lead to unequal treatment for Northern Ireland, it can be offset through the other support given to industry. We should examine the record of Invest Northern Ireland and the number of times that it has been brought before the Public Accounts Committee in this House, where it has been found wanting regarding how public money has been administered and, indeed, the amount of public money that has been spent on companies simply to bolster failure rather than reward success.

Attacking the problem by rewarding successful companies by taking less off them in tax is more sustainable than simply propping up companies through the various incentives and grants given by Invest Northern Ireland. Such a policy would also help to reduce some of the bureaucracy that exists in the grant regime. The approach should be given serious consideration. It does not have to have negative revenue consequences for the Exchequer. It needs more serious exploration. It has been dealt with in a dismissive way in the past. We do not have a unified grant regime, so why do we need a unified tax regime for the promotion of industry?

My hon. Friend pointed out that, if we are to have a competitive economy, we must reduce the high levels of low economic activity—if that is not a contradiction. In Northern Ireland, three times more people claim sickness and disability benefit than in the Irish Republic and twice as many claim as in the rest of the United Kingdom. I do not believe that that reflects the state of the working population. There are structural problems. I know that the Government intend to introduce proposals to deal with those on long-term benefits and it is important that that aspect is tackled.

At the moment, competitiveness in Northern Ireland is bolstered by the fact that large numbers of people have come from eastern Europe to provide labour for many industries. They have made a valuable contribution to the economy of Northern Ireland and it is sad that in recent times there have been attacks on some of those people in the areas where they live. There have been those who see them as outsiders and, for racist reasons or whatever, they have attacked them. In Galen, in my constituency of East Antrim, a large number of immigrants are employed and they make up a valuable part of the work force. That is true in many manufacturing plants and agricultural establishments in Northern Ireland.

I shall use a couple of examples from my constituency of East Antrim to show how public bodies could help to increase competitiveness. One of the issues has been raised in the past by my hon. Friend the Member for Belfast, East (Mr. Robinson) and mentioned by my colleague the Member for—[HON. MEMBERS: "Upper Bann."]—my hon. Friend the Member for Upper Bann.

**Dr. William McCrea** (South Antrim) (DUP): So many colleagues.

**Sammy Wilson:** I have eight of them; I cannot remember where they all come from .

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** It's an age thing.

**Sammy Wilson:** We will never forget.

My hon. Friends raised the issue of the planning regime. Planning has had a detrimental impact on the development of the economy in Northern Ireland. I have mentioned the slowness of the planning regime to the Minister before. In my constituency, the quarry at Glenarm is looking for an extension. It provides not just stone for building roads, but limestone for many industrial products in Northern Ireland that are essential to local industry. However, the issue of whether there can be an extension has been going on for nearly two years. The product will still be needed and, ironically, if the planning permission is not given, limestone will have to be imported from areas of natural beauty and special scientific interest in other parts of the UK, adding to the costs, but not improving the environment in any way. The planning regime has gone tortuously through investigating whether there should be an extension, leaving uncertainty even though there has been huge public as well as private investment.

The port of Larne in East Antrim is now the major roll-on, roll-off port for the whole island of Ireland. It is a valuable gateway for exporting goods and importing raw materials to Northern Ireland. Its infrastructure has been improved recently, thanks to the efforts of my hon.

Friend the Member for Belfast, East when he was Regional Development Minister in the Northern Ireland Assembly. However, he fell short of improving the whole. We have a major port, and half the road to it either way is served by single rather than dual lanes. It is detrimental to the movement of goods in and out of the port. Larne will need expansion, and I trust that it will get the help that has been afforded to ports such as Dublin in the Irish Republic and Warrenpoint in Northern Ireland. The port is an important element in retaining competitiveness in Northern Ireland.

Furthermore, we must have an energy source that keeps us competitive. There is diversity, and East Antrim is one of the main suppliers of power. We use gas, oil and coal. B9 Energy, a firm based in East Antrim, is a leading provider of renewable energy through wave power and, more recently, through capturing the power of underwater currents. A test has been undertaken at Strangford to see how effective it will be.

It is important that we have not only a diversity of energy sources, but a competitive energy market. Despite what some environmentalists say, it is important that we do not put all our eggs in one basket and that Northern Ireland has a range of energy sources.

I again congratulate my hon. Friend the Member for Upper Bann on securing the debate. I look forward to the Minister's answers, and I hope that this debate will be the start of an exploration of how we can improve the competitiveness of the Northern Ireland economy.

11.43 am

**Dr. William McCrea** (South Antrim) (DUP): I join my colleagues in congratulating my hon. Friend the Member for Upper Bann (David Simpson) on successfully securing the debate and ensuring that we discuss an issue that is important to all our constituents. Other of my colleagues want to participate, so I shall not go over a lot of the ground through which my two colleagues have already carefully taken us. Many of those issues will come up, because we must tackle them if we are to deal with the economic advancement of the Province.

I shall make my remarks short, because I want the Minister to have enough time to respond. Often in previous debates, she has been able to say, "I'm sorry, I haven't the time to deal with all your questions," and that was the last we heard of them. We did not get the answers that we needed. It is important that we give her the opportunity to deal with the issues that have been outlined—many of them carefully and in detail by my hon. Friend.

My hon. Friend the Member for East Antrim (Sammy Wilson) rightly mentioned those who are on incapacity benefit, the number of claimants and how the Minister and the Government are trying to tackle the issue across the United Kingdom. I ask the Government to ensure that in tackling a problem, they do not hurt those who are genuinely sick and in need. I make an earnest appeal to the Government: I agree with them that we need to tackle a problem where there is one, but in dealing with it we must be sensitive to those in the community who are weak, sick and unable to contribute. We must not hurt those in genuine need.

There are those on benefits such as incapacity benefit who might be enjoying the mobility benefits available to them while damaging and hurting those who are genuinely in need. For example, I know a gentleman in my locality who seems to run an important taxi service from his mobility vehicle. I make my solemn appeal, because with so many immigrant employees coming into the country and taking jobs in agriculture, engineering or the manufacturing plants left in the Province, one must ask who filled those jobs before that influx of people. We must remember that, especially in agriculture, many of those jobs had existed for a long time. In fact, in the past there were more jobs, because agricultural industry was healthier. One must ask why so many people from across the world are coming in to take those jobs when we have persons in the Province who should be economically active. It is important to find out.

Many of our constituencies have known the benefit of Northern Ireland's historic textile industry, but it has been decimated and crippled. It really is no more, or it is at least right down at the bottom, when it used to be right at the top. The firms moved to other parts of the world not because of corporation tax, but because people were paid buttons to do the work. Many of them were really slave labour. I shall not excuse that, and I make it abundantly clear that a labourer is worthy of their hire, and there ought to be proper and appropriate return for a person who goes out and works.

We have problems in industry. In the South Antrim constituency, why is there an industrial wasteland at Corr's Corner—Global Point in Newtownabbey—when Reg Empey, waxing eloquent as the Minister on one occasion, regarded it as what would be the jewel in the crown of practically the whole United Kingdom? I have asked that question on several occasions and have never received an answer. When I was speaking with Newtownabbey council staff at a function the other day, one lady said to me that people are anxious to go there, but it is still lying as waste.

When I mentioned the issue to Invest Northern Ireland, it said that there were some problems with the new metropolitan plan. Let us be quite honest: if the area has been designated for industrial use, instead of it remaining a wasteland, it is about time that we put it to good use. I ask the Minister to ensure that I have a meeting about that, because we must deal with it. I shall not allow the site to remain a wasteland. It is a disgrace that that is so. If industrialists want to go there, why are they not being permitted to do so? Is it because of planning? My two colleagues mentioned planning problems. I shall not go into that issue, which is a hardy annual for some of us, but hon. Members are angry and frustrated at the slowness of planning decisions and what that means.

We face problems with energy costs and overheads. Electricity costs in Northern Ireland are ridiculous, and we must tackle that. The Government must help to deal with those problems because they create disincentives for people to come to Northern Ireland. We want people to have incentives to come to Northern Ireland. One great incentive is that the vast majority of our population are willing to work, and they are workers second to none. We should harness their energy and channel it into economic development.

I said that I would be brief, and I have only one more point for the Minister. The Government are not harnessing all the virtues of the international airport at Antrim. The airport is second to none, but its value is

*[Dr. William McCrea]*

not being used. One problem that has been mentioned to me is that there is no train connection between the airport and the city. If that is a problem, we must deal with it. We cannot allow the international airport not to have the proper connections or the proper infrastructure to enable it to be utilised in full. The work force within the airport and within Antrim are energetic. In many ways, they are inspired and they are doing everything within their power to ensure that they attract business, but I want the Government to consider what can be done to assist them and to advance things further.

11.52 am

**Mr. Peter Robinson** (Belfast, East) (DUP): I shall take only a quick canter around the course. I think that my hon. Friend the Member for South Antrim (Dr. McCrea) was getting at me because in a previous long debate I left the Minister with a very short period in which to respond. I am delighted that she is in her place. I recognise that she came here at some cost, because another engagement had been in her diary for a long time. She recognised, however, that her first duty is to the House, and rightly so. We are glad she is with us.

I join colleagues in congratulating my hon. Friend the Member for Upper Bann (David Simpson) on securing this very important debate and on his contribution. The fact that short speeches followed has much to do with the comprehensive way in which he dealt with the subject. Such slack as remains relates to the most important area of Northern Ireland—Belfast. Not least because he represents Upper Bann, he neglected to deal with that area in any detail, but as a Belfast MP, I will touch on the issues relevant to Belfast.

First, I agree with my hon. Friend the Member for East Antrim (Sammy Wilson)—just to prove that I can remember the name of his constituency—on the importance of the ministerial team for Northern Ireland talking up our economy. The Secretary of State ill served Northern Ireland when he indicated in the United States that the economy is not viable. Such comments will not encourage outside investors to bring their investment to Northern Ireland and provide much-needed jobs.

I also agree with my hon. Friend's remarks on the Planning Service. We have touched on that subject many times in Westminster Hall and on the Floor of the House. The Planning Service in Northern Ireland is a nightmare. It has lost Northern Ireland more jobs than any other factor, including the troubles, and is slow to respond to important applications. It has in place new procedures to fast-track applications if there is a major implication for jobs in the Province. I think that those procedures dealt with the recent application by Coca-Cola and that they are being applied to the IKEA application. I hope that the procedures work and that they improve the situation.

I shall touch on some "up" factors for the Belfast economy before dealing with some negatives. Unemployment in the Belfast area is the lowest ever on record at 4.9 per cent. Sceptics, if there were any here, might say that that is because the figures have again been doctored. The Government have changed the basis of calculation so often, but I suppose that there is an upside even to that, because if they are employing people to do that it helps the employment statistics. Fifty per cent. of the foreign direct investment companies are based in the Belfast area, and there are two airports and a seaport, all in close proximity to the city. There are 6,135 VAT-registered businesses, and 183,000 people are employed in the city. There are two world-class universities, a well developed knowledge base, and a good and skilled work force.

I have rattled those figures off not simply to prove that my researcher is earning his money, but to avoid the accusation, when I give the next series of statistics, that I am considering only the negative issues. One reason for unemployment perhaps being the lowest ever on record is the fact that the population has declined by 30 per cent. in the Belfast area over the past three decades. In many cases, that has been due to the violence and conflict in the Province, which have been concentrated to a large extent in the city area.

There has also been a decline in traditional industries. The public sector dominance of the employment statistics in Northern Ireland is uncomfortably great, and 72 per cent. of all civil service jobs are in the Belfast area. There is a mismatch between land supply and demand. The city centre is very poorly developed, and there is a fracturing of neighbourhoods. There are high levels of long-term unemployment. There is confusion in governance, duplication of effort and dilution of resources. There is competition from low-cost economies. The cost of doing business in the Belfast area and in Northern Ireland generally is very high. The dichotomy of standards in the education system contributes to our employment difficulties and there has been a very low business birth rate.

The result of all that is that we have an imbalanced economy. It is vulnerable to external market forces. There is a lack of export potential. There is an inability to attract skilled workers to the city. Everything that is generally the case in Belfast applies to my Belfast, East constituency. Several wards there have the highest long-term unemployment and the lowest educational attainment. Therefore, in seeking to underpin what we hope will eventually become a sustainable peace in Northern Ireland, we cannot overemphasise the importance of a strong, prosperous economy.

Our long-established dependence on the public sector is not helping to achieve the increased innovation and entrepreneurship and the competitive advantage required to survive in the global economy. We need to develop a robust and more buoyant private sector, particularly as regards the manufacturing base. We need to attract increased inward investment.

To do all that, we need, as my hon. Friend the Member for Upper Bann said, a fairer rate of corporation tax. I suspect that the Minister will say that there are difficulties, even from a European point of view, in having differential rates in the region. However, there was a legal case in Europe in which it was indicated that that is possible, although it might have implications for the subventions that are given to that region. I certainly would not want business to receive money that would otherwise go to those in need within the economy, but there are other ways to cook the same goose.

The Minister should consider designating Northern Ireland an enterprise zone, with special rates and other factors that would attract investment allowed, even if

only for a limited period, until Northern Ireland builds itself up and comes out of conflict, as I hope it will. That extra incentive must be given, particularly as a lot of the competition is competition on the same island. The Irish Republic has the clear advantage in that it not only takes money from UK taxpayers via Europe to build its infrastructure, but provides more attractive corporation tax levels.

Another factor that can help to turn the situation around is more effective research and development support. There needs to be better targeting of funding in the commercial and education sectors and closer co-operation between educationists and entrepreneurs. Research and development uptake is poor, although the available R and D assistance for firms could be better employed.

The creation of a business culture infused by a spirit of innovation would also be achieved with the reduction in the corporation tax rate—in my view, to 10 per cent. I do not believe in harmony with the Irish Republic: if it would give us the edge, we should take that edge by setting the rate at 10 rather than 12.5 per cent. That factor alone could achieve a great deal in economic growth and make Northern Ireland less dependent on subventions from the Treasury and the UK economy.

The news is not all bad, however. IKEA's recent decision to come to the east Belfast area is very much welcome and a tremendous boost, although we must ensure that the local people are skilled up to take whatever employment comes as a result of that, whether directly in IKEA or in kitchen fitting or any other jobs that flow from such retailers coming to an area. Skills training is necessary now, and I hope that the Department for Employment and Learning provides the company with the skills base that it will need.

Forthcoming measures to address the lack of investment and poor social and education infrastructure throughout working-class Unionist areas of Belfast will be important, and I look forward to the ministerial statement on those, which I believe will be made towards the end of this month. I think that the announcement will indicate that one section of the community in Northern Ireland has been bypassed by a statistical sleight of hand. The statistics have been compiled by ward, but much of the Unionist deprivation has existed among areas of plenty.

I could take hon. Members to almost every deprived area in my constituency and show them that those areas are surrounded by detached houses and luxury dwellings. The overall ward statistics hide the deprivation, but I believe that the Government now have a much more compelling case available, indicating that there is significant need in that Unionist community. With that need identified, I hope that the response will be not a search for some quick fix, but a co-ordinated strategy.

Finally, there is much more successful development to be had through call centres, which Northern Ireland has traditionally been capable of attracting. The Northern Ireland accent is so calm, relaxing and therefore easy to understand that call centres go there automatically. The future for Northern Ireland will be in such IT-related activities. In east Belfast, a future for IT must be encouraged in Titanic Quarter—a massive area within minutes of Belfast city centre that is available for employment-led uses.

We must not see only leisure facilities, apartments and other attractive elements for a developer. We must ensure that the key elements of the area's development plan, whatever it is, encourage more jobs there, so that the yard, which at its height had 25,000 people working in it, can, through new industries, including IT in particular, bring back the industrial life that we once saw in east Belfast.

12.6 pm

**Lembit Öpik** (Montgomeryshire) (LD): I should also like to thank the hon. Member for Upper Bann (David Simpson) for introducing this debate, which is the first opportunity that we have had to discuss Northern Ireland's economy since the Secretary of State's speech at the Fabian Society in January.

The Secretary of State was right to highlight Northern Ireland's reliance on the public sector, although the manner in which he commented on Northern Ireland's sustainability was—to be euphemistic—suboptimal, as has rightly been mentioned. It was not a great advert for getting money into the Province. None the less, although progress has been made in recent years in encouraging private business enterprises, the public sector still provides about one third of all jobs in Northern Ireland, as compared with one fifth of jobs in the rest of the UK. It is abundantly clear that, ideally, we would shift that balance.

The hon. Gentleman and others were right to discuss enhanced co-operation between the Republic of Ireland and Northern Ireland and, more specifically, to compare the levels of corporation tax, which causes a serious problem for Northern Ireland. I need not repeat that. We have heard what the issues are. Although I can understand why the Treasury might be reluctant to make a special case for Northern Ireland, it seems appropriate to consider a change, perhaps for a fixed period—10 years, for example—to give the private sector a kick-start, for all the reasons that we have heard.

I shall be interested to hear what the Minister thinks or, I fear, what she has been told to say by the Treasury on that point. She is a free-thinking spirit and a shining light of independent thought, but we shall see whether she is given latitude to do the right thing and to agree with Opposition Members.

I was disappointed that the Secretary of State did not take the opportunity to discuss paramilitary crime and extortion in Northern Ireland when he discussed the state of the economy as a whole. When the Federation of Small Businesses gave evidence to the Northern Ireland Affairs Committee at the beginning of February, it reported that 6 per cent. of businesses in Northern Ireland are affected by perceived illegal donations, which equates to some 4,000 businesses. Further, the Organised Crime Task Force has reported that extortion rackets earn millions of pounds for paramilitary groups every year, particularly, it must be said, for loyalist groups.

However, the Government do not seem to be making a serious attempt to solve the problem or even begin to understand the extent of it. Although the OCTF has done a lot of excellent work, the Government must take action to tackle extortion, because we do not feel that they have done enough. Indeed, the FSB has called for

*[Lembit Öpik]*

the commissioning of research on the cost and impact of racketeering and extortion on small businesses and the wider economy. In fact, the OCTF feels strongly that there should be an independent free phone line to encourage victims of extortion to seek help and advice. Will the Minister give a commitment to do those three things?

I was also disappointed that the Government were not willing to discuss the cost to Northern Ireland's economy of sectarianism. I have made the point before, but I shall say it again: a huge amount of money is wasted every year in Northern Ireland by the duplication that has resulted from the difficulties that we had before. For example, there are three leisure centres where there should be one, nine health centres where there should be two, and money is spent on school buildings instead of on schoolchildren. Last year, the Secretary of State said that in the education sector there is

"an urgent need for action to address the problems of overcapacity and duplication that exist across the system."

All that costs money, and that has an indirect effect on the amount that is available to be spent in the economy. A simple solution has been presented to the Government many times. That is integrated education. I will not dwell on it because that is not what we are here to discuss, but I rhetorically ask the Minister again to consider the benefits of integrated education to resolve that problem and, thereby, to release more money that can be invested in the economy of the Province.

While it is useful for us to have a debate such as this on the economy, it is the political parties in Northern Ireland that are discussing the issue and taking responsibility for driving forward Northern Ireland's economy. When the Assembly was functioning, a lot of good work was done by the then Minister for Enterprise, Trade and Investment, Sir Reg Empey, to encourage inward investment in Northern Ireland. We should add to the Assembly's ability to act in the field of economics by devolving tax-varying powers to it. I am sure that, when the Assembly is restarted, there will be an interesting debate on whether that power can be devolved.

Finally, even though there is no Assembly at present, we should still be encouraging Northern Ireland politicians to come together to think and to talk about economic regeneration. Members have displayed a depth of wisdom and almost infinite knowledge today—[HON. MEMBERS: "Hear, hear."]. Unsurprisingly, they agree with me, and I thank them for praising my perceptiveness. Unfortunately, we do not benefit fully from that wisdom, because the Assembly has not been reconstituted. When it is, as suggested by the Alliance party, we should have an economic forum to work alongside the talks process—in fact, some such a forum should operate even now.

There is discussion now about Northern Ireland's political future, but discussions on its economic future are long overdue—as an addition to the political process, not a substitution for it. What is needed is a clear economic package to encourage business and investment alongside a functioning legislative Assembly, with local Ministers who can be held responsible for implementing it.

Hon. Members have made some interesting points, not least about the under-utilised international airport, which should mean speedier, and perhaps more environmentally friendly, links with Belfast. We have the opportunity for high-value investments. Bombardier has proved that, if jobs are given to Northern Ireland, staff will live up to expectations and provide a high-quality service.

I look forward, after the hon. Member for Tewkesbury (Mr. Robertson) has spoken, to hearing the Minister's dutiful consideration of the points that have been made. If she feels that she has insufficient time, all that she has to say is, "I agree with all the points that hon. Members have made, and I give a commitment to implementing their suggestions sooner rather than later."

12.13 pm

**Mr. Laurence Robertson** (Tewkesbury) (Con): I congratulate the hon. Member for Upper Bann (David Simpson), whose constituency I have written down so that I do not get it wrong, on having introduced this important debate. I agree with what has been said by him and by the hon. Members for East Antrim (Sammy Wilson), for South Antrim (Dr. McCrea), for Belfast, East (Mr. Robinson) and, indeed, for Montgomeryshire (Lembit Öpik).

The Minister has gone to a great deal of trouble to get back for this debate. The hon. Member for Upper Bann did not come to hear what I have to say, so I hope that he will not consider it a discourtesy if I do not speak for more than one minute. I want the Minister to respond to all the good points that have been made. I shall have to apologise to my researcher, who has dug out a lot of information for me. As is typical in this place, it will not, unfortunately, be read out.

I shall make just one point. I have been going to Northern Ireland for many years, since long before I got this job. People who have never been there ask, "Why do you go? Is it not awful, full of trouble and dangerous?" That is the perception. My one point is that that is what we have to change. Business can be attracted to Northern Ireland in many of the ways that have been described, but if I could change one aspect of the situation it would be that perception, which is wrong. There are problems, of course—there always have been—but it is a wonderful place. The people are very accommodating and that is the message that we need to get out to the world—that is what we should be about. My remarks have been brief. I want the Minister to respond to the sensible remarks that have been made, so I shall not take up any more time.

12.15 pm

**The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith):** I add my congratulations to those of other hon. Members to the hon. Member for Upper Bann (David Simpson) on having secured the debate. A lot has been said recently about the sustainability of the economy in Northern Ireland, so I welcome this timely opportunity to discuss the issues with him. As the hon. Member for Belfast, East (Mr. Robinson) said, my first duty is always to the House, and I am pleased to be here today.

The engagement that I am missing is a meeting of the Economic Development Forum of Northern Ireland. The hon. Member for Montgomeryshire (Lembit Öpik)

said that there should be a forum. There is one, and it is meeting at this moment. Some of the issues that we have touched on today are under consideration there. I give an assurance to hon. Members—I think that it will be accepted in the spirit in which it is given—that, for the Government, the economy is the top issue in Northern Ireland. We need economic prosperity because it provides the basis for living standards and improves public services, but it also aids political and social stability. Those of us who have seen the impact of unemployment in communities across the United Kingdom recognise the damage that it does socially and politically in Northern Ireland, so we are committed to ensuring that the economy is bolstered and improved.

The hon. Member for Tewkesbury (Mr. Robertson) might have been rather brief in his comments because, the last time that he spoke on the economy, I chastised him afterwards, and we had a discussion on the matter. Let us consider the economic issues in Northern Ireland. There has been sustained economic growth for the past 15 years. Its economy is now growing faster than those of many regions of the UK and unemployment has dropped to the lowest that it has been. For the cynics among us, let me add that employment has increased to the highest level ever. Those facts together represent a significant change in employment and unemployment issues. In addition, if we consider productivity, the manufacturing industry is performing well, although there have been some job losses in that sector, which I deeply regret. There is tremendous improvement in many areas, and we need to build on that.

In one sense, we can say that Northern Ireland's manufacturing output is holding its own across the board. However, we recognise that this is a period of uncertainty and distress for individuals who have lost their jobs. We predict that employment will grow, particularly in the tradeable services sector, which is forecast to produce some 54,000 jobs over the next decade. The hon. Member for Upper Bann mentioned comments made by the Secretary of State about unsustainability in Northern Ireland's economy. The Secretary of State was referring to the unsustainability of a public sector that has grown to an extent that has been detrimental to the private sector. He made it clear that he is committed to expanding the private sector in Northern Ireland for the long-term prosperity of Northern Ireland. That is what he said, and he has made such comments on many occasions since. Far from talking the economy down, he was talking it up; he was talking about expanding the private sector and encouraging investment.

The Secretary of State is shortly to lead a delegation to India, and I have led an Invest Northern Ireland trade delegation to China. The efforts that the Government are making to bring inward investment to Northern Ireland should not be underestimated. The comments of the Secretary of State should be considered in the context in which they were made, and in light of the action that he and his ministerial team have taken to improve the economy. The hon. Member for Upper Bann rightly said that public spending in Northern Ireland is at 60 per cent. of gross domestic product, nearly a third higher than the UK average. Despite more jobs and low registered unemployment, the level of economic inactivity is higher than the UK average.

A comment was made about the number of public bodies, and the extent of their work in Northern Ireland. The review of public administration that was undertaken in November showed that the number of public sector bodies has been reduced from 67 to 20, and there will shortly be an announcement about the responsibilities that will be transferred from central Government to local government.

On the economic side, GDP for Northern Ireland is 19 per cent. below the UK average. If we are to have the prosperous economy that we want and to attract inward investment and additional jobs, there needs to be increased focus on the development of the private sector. One third of all employment is in the public sector. We want the balance to change and increased employment in the private sector.

We must look increasingly at the global economy. We have talked about the Republic of Ireland today, but we will increasingly face challenges not only from there, but from across the world. As the hon. Member for South Antrim (Dr. McCrea) said, we will combat that by competing not on low wages, but on skills and high value. That is our approach. The amazing economic growth in countries such as China and India can be seen as a threat, or as an opportunity for trade, investment and partnership. Invest Northern Ireland recently opened an office in Shanghai—indeed, I opened it—and, as I mentioned, the Secretary of State is going to India. Those things will assist us with inward investment.

It is worth repeating the comment of the hon. Member for Upper Bann that the Government cannot do the work of business, but can create conditions for a managed approach. He said that they are an enabler and supporter of business. Now we are seeing a role for political parties with real engagement on economic issues. As I am not at the meeting that I mentioned and we were unable to have that debate today, I have offered all political parties the opportunity to meet me to discuss economic issues.

With the publication of the economic vision last year, the importance of the debate was never more evident. The Economic Development Forum and economic spokespersons from the five main parties have considered the regional economic strategy, which will help us to deliver the vision. That can start to make a difference. If we do not address the challenges that we face now and ensure that we get investment into the private sector and infrastructure—issues that have been raised this morning—we will not be able to compete. That means ensuring that we have a highly skilled work force, addressing research and development for business and promoting innovation, so that Northern Ireland can compete.

I shall address some specific issues that were raised. Several hon. Gentlemen talked about planning delays. The devolved Assembly took an active role on that matter. It brought in strict planning regulations and rules in the interests of the environment and for other reasons. One problem has been that the rules and regulations are quite strict and build in some delay because of consultation. There has been a vast increase in the number of planning applications, but the modernising planning processes plan that I launched as Minister and the actions taken by my noble Friend Lord Rooker to speed up the planning process were important changes. The Assembly made it clear that we

*[Angela E. Smith]*

need to maintain the integrity of the planning system, but we also need to ensure that economic issues are not hampered by delays in the Planning Service.

The phasing out of industrial derating was brought up. Unlike the position with domestic rating, businesses in Northern Ireland pay similar rates to those in the rest of the UK. Manufacturing firms have been informed of the decision to phase out industrial derating. They will have had over eight years to adjust and to plan for paying full rates. In the UK, that cost had to be included in budgets for several years. It is estimated, based on just 15 per cent. of the rates liability, that in the first year, 2005–06, around £10 million will be collected. That is the other side of the coin. Money that is collected from industrial derating can be invested in infrastructure, the development of skills, and the public sector work that is needed for businesses to grow. It is important to recognise that there are two sides to this coin, and that the money can be used to benefit Northern Ireland—it stays in Northern Ireland.

The economic vision and economic strategy focus mainly on the key drivers of economic change, bringing economic prosperity and investment to Northern Ireland, and what will provide jobs. They are innovation, enterprise, skills and infrastructure. The key target—the hon. Member for Upper Bann asked for targets on a number of issues—is to reduce the imbalance between the rest of the UK and Northern Ireland through productivity and investment. The way to do that is to expand the private sector.

Several comments have been made about corporation tax, on which there has been a lot of debate. It is one of the matters being dealt with today at the Economic Development Forum in my absence. That issue was raised by the hon. Members for Upper Bann, for Belfast, East and for East Antrim (Sammy Wilson). I recognise that there have been calls, in relation to a wide range of interests, for a reduction in the rate of corporation tax. We are competing for inward investment with the Republic of Ireland, which has a corporation tax rate of 12.5 per cent. In this country, the rate is 30 per cent.

However, we need to take account of a number of arguments. Simply comparing headline rates does not give a complete picture. If we take into account other variables, such as the costs of labour, premises and business in Northern Ireland, we are talking about a comparison of about 22 per cent. with 14 per cent., rather than of 30 per cent. with 12.5 per cent.

When businesses are asked about the drivers to investing in Northern Ireland, they tell me that one of them is costs, but that the quality of the work force and support from Invest Northern Ireland also make a difference. To me, the key is investment in skills. We need further debate on these issues. We will welcome suggestions in the debate that I will have with other political parties, which would have happened today, as to how the overall fiscal system might be developed to benefit the Northern Ireland economy and how we can make more of the fiscal measures already at our disposal. We are not attracting the interest in research and development tax credits that I would like. There could be an increase that would directly benefit firms in Northern Ireland. I will be happy to give any support that I can on that.

The hon. Member for Upper Bann said that we should look at alternative ways of getting to the same place. I agree. We need to consider ways of giving additional support to businesses to encourage them to grow, invest and develop in Northern Ireland. I will say one thing that he said: companies could uproot from elsewhere to relocate to Northern Ireland, which would not help the UK economy as a whole. That needs to be considered, and there are related European Union issues. There is a case before the Commission concerning Portugal and the Azores. There are European issues as well as local and national issues, but let us look at ways in which we can expand and support businesses investing in Northern Ireland.

The hon. Member for South Antrim spoke about sustainability and incapacity benefit. I visited the jobs and benefits office in Antrim and spoke to the staff there. They are conscious of not trying to force people into work who are incapable of work, but recognise that it is crucial that people who can work and want to do so are given the necessary support, so they target support at individuals. On that ground, the hon. Gentleman should be reassured regarding economic inactivity.

The hon. Member for East Antrim spoke of concern about Invest Northern Ireland and where it is investing. I am sure that he would not have wanted Invest Northern Ireland not to invest £9.8 million in a project in Canyon Europe in his constituency. That investment is crucial. We can talk about propping up companies, but recently all four political parties approached the Government about support for Trivirix in Belfast to prop up that company for another month while a buyer was sought in order to maintain jobs in that area.

The issue of energy was also raised. Bringing new competition to the energy market—I recently made an announcement on that—makes a difference. We are mindful of the costs, but the introduction of privatisation to Northern Ireland brought us a very bad deal, which led to increased energy costs. The Secretary of State's environment and renewable energy fund will assist sustainability of supply.

The real issue with economic activity is to do with skills. I will send hon. Members more information on that. If we can be sure that we have the right skills for our work force so that the jobs of the future can be filled by people in Northern Ireland, we can start to address the bigger and wider issues. Despite our best efforts, there was not enough time for me to address all the issues raised by hon. Members, but I will write to them with my responses.

## Endowment Mis-selling (Scotland)

12.29 pm

**Sandra Osborne** (Ayr, Carrick and Cumnock) (Lab): I am pleased to have the opportunity to raise a subject that is of concern not only to many of my constituents, but to thousands of people throughout the length and breadth of Scotland. I draw the attention of the Chamber to early-day motion 1105, which has attracted the support of 51 hon. Members across the parties. That is a good response on a subject that effectively affects only Scotland. I am pleased with that response and the support that the motion attracted.

Mortgages have made front page news, although not necessarily for the best of reasons. It is with some trepidation that I discuss the subject. However, it is much harder to get recognition for the plight of many of our constituents who, through no fault of their own, have found themselves with a substantial shortfall in their endowment policies and no prospect of proper compensation, in spite of the fact that they prudently planned for the long term and had every reason to believe that the advice they received was sound, coming as it did from reputable professionals such as solicitors, major building societies and banks. Solicitors were regarded in such high professional esteem, in fact, that it was deemed unnecessary for them to be regulated by the Financial Services Authority and they were regulated by their own professional body.

Having referred to the publicity in the media, I must give credit where it is due. The BBC Radio Scotland programme "The Investigation" and *The Herald* newspaper have highlighted the injustice of mis-selling and have supported calls for action to resolve the problem. I welcome that, and those people who are affected are gratified by that support.

The crux of my argument is that a grossly unfair anomaly exists where people living side by side as neighbours have access to widely different compensation arrangements when they have been mis-sold endowment mortgages. Those who purchased their mortgage through banks and building societies can potentially be compensated in full. Those who used solicitors in Scotland will receive, if they are extremely lucky, a token gesture.

As with most financial issues, the scenario is quite complicated. I hope that the Chamber will bear with me if I go into detail about how the situation came about. Mortgage endowment policies were very popular in the '80s and '90s. For a low monthly payment, they were designed to build up a healthy lump sum in 25 years, which would pay off the mortgage with cash to spare. They were linked to stocks and shares and were sold by banks, building societies and, uniquely in Scotland, by solicitors who acted also as estate agents.

In their eagerness to sell the products and to gain commission from the financial companies that promoted them, some banks, building societies and law firms did not inform house buyers of the risks involved. Consumers should have been told that poor performance of the stock market could result in an endowment lump sum not growing enough to repay the mortgage. In many cases, that was not made clear and the policy was mis-sold.

For the avoidance of doubt, I want to emphasise that not everyone who has had to make up a shortfall was mis-sold their policy. In common with many other people, I am in that position. I was aware that the performance of the stock market could affect the return on the policy and although I am not particularly happy about it, I accept it was a risk that I took in the full knowledge of what could happen. For many people, that was not the case. It came as a shock to them to receive the red traffic light letters warning of endowment policy shortfalls. Far from being eventually mortgage free with an additional lump sum, in many cases they have to make up a substantial shortfall, often when they can ill afford to do so. People feel that they have been conned by those who sold them the policies, and they are rightly seeking compensation.

I was a member of the Standing Committee that scrutinised the Financial Services and Markets Bill more than five years ago. It brought in one unified body to replace the previous system of multiple regulators, complaints adjudicators and compensation schemes. It was seen as a huge step forward in resolving disputes quickly and with minimum formality by an independent person. The Bill also introduced tough new rules governing the sale of mortgage endowment policies by banks and building societies. The consequences for endowment policies purchased through a solicitor in Scotland prior to 1 December 2001, when the new legislation came into effect, were not anticipated.

The Bill was subject to substantial consultation, including pre-legislative scrutiny, and had cross-party support. Endowment mis-selling had at that time yet to surface as a major issue and the policies were still regarded as a good thing, in general. Solicitors were not as a profession subject to FSA regulation, as prior to the passage of the Bill FSA regulation was applied where it was deemed proportionate to do so. Some activities were exempted from FSA regulation on the grounds that those engaging in them were overseen by designated professional bodies. Solicitors came under that category, although that has a hollow ring to those who have been mis-sold policies by solicitors in Scotland and have little chance of redress.

**Mr. John McFall** (West Dunbartonshire) (Lab/Co-op): I apologise because I shall have to leave before the end of the debate; I have another engagement.

I congratulate my hon. Friend the Member for Ayr, Carrick and Cumnock (Sandra Osborne) on raising the debate. She approached me on the subject in my capacity as Chairman of the Treasury Committee, as it has considered endowment mis-selling. As a result, I have written to the FSA, the Financial Ombudsman Service and to the Minister at the Treasury. I know that he will be as helpful as possible. However, the anomaly that makes Scotland stand out must be addressed. I will pursue those official lines, but in the event that we draw a blank there has to be a voluntary agreement so that people who have been mis-sold policies do not end up getting just £1,000.

**Mr. Jimmy Hood (in the Chair):** Order. I am afraid that the right hon. Gentleman is making a speech, not an intervention.

**Mr. McFall:** I had just finished, Mr. Hood.

**Sandra Osborne:** I thank my right hon. Friend for that intervention. It is gratifying to have the support of the

*[Sandra Osborne]*

Chairman of the Treasury Committee, that august and powerful body, and for him to be behind the campaign. I thank him for his efforts to date and look forward to working with him on the issue in future if necessary.

The bottom line is that if the policy was sold by a bank or a building society, the complaint should first be made to them. If that is not satisfactory, the matter can be taken to the financial services ombudsman. If the ombudsman upholds a complaint of mis-selling, he has a legal power to order a bank or building society to pay compensation for a shortfall. As I understand it, about 60 per cent. of cases heard by the FSA are upheld and full compensation is awarded.

If an endowment policy was mis-sold by an adviser regulated by the FSA, compensation is based on comparing the current financial position, taking the endowment policy into account, with what the position would be now if the client had taken out a repayment mortgage at the outset. Many people have told me that if the risk had been made clear to them they would have opted for a repayment mortgage. That is a clear and fair criterion for awarding compensation.

On the other hand, if the endowment mortgage was bought from a solicitor in Scotland before 2001, a complaint cannot be made to the financial services ombudsman. Mortgage policies sold by Scottish solicitors in the 1990s are regulated by the Law Society of Scotland, which has no legal powers to order compensation for a shortfall in a mis-sold policy. It can only deal with a complaint that claims inadequate professional services, and latterly for stress and inconvenience, with a maximum award of £1,000 in cases dating from 1991 until April 2005. On that date, the compensation threshold was increased to £5,000 for new business. In cases where policies were purchased before 1991, the Law Society will not even hear the complaint. Obviously, where cases are upheld, the £1,000 limit is significantly less than the shortfalls of thousands of pounds that people face.

The chances of a case being upheld are slim. The Law Society received 113 complaints about alleged endowment mis-selling in the first nine months of 2004. Just one case was upheld, triggering a compensation payout of £240, and 46 cases were abandoned because of the strenuous legal process that complainants must follow. In contrast to the FSA system, people are subjected to the rigorous legal process that is applied by the Law Society, in which the burden is on the complainant to prove that they were mis-sold a policy.

I am aware of only two cases that were upheld by the Law Society in 2005, one of which was that of Gail McEwan. She received a payment of £500. I should like to pay tribute to her; she has been instrumental in setting up a group in Scotland to campaign for justice for those who were mis-sold endowments. I and other hon. Members with similarly affected constituents fully support that.

Many people have taken their case to the Scottish legal services ombudsman, but her role is limited to investigating how the Law Society has handled complaints made by legal services consumers about solicitors. In the case of Gail McEwan, the ombudsman published a 30-page report upholding her complaint about the way in which the Law Society managed her original complaint. I believe that the office is now inundated with similar complaints.

I thank the Minister for his response to me in a letter of 7 November 2005. He stated that consumers who purchased through a solicitor in Scotland prior to the Financial Services and Markets Act 2000 retain their legal right to pursue misrepresentation through the courts. That is indeed so, but only cases up to the value of £1,500 can be heard in the small claims court without the services of a solicitor.

Gail McEwan and her group have looked at the possibility of bringing a test case, but the pursuers panel, which is, of course, made up of solicitors, has advised that the costs of doing that could potentially be up to £50,000—an unrealistic sum for people already caught in the endowment trap. In any case, why should one set of consumers be left out on a limb because they made their purchase from one vendor rather than another? That cannot be fair.

This state of affairs is a good example of why the law on financial regulation was changed. The old arrangements left many gaps that meant that consumers did not have the level of protection that they have now, but there are still thousands of people in Scotland who face financial ruin as a result of the current legislation.

People were encouraged, in the 1980s and 1990s, to take out endowment mortgages as a method of paying for their homes. Those who sold the policies received generous commission at that time. Some people have as many as five endowment policies, as they were encouraged to top up existing policies if they moved house. As a result of that anomaly, people are having to sell their properties because they cannot afford to convert to a repayment method so late in their mortgage arrangements. Others must extend their retirement plans. For many it is now an uphill struggle to find additional money every month to meet their mortgage payments.

I have examples of the situation that people are in as a result of the anomaly. The first account states:

"I am a single working woman of a certain age who is now stuck with a sizeable repayment mortgage—the endowment has cost me thousands of pounds and it seems most unjust that because I was offered (I did not seek it) advice at the time of concluding missives on a house purchase I now find I have no right to redress or consumer protection."

Here is another case:

"I am told that there will be a shortfall of as much as £6000. It would appear that my wife would be better off financially if I were to die before the termination of the policy."

A third explains:

"We took this endowment on in completely good faith according to the advice of our lawyer. If he would have given any indication of the slightest risk of shortfall we would have taken a different style of mortgage. These policies were strongly recommended then".

A further example reads:

"It took me a year to realise the situation vis à vis mortgage selling via a solicitor and why we did not qualify for compensation. During this time I now feel that to add insult to injury rather than helping me understand the legal position the Law Society was playing silly games."

The final example comes from someone who says:

"As a naive 20 year old in a new city buying his flat I was sold an endowment by my then solicitor. This I was informed was the only option for a skint first time buyer."

The Law Society of Scotland says that it has the greatest sympathy with people who are suffering a shortfall in relation to endowments they have bought. It has taken extensive advice on what it can do to help and says that it is legally unable to order more compensation. However, as I understand it the Law Society of England and Wales already advises its member firms to adopt exactly the same approach to its members as the Financial Services Authority does to its members: it should establish the background nature of the complaint and, if that is upheld, the client should be awarded compensation to address the mortgage shortfall in full. Compensation payments should be obtained via the relevant firm's professional indemnity insurer.

That seems to have happened in certain cases in Scotland, but the Law Society does not have precise figures on how often it happens. I am not aware of any such instance, and given the number of complaints that are being made it has certainly not been the standard response. That places the Law Society of Scotland in a unique position within the UK marketplace as the only regulatory body not able, or perhaps not willing, to require enforcement so that its members make good in full any financial loss sustained by their clients as a result of inappropriate advice.

There is a school of thought that argues that the reason so few cases have been upheld is that Scottish lawyers are so good and do not make many mistakes. The evidence of a fourfold increase in complaints since 2001 would suggest the contrary. I do not accept that argument.

I note the announcement made in the past few days of Scottish Executive plans to introduce the Legal Profession and Legal Aid (Scotland) Bill. Scots who receive poor service from their lawyers will soon be able to claim up to £20,000 in compensation. The current system of self-regulation will be abolished and regulation will be passed to a new commission—an independent body with an inbuilt majority of lay members. That will be funded by a levy on lawyers and an additional charge on the firms that attract the most complaints. I am not sure how, if at all, that will affect people who have been mis-sold endowment mortgages. However, it will be interesting to pursue that aspect of the matter, and I should be grateful if the Minister could give me some information about it.

The Minister said in his letter that consumers who have taken financial advice in Scotland subsequent to 1 December 2005 will all benefit from the framework of protection set out in the Financial Services and Markets Act 2000. Presumably the new Scottish legislation will not be relevant to them, as financial services are reserved to Westminster and consumers throughout the UK have enjoyed the same rights since 2005. Clearly, that is how it should have been all along and it was a mistake to exclude solicitors from regulation by the FSA when the legislation was introduced. In any case, many Scottish solicitors were registered with the FSA in the 1990s prior to December 2001 when the Act came into effect.

I have been asked to explain why in those circumstances people cannot have access to the FSA complaints system, including the ability to apply to the Financial Ombudsman Service for an adjudication on an endowment mis-selling case. Also, many solicitors acted as agents for bodies, such as building societies, that come under FSA regulation. What are the implications of that? Has the Minister looked into whether there is any scope for the financial services ombudsman to consider those cases as appropriate?

That brings me to the thorny subject of retrospection. I am aware that the Government regard it as a problem, but in the light of what I have explained it is essential to consider what could be done to help the group in question, by any means available. I know that discussions have taken place between the Treasury and the Scottish Executive, and I hope that my hon. Friend can shed some light on a possible way forward.

12.49 pm

**The Economic Secretary to the Treasury (Mr. Ivan Lewis):** First, I congratulate my hon. Friend the Member for Ayr, Carrick and Cumnock (Sandra Osborne) on securing an Adjournment debate on this important issue, which has significantly affected a great number of people. Although I shall in no way downplay the importance of the points she has raised, it would be difficult to establish a solution that was acceptable to her. However, I am willing to meet her once the debate is over to discuss matters further and to have a close look at the situation. I do not want to offer false hope, but we do need to look further at the issue.

Let me also say that it is a pleasure to serve under your chairmanship, Mr. Hood. I write to you weekly on European affairs, but I have never served on a Committee that you chaired, so it is good to have this opportunity.

Clearly, the debate has specific relevance in Scotland, but my hon. Friend will agree that it also touches on wider issues such as the quality of financial services regulation. There is a recognition that the Government have taken positive action to put in place a regulatory regime that puts right some anomalies of the past. Previous Governments were perhaps quite lax or irresponsible in not creating a regulatory regime that protected consumers sufficiently.

Endowment policies to back mortgages were sold mainly by independent financial advisers or directly by lenders, but my hon. Friend rightly focused on the fact that a smaller proportion were sold by solicitors, and that practice was more common in Scotland than in England and Wales.

The regulatory landscape covering endowment sales is complicated. No regulation existed before April 1988, when the Financial Services Act 1986 came into effect. Investment sales were then regulated by the Life Assurance and Unit Trust Regulatory Organisation—a self-regulatory body set up under the Securities and Investment Board. However, solicitors who engaged in selling financial services products such as endowments were excluded from such regulation on the basis that they were already self-regulated under the Law Society of England and Wales and the Law Society of Scotland.

As my hon. Friend acknowledged, the situation changed as a result of the Financial Services and Markets Act 2000, which regulated persons engaged in giving investment advice. The FSMA came into effect on 1 December 2001, but given our legislative traditions, one difficulty, as she said, is that the Act is not retrospective. Understandably, Governments have always been reluctant to go down the retrospection

*[Mr. Ivan Lewis]*

route. This Government introduced the FSMA to tackle a recognised problem. Our approach to financial services has been based largely on the principle that consumers should be able to secure a fair deal in all circumstances. That is why we set up the Financial Services Authority and why we legislated and acted to deliver a fairer, more equitable system.

As I have said to my hon. Friend, I have great sympathy for the people who have been detrimentally affected by endowment mis-selling in Scotland. We recognise that there is a genuine problem with endowment policies purchased through a solicitor in Scotland prior to introduction of the FSMA. However, it was partly because of that difficult situation that change was demanded, and we responded to that clamour for change.

The specific situation on which the debate focuses was resolved with the introduction of the FSMA, and investment advice complaints originating from 1 December 2001 can now be taken to the Financial Ombudsman Service. From June 1991, as hon. Members know, the Law Society of Scotland had the power to award compensation in addition to the refund of fees. As my hon. Friend said, however, that was capped at £1,000. In that respect, provisions relating to inadequate professional advice from solicitors in Scotland are set by the Scottish Executive, as are the rules on the burden of proof. If the £1,000 limit continues to be an issue, it will need to be taken up in that context.

We accept, of course, that the regulation of financial services must be rigorous and effective. With the FSA, not to mention the Financial Ombudsman Service and the financial services compensation scheme, we have put in place a new regime, which protects far more consumers.

**Sandra Osborne:** I take on board what my hon. Friend says and I appreciate the huge step forward in the legislation, but does he agree that that is no consolation to people in Scotland who have no access to compensation?

**Mr. Lewis:** There is only one answer to my hon. Friend—it is, of course, no consolation to people who were disadvantaged under the previous regime. However, it is important to put it on record in such debates that the Government have not been laissez-faire in responding to the scandals that have beset the industry. Such scandals have damaged not only the industry's reputation and credibility, but, more importantly, many consumers in our society. It is important to say that the Government are not blasé or laissez-faire about the issue and that we understand its importance. The more difficult issue is retrospection, which has always been a problem for Governments. We are not in denial about the effects on people in Scotland.

**Mr. Russell Brown** (Dumfries and Galloway) (Lab): Like every other Member, I have spoken to constituents who have been mis-sold endowment policies, but far and away the biggest problem lies with solicitors. People are facing large shortfalls, and I know of a case in which someone took out a £35,000 endowment policy over 25 years that is coming in at about £17,000 or £18,000. That is typical, and we are only beginning to see the tip of the iceberg of mis-selling by solicitors.

**Mr. Lewis:** Clearly, it is important that I, as a Minister, make statements that are evidence based, and there is emerging evidence on issues regarding solicitors. Historically, the role of solicitors seems to have been more prevalent in Scotland than elsewhere in the United Kingdom. There should be a debate among Scottish parliamentarians—whether in the Scottish Executive, the Scottish Parliament or the House of Commons—on the regulatory regime governing solicitors.

Where self-regulation is the predominant regulatory framework, there will, understandably, always be suspicions that it is not as tough as it should be. The question then is whether to go for legislation or Government intervention, or to urge the self-regulator to take their responsibilities more seriously. If mis-selling is causing concern in this area of public policy, hon. Members should perhaps seek urgent discussions with the Law Society of Scotland about what it proposes to do to meet its responsibilities. The Government would be reluctant to interfere in the self-regulatory regime at this stage, but self-regulation is a privilege, not a right, and we should always make that point in such circumstances.

**Sandra Osborne:** I believe that the Scottish Executive are introducing legislation to set up a body that will be independent of the Law Society and lawyers, with a majority of lay people on the board. Again, however, it is unclear how that will help people in this case.

**Mr. Lewis:** I suspect that it will not directly help people in this case, but as my hon. Friend the Member for Dumfries and Galloway (Mr. Brown) said, there is an ongoing issue as regards solicitors and concerns have been expressed, so we are talking about not only what has happened historically, but accountability and transparency now.

There are no easy answers to the issues that my hon. Friend the Member for Ayr, Carrick and Cumnock has raised. The fact is that a significant number of people have been disadvantaged in Scotland as a result of the lax, inappropriate regulatory regime that existed before. I cannot satisfy my hon. Friend today by giving a commitment to change the situation retrospectively, but I am willing to meet her and colleagues to consider the issues in the context of Scotland and to see whether anything can be done.

In debates such as this, we should not give people false hope or build their expectations, but we certainly have a responsibility to take seriously what has happened to them and to engage with their elected representatives.

# QinetiQ

1 pm

**Dr. Vincent Cable** (Twickenham) (LD): I am grateful for the opportunity to introduce a debate on the controversial issue of QinetiQ. It will centre on recent events, from the public-private partnership that took effect at the end of 2002 through to the privatisation—or the public offering of shares—during the past couple of months. The issue is controversial not simply because I say so; two of the Minister's predecessors in the Department have made similar comments. Lord Moonie, whom I remember as a balanced, calm Minister, said that he was extremely "unhappy" about this process, while Lord Gilbert said it was no less than "a scandal".

Some of the issues involved will be dealt with in the context of a National Audit Office investigation, which I sought and which has now been agreed. The matter is sufficiently serious to have it raised early and on the Floor of the House. As the Ministry of Defence has rushed to tell us, the NAO inquiry is routine. The time scale involved—by the end of this year—is fairly leisurely, but the issue is more important than that, which is why I sought this debate. It is important not just in itself, but because of the extent to which it may set a precedent for how privatisations of comparable organisations take place. The United Kingdom Hydrographic Office is due to be floated in a similar way and a similar approach is under discussion in relation to the Forensic Science Service.

I want to make it clear that I have no ideological, dogmatic problem with PPPs or with privatisation of this type of enterprise. As it happens, my Twickenham constituency is home to the National Physical Laboratory and the Laboratory of the Government Chemist, which was privatised through a management buy-out. The National Physical Laboratory remains in public ownership, but there is a management agreement with Serco and also a private finance initiative. Both those organisations are successful, and I am all for encouraging such collaboration, but serious problems and questions have arisen in the case of QinetiQ.

I will start by discussing a few background elements. QinetiQ emerged from the Defence Evaluation and Research Agency. We are talking about half a century of scientific research done in our national security interests. It produced, among other things, radar during the war, microwave radar, carbon fibre, liquid crystal displays, flat-panel systems, 4,000 patents and 8,000 or more highly qualified scientists. It is a considerable national asset. There has been a sensible move to put it on a more commercial footing: splitting off DERA from the Defence Science and Technology Laboratory—the Government-owned side of the laboratories; the decision in 2001 to create a limited company, and therefore commercial freedom; the subsequent move to a PPP; and the flotation.

Before I put my questions to the Minister, some of which I have tabled in writing, it might be useful to summarise, without comment, the key facts at the centre of this matter. There are issues concerning the PPP at the end of 2002. The first relates to the sale of 34 per cent.—later reduced to 31 per cent.—of the company's equity to the Carlyle group. That was purchased in the form of £40 million of equity backed up by a loan of £150 million—an interest-bearing note.

Secondly, there was substantial employee share participation, notably by senior management. I believe that Sir John Chisholm had a 2 per cent. share and Mr. Graham Love, then the company's finance officer, 1.6 per cent. A 50 per cent. stake remained with the Government. The other key element of the PPP package was the long-term partnering agreement that was reached and announced on the same day as the Carlyle group's strategic acquisition. It involved a 25-year contract, £223 million a year in revenue and a cost of more than £5.6 billion. We are talking about a major Government contract for QinetiQ in support of that project.

At the beginning of this year, the public offering took place and 49 per cent. of the company was sold. It would appear that about £1.25 billion was raised. What is the problem? The accusation that has been made—I put this as a question rather than an assertion, because there are many unresolved issues—is that for a modest sum the Government effectively gave away a substantial part of a public asset to a company and to senior executives who took on virtually no risk.

The balance of risk and reward is at the heart of PPPs and the argument is that the balance was seriously disturbed on this occasion. The Carlyle group made about 10 times its original investment—the relevant figures are £40 million and £400 million—in three years. To single out the largest example, Sir John Chisholm increased his stake from about £129,000 to £26 million, which represents a multiple of almost 200. In the trade, that process is called ratcheting. The people I have talked to in the trade are shocked by the extent to which the gains were ratcheted.

It is accepted that a privatisation—a flotation of this kind—will produce substantial returns to the people involved. A factor of 10 was regarded as probably reasonable for somebody such as a chief executive in this context. However, a multiple of 200 was regarded as wildly extreme—not to mention obscene—and has caused great concern within the company and outside. The other aspect of the criticism involves whether the Government got value for money. Of course, they realised a substantial amount of cash and retain an equity stake, but the question whether they got value for money is different.

In the time remaining, I want to pose a series of specific questions to the Minister. He will know where I am coming from because I have already put some of them to him in writing. First, what exactly was the process by which Carlyle acquired its strategic 34 per cent. stake in the company with relatively little money—£40 million in equity—and virtually no risk? Indeed, some more thoughtful commentators, such as Patience Wheatcroft in *The Times*, have suggested that the money at risk as a result of the financial deals involved came to as little as £14 million. Be the sum £14 million or £40 million, how it multiplied to £400 million remains an issue.

The Government, in explaining their role, claimed on a webpage called "Combating 'Urban Myths'" that the way the Carlyle PPP operated was as follows:

"Best value for money was secured through an open and competitive auction between about 40 serious potential investors."

*[Dr. Vincent Cable]*

I have talked to some of those potential investors and they have no recollection of any such process having taken place in the way the Government described. Indeed, I received an e-mail from one of them. Such people are reluctant to be named because they do other Government business, and I hope that we can take things at their worth.

That person's company was trying to put together a competing bid. He said that he was firmly told that at least £200 million would be required and that his company should be prepared to go considerably higher. At no stage was it ever suggested that his company could get away with putting up £40 million backed by a loan. There might have been a misunderstanding, but any such misunderstanding would be serious because it led to a substantial number of potential bidders not participating.

That leads to the question of what were the criteria by which Carlyle was selected. They clearly revolved around the amount of money and the amount of money in the form of equity, but other criteria were involved. Another potential bidder told me that when they talked to the Ministry of Defence it was made clear to them that they should not put in a bid that did not include retaining the services of Sir John Chisholm, who was then chief executive. I do not know whether that is true—this may or may not be a good point to make; the man may be a genius for all I know—but he clearly made a personal fortune out of this transaction. There is an issue about whether that was a key criterion. Was there an issue about the stake to be acquired by the strategic partner?

What was the connection with the rifle range contract—a massive Ministry of Defence contract of over 25 years giving a complete monopoly in respect of MOD rifle ranges? That is what made the Carlyle deal so attractive; it could acquire loans from the banks on the back of the income stream that would come from the QinetiQ deal on the rifle ranges. Again, the Government's view is that this was done through an entirely competitive process, but I have spoken to someone in one of the leading British companies involved in this area of business, who says:

"Although QinetiQ claims to have won this contract, it was in fact awarded without competition, presumably because it would fatten up QinetiQ before sale. A number of other contractors"—

he mentions his own—

"would dearly love to have bid for it."

There is clearly an enormous misunderstanding—or worse—about the basis on which the competition took place. The best way to deal with that would be for the Government to set out how the competition took place, what the ground rules were and how the decision was made.

The next question is, why was QinetiQ sold when it was? It was sold two years after the dotcom bubble, at which point prices in hi-tech markets had seriously collapsed, and before the recovery, which has led to substantial appreciation in such share values. That is the issue on which Lord Moonie has focused his attention:

"We should not have sold it at the bottom of the market . . . They could have held off for a couple of years. Geoff was neutral"—

he was talking about the former Secretary of State for Defence, who is now Leader of the House—

"but eventually he accepted the argument we must sell it. The Treasury was pushing that."

That is recorded in the national press. Therefore, there is an issue about why the decision was made to sell at that time, with the obvious implication that the company, and therefore the Government and the taxpayer, thereby realised substantially less than they could and should have done.

The next question is a business question, but it relates to the Government because they were the principal shareholder: how much of the increase in the value of the PPP was due to the strategic partners and the chief executive? How much did they contribute to the adding of value and was that sufficient to justify the ratcheting of their returns? As far as I can piece together, the company roughly doubled in value after the PPP—its value rose by about £600 million to £1.25 million. There are doubts about what the base was; I have a parliamentary answer saying that the company was valued at £312 million at that time. I guess that there was a difference in the basis of the valuation.

Let us say for the moment that the company doubled in value, because that appears to be what happened. It doubled in value for several reasons that were completely unconnected with the strategic partner or the activities of the top management. First, the stock market appreciated in value by 45 per cent. Therefore, there was serendipity. Also, the Government agreed to guarantee the pension fund, which was in deficit by over £100 million. The Government provided working capital, too; that was repaid of course, so there was no cost to the taxpayer, but an opportunity cost was involved.

Furthermore, substantial sums of money were raised not through the strategic activities of the new partner, but simply by selling property. Approximately £150 million was raised by selling property, and the annexes to the flotation, which I have before me, suggest that QinetiQ is a very wealthy property company. It has property assets of well over £300 million in net book value, let alone market value, and a great deal of the value of the company is vested in property. There was also the contribution of the rifle range contract.

If we put all that together, we have a conclusion that is best summarised not in my words, but in those of Lord Gilbert. He said, echoing my view entirely, that while he has

"no objections to the workings of a capitalist system where a man takes big risks and makes big rewards, in this case the people at the top of the tree took virtually no risks.

All the value was built up by public servants using public money. I consider it a complete outrage . . . a scandal."

One could be pragmatic and say, "Well, okay, maybe they did make too much money, but it has all worked out well because the taxpayer has also made a lot of money." That may well be true—it is for the NAO inquiry to establish—but I would simply say that that is difficult to establish, because we need to establish the counter-factual case: what would have happened if the PPP had not gone ahead, or if it had gone ahead with a different partner?

We cannot answer that question, but what we do know is that although the Government have realised a lot of cash, they have also made major guarantees and commitments, and public assets have been sold that could have been sold in any event. It is very clear to me and to many other people who have looked into this matter that the Government did not realise anything remotely like the value for money that this project could have realised. Ultimately, however, it is for the NAO to assess that.

To move on to another matter, how and why were the senior managers, non-executive directors and others able to establish the formula from which they have made such great personal fortunes out of this privatisation? I have referred to the case of Sir John Chisholm; I could have referred to several other people. It is important to establish this: despite their claims to the contrary, this was virtually a risk-free commitment. They have argued in the press that if the shares they bought—in Sir John Chisholm's case worth £129,000—had dropped in value after the PPP, they would have lost money. Of course, technically there was a risk. However, it is inconceivable in view of the Government's commitment to this company, plus the rifle range contract and the guarantees, that it could have lost value.

There is also an issue in respect of why the chief executive—and then the chairman, as he became—was allowed to lock in an arrangement whereby he could multiply his investment by a factor of 200. That is absolutely extraordinary.

Lord Gilbert is clearly very exercised by this matter; he has tabled questions in the other place that are designed to get to the bottom of it. For example, he asked who appointed this man as chairman. We must remember that he is a chairman who is presiding over public assets. The answer was that he was appointed by Carlyle, the American company that had acquired the strategic stake. Lord Gilbert also asked about who determined the terms under which the chairman and other senior executives acquired their shares. Apparently, that was not the Government; it was the company, because it had been incorporated since 2001. Those are very serious issues. Lord Gilbert is doing us a service by raising these questions, and I want to pursue them in this place, too.

There are other issues to do with the way senior executives of this company profited from the privatisation. About 7 per cent. of the shares were allocated to the top 250 to 300 managers and 6 per cent. to the rest of the work force. There is enormous disgruntlement in the work force, and particularly in the trade union, because company managers have, down to a fairly lowly level, been allowed privileged access to stock options from which they have benefited enormously, but the scientists, including the most senior ones, have not had access to that scheme. They have had a free offer of £500 of shares, which has of course produced some money for them, but the terms of this arrangement are highly inequitable, and I believe that it was approved by the MOD.

To give the Minister time to reply, I shall raise only one further set of questions, although there are a great many others I could raise. This final question aroused considerable interest in the financial pages of the newspapers: why was this offering not made available to the ordinary public—the Sids? The Minister has not had oversight of this matter, but the Minister with responsibility for it, Lord Drayson, said:

> "This is a very complex business and providing an explanation to the public was going to be too complicated and expensive".

Therefore, the offer was to be made to institutions rather than to the public. However, the availability of the offering was changed and the public were allowed to buy into it through stockbrokers, but on a rather belated and disadvantageous basis.

A lot of analysis has been done that suggests that the reason for this—a cost of £20 million—was wildly overstated. For example, there was no need to give a shareholder discount, and the use of the internet would have greatly reduced the cost. There were many mechanisms by which the Government could have insisted, had they wished to do so, that shares be made available to the general public, so that they could have profited along with Carlyle and the senior executives. However, the Government did not choose to take that route and the magic circle of institutional investors has effectively scooped the pool.

There are many other questions, but I will not go on any longer. I will pursue the answers to them through freedom of information requests and parliamentary questions, as I want to give the Minister time to reply to at least some of my questions.

1.20 pm

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** I congratulate the hon. Member for Twickenham (Dr. Cable) on obtaining time for this debate. I will try to be as balanced as my previous Ministry of Defence colleague, Lord Moonie, but the hon. Gentleman has not been wholly balanced himself, given the amount of time that he took. He has left me with less time in which to respond.

Let me start from the headline—the top issue. Although I am not the Minister who dealt with the issue, I am corporately responsible as an MOD Minister. However, anything I say, I firmly believe in, so it is not that I am simply coming along and giving the MOD's position. These things are weighted and considered.

The recent initial public offering of QinetiQ was a real success for the taxpayer. It demonstrated the success of the Government's public-private partnership policy, through which QinetiQ was transformed from an in-house research and development organisation into an international defence and security company that develops cutting-edge technology for our armed forces.

Why do I say that? The Government have received some £600 million since the start of the PPP process and retain a stake in the company worth some £250 million—that is more than their total stake in QinetiQ in 2003; the hon. Gentleman glossed over that. The IPO met the Government's objective of achieving maximum value for the taxpayer while being consistent with a stable after-market. It raised net receipts of £347 million for the taxpayer, of which £250 million—72 per cent.—was ploughed back into defence to meet defence priorities. That demonstrates the validity of our overall approach to the PPP, and I note that he said that he is not hostile to such an approach.

*[Mr. Adam Ingram]*

The PPP was one of the recommendations of the 1998 strategic defence review. At that time, it was judged that the in-house Defence Evaluation and Research Agency faced external challenges and needed to change if it was to continue to provide the armed forces with the technology that they required. The aims of the PPP—as they always are, in a sense—were to introduce private sector capital and expertise into the company to allow it to meet its investment needs and develop its capabilities, and to enhance opportunities for the commercial exploitation of taxpayers' investment in science and technology.

However, we considered some elements of DERA's work to be too sensitive to be put into the private sector. That is why in 2001 we split the Defence Science and Technology Laboratory, which was to remain within Government and undertake that most sensitive work. At that time, QinetiQ was vested as a wholly Government-owned company.

The original intention was to float QinetiQ on the stock market, but we took specialist advice, made a careful analysis of what was best, and decided that the Government's objective of securing long-term value for the taxpayer would be better met through the introduction of a strategic partner to work with management to develop and grow the business. We therefore ran an open competition for such a strategic partner, and after about 40 initial expressions of interest we selected 12 companies to produce indicative bids. That is not quite the flavour of the story that the hon. Gentleman tried to portray.

Carlyle won the competition, as it was judged that its bid offered the best deal for the taxpayer. The Government received £150 million from the final deal. Carlyle's valuation was benchmarked against other comparable companies. The hon. Gentleman says that he has had representations from one company and from other sources, and says that there must have been a whole layer of misunderstanding, but it was an open process; who misunderstood who? I would claim that it was not the MOD who misunderstood. It was open in its approach.

I take some exception to the hon. Gentleman suggesting that the company—I assume that it is a reputable company, otherwise it would not have been in that territory—is worried about raising its concerns about that time because it is still doing business with the MOD. The imputation is that we would somehow punish such a company. I do not accept that for one moment. He should be careful when making those outrageous charges. If the company said that, and if it has evidence, it should bring it to Ministers, and we will deal with it; otherwise, it should stop running hares and making claims that have no substance.

A concern of Lord Moonie's that the hon. Gentleman raised was why we did not delay the process. That, of course, was one of the balanced judgments that was made. The background is that the markets were low at the time, and we took advice on whether to delay the sale. However, we judged that delaying would not have been in the Government's interest, in terms of achieving our goal of maximising value for the taxpayer over the longer term, as it would have delayed the transformation of the company. In any event, there was no guarantee that market conditions would improve. We had learned the lessons from previous privatisations; that is why we sold only 34 per cent. of the ordinary equity, ensuring that the taxpayer, as majority shareholder, would keep the largest share of any future growth in QinetiQ.

Since 2003, Carlyle's input has been crucial in the development of the company's business strategy. It provides expertise in bringing technology to market and a detailed understanding of the important US market, and that has resulted in a significant increase in value for the shareholders. That is why I say that the PPP strategy has proved a great success, and it has been suggested that it could be a model for future privatisations.

In the three years since Carlyle became our strategic partner, QinetiQ has positioned itself as a leading international defence and security company with important acquisitions in the US and Europe. Does the hon. Gentleman want to recognise that measure of success? If so, I look forward to his making a submission to that effect. The measure of what we did is its subsequent success, and we can say, with significant credibility, that what we did stands full examination.

There are issues relating to the proceeds of the PPP. It was not driven by purely financial considerations, but the result has proved to be excellent value for money for the taxpayer. If the Government had sold their entire stake in QinetiQ in 2002, we would have received £230 million, but we have received £600 million, and there is still more to be obtained. It is against that measure that the hon. Gentleman should raise his questions, and if he comes to the same conclusions as we did, he would say that the PPP was a success.

Another question asked is why Carlyle paid only £42 million—it was not £40 million; I noted that the hon. Gentleman discounted it to £40 million on the basis of one press report—for a third share in a company now worth £1.3 billion. Carlyle's acquisition was financed by a combination of bank debt and its own equity, as is standard practice in private equity deals of that type. The £42 million refers only to Carlyle's equity investment. In total, the Government received £150 million in proceeds from the PPP but, as I said, they have retained a majority stake in the business. Since the PPP, the company's profits have more than doubled and the stock market value of defence businesses has also risen. I put that down to the careful management of how we are projecting our needs as a Department, and to trying to establish the best relationship with companies and their employees. All of that is proving successful, so we can take some credit for that, too.

As for the question about why retail investors were not allowed to participate, many of them did so. The Government's main objective was to obtain value for money for all taxpayers, not just those who could afford to buy shares. For that reason, supported by advice from our City experts, we decided against a full retail offer and instead had an institutional offer, as part of which private client stockbrokers were able to apply for shares on behalf of their clients. I am pleased to say that, in the event, the allocation represented 6 per cent. of the total offered. It is not correct to say that the sector was somehow completely ignored.

The hon. Gentleman also talked about what he believed to be the undue profits taken by individuals. He should have followed the matter more closely, because there is a lock-up agreement that restricts the proportion of shares that senior managers can sell over the next three years. That also applies to Sir John Chisholm. The throwaway comment that Sir John made oodles of money is not a fact. Sir John has been at the helm of the organisation since 1991, seeing it through its transformation from a plethora of publicly owned Government laboratories to a successful private sector business. He was not suddenly plucked out of the air by Carlyle; he has a track record of success and I find it unacceptable to hear him diminished in that way.

## BBC World Service (Thai Service)

1.30 pm

**Mr. John Grogan** (Selby) (Lab): I am delighted to have the opportunity to introduce this short debate on the BBC World Service Thai service. I am equally delighted that the Minister for the Middle East is replying to the debate. There are two types of Ministers: those who attend an Adjournment debate and read a well prepared script and those rare Ministers who are prepared to engage in the arguments.

I will make a small, simple request of the Minister towards the end of my remarks, which I hope he will pass on to Lord Triesman, the Minister responsible, who sits in another place.

I want to put this debate about the BBC World *Service Thai service* in context. As we debate the Thai service, for the fourth evening in a row in Bangkok, there are massive demonstrations. Some 50,000 people were on the streets around the Prime Minister's office on Sunday and 10,000 were there yesterday. The Prime Minister has called a general election for April, which the major Opposition parties are threatening to boycott. That is the context. Democracy in Thailand is in some doubt and great debates are going on in that country.

For the past 60 years, the BBC World Service Thai service, almost uninterrupted, has been adding to that debate and, in the traditional role of the BBC, has been helping to keep the domestic broadcasters and media honest. However, in January the Thai service was cut, so there is no reporting on the BBC Thai service about possibly the most momentous political events in Thailand since 1992.

Just down the road in Lancaster house, as we are speaking, delegates from all over the world, including from national Governments and the World Bank, are attending Asia 2015, a conference hosted by the Department for International Development. This morning, the delegates were discussing voice and choice. It is such a pity that people in Thailand no longer have the choice to listen to the voice of the BBC Thai service. Clearly, DFID and, I am sure, the Foreign and Commonwealth Office would agree that Asia 2015 is important for the region and is something that the BBC should be involved in.

Where did the idea to cut the BBC World Service Thai service after 60 years come from? I like to think of myself as a fairly assiduous watcher of statements about the BBC in the House—I chair the all-party group on the BBC—but I thought that I perhaps missed something that was announced in the past year. I looked back to the Green Paper published last year, which said:

> "The World Service, in consultation with the FCO, needs to consider a radical and creative reprioritisation of its vernacular output to take account of these shifts in global political and economic priorities."

It went on to say:

> "The aspiration towards democracy, respect for human rights, freedom of speech and association, which had been the BBC's rationale for developing Eastern European vernacular services, has now shifted eastwards and southwards, and in particular to the Middle East, the Far East and parts of Africa and the sub-continent."

Anyone reading that a year or so ago could reasonably have expected that, given that the priorities were moving eastwards, the BBC Thai service would be safe. There

*[Mr. John Grogan]*

was some mention in that document of the BBC World Service wanting to develop an Arabic language TV service, in consultation with the Foreign and Commonwealth Office. Indeed, the cuts in the BBC World Service Thai service and others will help to finance that Arabic language TV service.

It is worth saying that in the Green Paper it was recognised that

"The challenges are enormous,"—

that is, the challenges of establishing an Arabic language TV service—

"however, any new grant-in-aid funded operation will find it hard to compete for audiences against local competitors, and other established global broadcast operators",

presumably, al-Jazeera, and so on. It is recorded in the Green Paper that the BBC asked the FCO to fund the Arabic language TV service, but received a negative answer.

The next thing we heard in the House of Commons or the House of Lords—the next record of any mention of the cut—was in a letter from Nigel Chapman of the World Service to the Committee Clerk of the Select Committee on Foreign Affairs, dated 24 October 2005, a useful document that was the BBC World Service's contribution to the Committee's debates about the FCO's annual report. That letter mentions, in passing, the cuts to the vernacular services and says that those are to finance the Arabic TV service. Nigel Chapman finishes by saying:

"The paper was endorsed by the BBC Board of Governors on 20th October. Consultations have also been held with the FCO about the proposed changes. The Foreign Secretary has given written approval, as he is obliged to do under the Broadcasting Agreement, for the proposed investment in Arabic TV and the proposed service reductions."

When the letter was written, the decision was already signed and sealed by the BBC board of governors and the Foreign and Commonwealth Office, which is why I feel justified in putting that decision under some scrutiny, particularly given the change in political traditions that have occurred in Thailand during the intervening period.

I should mention that I do not doubt that the Government have invested heavily in the BBC World Service over the last financial period. In 2005–06, the financial year that is coming to an end, £239 million was invested in the BBC World Service. In real terms, that compares with about £215 million in 1995–95, after which period there was a sudden drop for a couple of years. There has been a significant increase since then—although not an enormous one—which I hope could be sustained in the next spending review.

It is worth drawing the Chamber's attention to the report by the Lords Select Committee on Review of the BBC Charter, which made two recommendations about the Arabic language channel. It said:

"However, a 12-hour limit on the Arabic language channel's broadcasting time will mean the BBC competing for audiences with one hand tied behind its back. We recommend that the Government should immediately provide the BBC World Service with the required £6 million to establish a 24-hour Arabic channel."

It continued:

"We recommend that as part of the comprehensive review of the BBC's international services the BBC World Service should continue to consider the need to provide television services beyond the Arabic language service. Further expansion may prove to be important but should not be dependent on cuts to existing radio services"—

as we have seen in this instance. It is worth remembering that, at the moment, the budget for the Arabic language TV service is about £19 million, for 12 hours a day. Channel 4 news has about £20 million to do 1.5 hours a day. Clearly, resources would be at a premium for the BBC Arabic TV service.

I return to the main focus of today's debate: the BBC Thai service. The BBC considered three criteria in cutting the services, and the Thai service was one of nine or 10 that it cut. First, what is press freedom like in the countries concerned? Secondly, what about the geopolitical situation—what British or world interests are at stake? Thirdly, does anyone listen? What are the audience figures?

On press freedom, I looked at the annual worldwide press freedom index for 2005, produced by Reporters Without Borders, the most commonly accepted standard of whether a country has a free media. The United Kingdom is at number 24, for example. In 2002, Thailand was at 65 and in 2003 it dropped to 82 out of all the countries in the world. I looked at the figures for 2005 and there was no mention of Thailand on the first page. I turned to the second page and went past Serbia and Montenegro at 65, Burkina Faso at 78, and Burundi, at equal 90th with Venezuela—much beloved of the Prime Minister—right down to Thailand at 107, a little bit above Tajikistan, Rwanda and Bahrain. Why is that so? It is because community radio stations are being closed down, the Prime Minister is intimidating and suing journalists and there is a great deal of self-censorship.

Over many years, the BBC's presence in Thailand and in the Thai language has encouraged domestic journalists there to be brave. It was the BBC Thai service that first drew attention to the insurgency in the south of the country and enabled people in Bangkok and elsewhere to appreciate the significance of what was happening in their country. Incidentally, the BBC Thai service informed the wider BBC World Service and BBC journalists involved in domestic British output when events such as the tsunami happened.

What about the geopolitical situation? By referring to the London conference on Asia, I have demonstrated how important that region is. Thailand has a population of 60 million, the insurgency in the south has wide implications, Burma and Malaysia are nearby and the interplay between the various nations in that part of the world is extremely important to British interests and those of the wider world.

I turn to the crux of the matter—the audience figures, about which there is some dispute. The director of the World Service admits that, even on its figures, the audience has doubled from 0.8 per cent. to 1.6 per cent. of the entire market. However, I am told by ex-employees of the BBC Thai service that those figures are based on surveys by the Voice of America; I am informed by people who know about such things that the BBC has not commissioned an audience survey in Thailand for the past 12 years.

I turn to the markets in the individual parts of Thailand; Bangkok's is an example. In 2004, the BBC World Service website boasted that

"The latest survey shows an increase in the World Service weekly audience in Bangkok. Total weekly reach is up from 2.4 per cent. in 2002 to 6 per cent. in 2004. The audience is mainly driven by Thai—weekly audiences in Thai have increased from 2 per cent. to 5.5 per cent. since 2002."

In other parts of Thailand, such as the university city of Khon Kaen in the north-east, the BBC Thai service had a weekly reach in Thai of 8.7 per cent. If the BBC were to cut services in London that had a lower than 8 per cent. or 6 per cent. reach, a number of BBC services—certainly BBC London—would not last beyond next week.

The BBC Thai service was listened to, as was shown not only by the BBC's boasts about its exposure, before it decided to cut the service, but by the situation in Thailand. A couple of weeks ago, an Inter-Parliamentary Union delegation went to Thailand and was briefed by the ambassador on how damaging the cut was proving to Britain's reputation in Thailand. The *Bangkok Post* detailed the campaign that has led to demonstrations outside the British embassy, petitions and a website. Yongyud Wongpiromsarn, who organised one of the demonstrations, said:

"The BBC radio programme was not just a news programme. It's more like an on-air magazine suitable for every member of the family. Without the BBC Thai, the only thing my son would know about Great Britain was Manchester United and Arsenal".

Pitaya Srikotapetch, who is blind, came to the British embassy protest with a friend. He said:

"BBC Thai had helped widen our world view and knowledge on domestic and international affairs as it offered different insights that we could not find in local radio programmes".

He told his friends how good the BBC Thai programme was, and they were soon hooked. His friend, Pongthep Krachangtip, said:

"I don't want to lose the BBC Thai programme and I really hope it will be kept alive. I have done my best to fight the planned suspension of the service but, as you know, I am just an ordinary guy. I wonder what more I can do to help the service".

Many more people are against the cut: professors from the universities, the Thai Senate Committees on Social Development and Human Security and on Foreign Affairs and an ex-Prime Minister. There is an extraordinary statement from the international academic community, signed by academics from around the world. It states:

"We believe that this decision gravely underestimates the importance of the service for Thai audiences, the BBC and British interests . . . Audiences in Thailand have long held the BBC Thai service in high regard."

As a final demonstration of the power of the BBC Thai service, I cite two letters from *The Times*. Philip Stott of the Anglo-Thai society wrote

"It is . . . disastrous for the UK, when the British Chamber of Commerce in Bangkok has grown to be second only to that of the US and the countries of the Pacific Rim are rising in economic and political influence."

A Ms Methasate, who grew up in Bangkok, wrote:

"Politics aside, Britain will also lose one of its most treasured and well-loved cultural ambassadors. Gone will be *English by Radio*, one of the reasons why tens of thousands of Thai students come to this country, and *Book Talk*, a programme dedicated to promoting British writers and publications, not to mention the highly praised news bulletins that only the BBC can provide."

What can be done? In summation, I say two things on that. The BBC World Service and Nigel Chapman had the grace to tell me that, of all the vernacular services, the decision to cut the Thai service was the most difficult and the one they had to think hardest about. It was the most marginal decision, and it involved about £700,000 to £800,000 in total. If they had to think hardest about that service before deciding to cut it last summer, how much harder would they have to think if the decision were being made now, when there is potential revolution on the streets of Bangkok, and, as I have said, the future course of democracy there is at stake? I certainly back the requests from the BBC World Service for further resources in the future. However, it should listen to its critical friends in this House, who do not challenge its entire strategy, but ask it to think again on this one issue.

I say to the Minister, and through him to Lord Triesman, that this debate has been on the Order Paper for about the past week, and I have had one or two phone calls from Foreign Office officials asking what I was going to say. I told them that I was happy as an elected MP to discuss that with the noble Lord responsible, but not with an official—that would have spoiled the fun of these occasions.

Anyway, I waited and waited. Yesterday I came into my office and my intern said, "The Minister's office has rung." I was delighted; I thought that parliamentary democracy had been in action. In fact, it was the office of the Minister for Schools, who wants to speak to me on another pressing matter. I then thought that, if the Foreign and Commonwealth Office cannot be bothered to ring back, why should I?

I am sure that it was an oversight. Tonight, I am attending a Commonwealth Parliamentary Association reception, which Lord Triesman is hosting at Downing street, and I intend to have a little word with him. However, all I ask is that Nigel Chapman and the noble Lord come to have a cup of tea with me next week so that I can make the case directly to them that this decision should be reviewed. I hope that at the very least I can leave this debate knowing that the Foreign Office is willing to come with the BBC World Service and hear the case for a review of the decision.

1.48 pm

**The Minister for the Middle East (Dr. Kim Howells):** As ever, Mr. Hood, it is a great pleasure to serve under your chairmanship. It occurs to me that 20 years ago neither of us would have guessed that we would have been in this situation.

I thank my hon. Friend the Member for Selby (Mr. Grogan) and congratulate him on bringing this important debate to the House. We all know that the BBC World Service has a special place in this country's affections. I throw a little spanner in the works by saying that I hope that it is not going to change its theme tune, which has sustained me through many a bleak morning in sandy places.

The World Service has a global audience of about 150 million people and it enjoys trust ratings that politicians can only envy. Its reputation and success have been

*[Dr. Kim Howells]*

earned over 70 years and are a credit to the journalists and staff who work there and, of course, to this country and this Government. We all benefit from my hon. Friend's passionate interest in the BBC and the services it provides. I consider the BBC to be the world's premier broadcaster; I doubt whether any other provides such range and excellence.

The World Service's aim, which has been stated on many occasions, is to be the best known and most respected voice in international broadcasting. However, competition is stronger than it has ever been, and new technology is driving the pace of change. To meet the new challenges, the World Service has evolved into a multi-media broadcaster. It is no longer simply a short wave radio broadcaster. Its output includes radio, online services and, from 2007, television. To maintain its success, it must continue to evolve by taking into account new technologies, changing audience demands, where it is most needed and where it can have the greatest impact.

I shall come a little later to the point raised by my hon. Friend about audiences. I remember from my days as a Minister at the Department for Culture, Media and Sport that I never found two people who could agree on how big or small audiences were, or on the best method for measuring them, but I certainly take his point.

Against that background, the World Service conducted a review of its vernacular language services that resulted in a strategic reprioritisation, as it was called, which was announced in October 2005. The main changes were the closure of 11 radio services, new investment in online services and, as my hon. Friend mentioned, the planned launch of an Arabic TV service. Those changes were proposed by the World Service itself—they were not imposed by the Government. However, the Foreign and Commonwealth Office welcomed them in a written statement by my right hon. Friend the Foreign Secretary on 25 October 2005.

I stress that the reprioritisation was not a cost-driven exercise. Every penny saved from the closure of services has been reinvested in the World Service. It will receive £245 million of public funding this year. That is a huge amount of money. As my hon. Friend hinted, I am not the Minister who usually deals with these issues. When somebody put that figure on my desk, my hand began to shake. I wondered what my bit of the FCO could do with £245 million. However, it is certain that nothing could be better than spending it on the World Service, which in so many ways is a great representative of this country, its culture and its belief in democracy and freedom.

As my hon. Friend said, before closing services, the World Service undertakes repeated analysis of their reach and impact, and the availability of alternative sources of independent news and information. The Thai service is one of those that was closed. The others were mostly in central and eastern Europe. The Thai service closed in January, and as I understand it, the decision was not taken lightly.

In the 62 years since the World Service Thai service was established, Thailand and its relationship with the UK have changed beyond recognition. Thirty or 40 years ago, as my hon. Friend said, Thailand was a very different place. It was caught up in the cold war and suffered from domestic instability and successive military coups. But Thailand and south-east Asia have changed markedly. Once a zone of instability, much of it—not all of it, but much of it—has become a zone of dynamism.

As current events illustrate, and despite all the concerns and threats mentioned by my hon. Friend, which we must take seriously, Thailand remains one of the liveliest democracies in the region. I understand that there is an ongoing debate about the role of the media in Thai society, but the country has a vibrant and diverse press. Thanks to the revolution of satellite and internet communications, Thais also have access to a broad range of domestic and international media outlets. The BBC played its part in informing Thais and shaping their views over several crucial decades in the country's political and social development, and it can be proud of that contribution.

A key factor in the decision to close the Thai service was its small audience. I heard what my hon. Friend said about the disputes about the exact size of the listenership in Thailand, but it is clear that it was relatively small. Thais no longer relied on the World Service for their news and information. The BBC figures were based on repeated measurements. Some were higher, some were lower, but the evidence was clear that the audience was low compared with other World Service services; indeed, it was 38th out of the 42 vernacular services provided by the World Service. On average, only 1.2 per cent. of Thais listened to it. My hon. Friend disputed that figure.

The service was no longer viable when judged against the World Service's other priorities, but I reassure my hon. Friend that closure of the Thai language service does not signal the end of the BBC's broadcasting to Thailand. The country will continue to receive the English language radio service and online services, and BBC World television is available to cable and satellite viewers. The demand in Thailand for English language services has grown in recent years, and UK-Thai relations, which are based on our vibrant commercial and cultural relationship, and on strong personal links that have grown up in recent years, will continue to be strong. The 750,000 British tourists who visit Thailand every year can testify to the depth of those relations.

My hon. Friend raised several important issues that are beyond those purely formal facts. He spoke about the importance of the Thai vernacular service to individuals, which I can understand. As a lifelong listener to the various programmes that the BBC uses to convey the thoughts of its listeners about all sorts of programmes, I know that people write passionately about BBC services. We only have to witness the current row over Radio 4's morning medley. I well remember how angry I felt when "Desert Island Discs" was shifted. Suddenly my Sundays and Fridays were not the same, until Parkinson came on. That is what I listen to now.

Nevertheless, the fact remains that all such bodies must reassess their priorities. I believe that the journalists who were affected by the closure of the Thai service have been very well looked after by the BBC. I made a special point of inquiring about that. It seems that they were well rewarded for the service that they provided, and they were given good redundancy packages if they did not have other jobs. Their expertise and professionalism were not cast aside or wasted. As I tried to make clear earlier, Thais will be afforded access to many other services, including, of course, the World Service.

The closure of vernacular radio services leads to redundancies at the World Service. Because of linguistic and regional expertise requirements, it is not always possible to reassign World Service staff internally. As I said, the terms and conditions were satisfactorily agreed between the World Service and the trade unions, and the BBC is confident that the changes will not affect the quality of its news gathering operation.

I know from when Broadcasting Bills have been taken through this House that MPs feel strongly about the issue. We all worry when news gathering and news broadcasting headquarters and services are centralised and taken out of our region or constituency, and we are right to worry about that. If Lord Triesman or I had thought that this decision would result in a degradation of services to Thailand, we would have put up some resistance to the World Service's proposal.

*It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.*

# Westminster Hall

*Wednesday 8 March 2006*

[FRANK COOK *in the Chair*]

## Human Rights (Central Asia)

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Mr. Watts.]*

9.30 am

**Mr. Alistair Carmichael** (Orkney and Shetland) (LD): I am pleased to have obtained this opportunity to debate human rights in central Asia, specifically the former Soviet republics known collectively as the "stans": Tajikistan, Uzbekistan, Kyrgyzstan, Turkmenistan and Kazakhstan. I acknowledge the valuable assistance that I have received from bodies that have provided briefings for this debate, namely Christian Aid, Christian Solidarity Worldwide and Amnesty International.

In many ways, 90 minutes is barely adequate to deal with this subject and the range of human rights concerns regarding this region. Therefore, to allow others to participate in the debate, I shall restrict the focus of my remarks to the situation in Uzbekistan in particular, although I shall touch on Turkmenistan, and on religious freedom, which is of particular concern to me.

I shall try also to put human rights concerns into the broader politics of the region, because it seems that human rights problems common to all these central Asian countries are a symptom rather than the disease itself. They are symptomatic of the problem in countries that do not enjoy a great deal of political stability, because there is a tremendous amount of poverty in such countries, which has given rise to a fairly unpleasant class of despot in the region. When discussing human rights, it is important that we see the issue in its full and proper context and do not try to divorce it from the poverty issues in the region. I hope that in this age of joined-up government the Minister for Europe might convey a few of my concerns in that regard to his colleagues in the Department for International Development.

There are several characters in the region about whom I am inclined to think that Gilbert and Sullivan would be writing comic operas if were they alive and working today. Those characters are—I say this in no spirit of levity—grotesque caricatures of dictators. It is impossible not to find some amusement in a character such as President Niyazov in Turkmenistan, who modestly styles himself as the "father of all Turkmens", and who renamed the months and days after himself, his mother and various folklore heroes of the country. However, it is easy for me to say that it is impossible not to derive some amusement from such a person because my family are not being persecuted by such people, and my religious freedoms are not being curtailed. It is not me who, as a Christian, is being denied the right to visit and associate freely with other Christians, which is, of course, the situation in places such as Turkmenistan.

I move to the situation in Uzbekistan. I have had an interest in that country for several years for a variety of reasons. The Minister may know that I have long been interested in the abolition of the death penalty worldwide; the death penalty has been used as a particularly brutal instrument of oppression in Uzbekistan. It may send shivers down a few spines behind the Minister to know that some of my concerns were first brought to my attention by the former ambassador to Uzbekistan, Mr. Craig Murray, with whom I have been acquainted for 20-odd years since we were both students at different universities in Scotland.

I take as my starting point the Government's helpful annual human rights reports. Uzbekistan featured in the 2005 and 2004 reports as being an area of major concern. I love the Government's human rights reports: they have a real talent for taking the meanest grain of progress and embracing it with an optimism that I, as a Liberal Democrat, find truly heart-warming. Optimism should always be encouraged. They note that "some limited steps" have been taken in implementing the UN convention against torture, and highlight a speech made by President Karimov about his aspirations for democracy, but the bleak and depressing truth is that there is no concrete evidence of improvement and plenty of evidence of the continuation of widespread human rights abuses in that country. Torture and other forms of ill-treatment remain routine for those in custody. Indeed, torture is incentivised because confessions are routinely the basis for convictions in trials that are widely recognised to fall far short of any internationally recognised standards for such matters.

I shall talk about events in Andijan last May. This issue has been fairly well rehearsed in this place, but probably not well enough. The fact that the events of 12 and 13 May 2005 in Andijan have not created more outrage should cause deep embarrassment to all of us in this country. On those nights, a group of armed men attacked an army garrison prison in Andijan, which is part of Uzbekistan's densely populated and impoverished Fergana valley. A number of prisoners were reported to have been released, including 23 men who are currently on trial for belonging to the Akromiya religious movement. Armed men stormed the mayor's office and took police hostages. Reports suggest that a crowd of several thousand gathered in the city on 13 May, initially voicing support for the 23 accused but then calling for jobs, an end to corruption and injustice, and the president's resignation. Eye-witness reports, which have been suppressed by the Uzbek Government and are difficult to come by, suggest that toward the end of the afternoon, Uzbek troops fired indiscriminately on the crowds with live ammunition, using armoured personnel carriers. It has been suggested that about 500 people might have been killed, including women and children. We have no idea how many others might have been wounded.

I say in passing that the Minister might wish to consider, in the context of other legislation going through the House, whether those who originally stormed the prison and garrison in Andijan might be regarded as terrorists, and whether those of us who support their quite legitimate case might, at a later stage, be considered guilty of glorifying terrorism. I do not expect him to answer that point today, but I highlight it as something on which he might wish to ponder on another occasion and in another way.

**Mr. David Drew** (Stroud) (Lab/Co-op): Whatever one's view of the regime in Uzbekistan, one cannot be

*[Mr. David Drew]*

but appalled at the points that the hon. Gentleman made in his introductory comments that since Andijan discrimination against Christians has greatly increased, and that they have borne the brunt of the regime's anger about what happened. Does the hon. Gentleman agree?

**Mr. Carmichael:** Yes; I am grateful to the hon. Gentleman for that intervention. As a Christian, I have been struck by the theme that runs through virtually all the human rights oppressions in the central Asian republics. The Churches—not only the Christian Church but other religious groupings—are at the centre of resistance to the dictatorships. I think back to Malawi in the early 1990s, when the Catholic bishops and the central African Presbyterian Church were instrumental in bringing down Banda.

The flipside of that coin is that the Churches and religious groups suffer the hardest persecution. That has been a hallmark of events since the Andijan massacre. As the hon. Member for Stroud (Mr. Drew) said, it has affected Christian groups, other religious groups, journalists, human rights activists and ordinary citizens of no affiliation at all. Anyone who attracts any suspicion, whether there is any legitimacy to that, seems to be a legitimate target for repression in the eyes of the Uzbek Government. They have tried to close down any discussion or dissemination of information about events in Andijan. State-run media outlets provided limited coverage of the events as they unfolded, and there was no pictorial representation of them.

On 14 May, journalists who had been working for western news agencies, including the Institute for War and Peace Reporting and Reuters, were detained and forced to leave the city. Journalists from Russia's NTV and Ren TV were also detained and had equipment confiscated. Given the current relationship between Uzbekistan and Russia, that is even more remarkable.

Since the events of 13 May, independent journalists and human rights activists have reported a climate of fear in Andijan, with pressure on people not to talk to outsiders. Non-governmental organisations and human rights groups have received reports of detentions and house arrests, including that of Saidjahon Zainabuddinov, the head of Appeal, the human rights non-governmental organisation. He was an eye witness to events in Andijan. We are given to understand that he has been charged with calumny or slander, but again details are difficult to come by. Can the Minister tell us what the current situation is for Saidjahon Zainabuddinov? What progress has been made towards persuading the Uzbek Government to accept an independent international inquiry into the events in Andijan last May?

Further concerns mentioned in the annual report relate to the restriction on access to prisons; the lack of independence in the judicial system, with judges appointed by the president; widespread corruption; and the continued use of the death penalty. In 2004, Uzbekistan executed prisoners on death row whose cases were lodged with the United Nations human rights committee.

Also in 2004, I was privileged to chair a meeting in the House of Commons organised by Reprieve, the death penalty abolition group. Among others represented on that occasion was the Uzbek group Mothers Against the Death Penalty and Torture. In particular, Tamara Chikunova was present and her story was one of the most compelling and heart-rending stories that I have ever heard from someone who has been involved with the death penalty—of course, there are few pleasant ones. Tamara Chikunova's son was arrested, subjected to a mockery of a trial in Uzbekistan and sentenced to death. She visited him regularly in prison. She turned up one day as arranged and was told that she would not be allowed access to him and to come back two days later. She did so and was told that her son had been executed two days earlier—the very day on which she had been outside, waiting for him.

I often think that the appalling inhumanity of the death penalty comes from the prevalence of people remaining on death row for 15 or 20 years, as often happens in the United States. However, to use the death penalty at the other end of the scale, only weeks after conviction, takes inhumanity and barbarism, too. That story highlights the nature of the Uzbek regime.

**Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): Although we have to be careful about labelling all the "stans" and suggesting that all the human rights abuses are on the scale of those in Uzbekistan, does the hon. Gentleman agree that one of the worst things in Uzbekistan, in addition to the treatment of prisoners and torture, is the secret trials—trials that the relatives of the accused do not even know are taking place—and the lack of proper access to legal representation for those accused of what are often trumped-up crimes? That is really the worst thing of all.

**Mr. Carmichael:** I cannot disagree. The hon. Gentleman has described features of a criminal justice system that breaches just about every internationally accepted norm of criminal justice standards. Justice should be done publicly. People should have a right to know the case against them. The judiciary should be properly independent of the Government. We take those things for granted, but the Uzbek Government in particular—I take the point about not labelling every "stan" according to Uzbekistan—almost seem to go out of their way to ignore them.

The Government's annual report mentions problems faced by members of Human Rights Watch with regard to the renewal of their visas, but there is not much of an update. Perhaps the Minister can say what the current situation is for NGOs such as Human Rights Watch that seek to operate in Uzbekistan but find themselves constrained in doing so.

I am aware that time is moving on, so I shall deal with religious freedom briefly; no doubt other hon. Members will do so in more detail. The reports of religious intolerance and persecution in Uzbekistan cause me significant concern. Discrimination, harassment and criminal prosecutions of Muslims and harassment of religious minorities, most notably Protestant Christians, remain commonplace. The trial of 23 men accused of being members of the banned Akromiya group and anti-constitutional activity led to the Andijan massacre. Can the Minister update us on the policy of critical engagement with Uzbekistan in respect of cases such as that?

Another concern that I shall touch on, which is not new, is the suggestion that information derived from torture has been used by this country. Again, I bring hon. Members' attention to the work of Craig Murray. He stated clearly that the Government have used information provided by states that practise torture. Steve Crawshaw of Human Rights Watch told the Foreign Affairs Committee that, in one of her submissions when questioned in the House of Lords on the use of information acquired through torture, Eliza Manningham-Buller as much as said, "We're not going to ask, because that would make things difficult." I hope that the Government's approach to the use of information from Uzbekistan has moved on from that rather bleak caricature and that the Minister will assure us that they will not use intelligence derived from the use of torture in Uzbekistan.

I said in my introductory remarks that I wanted to make the link between human rights abuses and poverty in the region. In doing so, I am again indebted to Christian Aid for its briefing. It is important to understand that the oppression of people in the central Asian republics is an economic as well as a human rights oppression. These are, for the most part, highly resource-rich countries, and that makes the fact that there is such poverty in them all the more appalling. The average per capita incomes in Kyrgyzstan, Tajikistan and Uzbekistan are now lower than in sub-Saharan Africa. The average monthly salary in Tajikistan is $20. Across the region as a whole, life expectancy at birth fell from 68.2 years in 1990 to 64.7 years in 2003. Although some economic progress has been made in the past few years in Tajikistan and Kyrgyzstan, that has not translated into improved living standards for ordinary people. A recent survey suggested that more than half of the poorest households in Tajikistan eat on average only one meal a day. One third of Tajik children are chronically malnourished, and economic migration among the male population of the region is leading to family collapse and increased vulnerability for women and children.

In view of the difficult governance issues in the region, will the Minister tell us how he envisages the UK Government's poverty reduction and political objectives there being met? Also, please will he impress on his ministerial colleagues at the Department for International Development the importance of increasing aid to the region, in line with DFID's increasing support to other developing regions?

Finally, I shall address changes at the United Nations. In August 2005, the UN General Assembly agreed to establish a human rights council to replace the UN Commission on Human Rights; it was said that the human rights council will assume the mandate of the Commission on Human Rights. It will have between 30 and 50 members, each of them elected on a geographical basis and for a period of three years by a two-thirds majority of the General Assembly. Each member will undertake to fulfil human rights standards and face evaluation under the review mechanism. We are told that the United Kingdom welcomes the establishment of the council, but it is of concern that the US ambassador, John Bolton, has said that he is prepared to vote against it. Is the Minister able to give us any insights in respect of why the United States is opposed, what compromises it might be looking for, and what prospect there is for the introduction of the human rights council? Can the Minister also assure us that the system of monitoring human rights worldwide under the UN special rapporteurs will continue and be properly resourced?

Much more could be said about central Asia and human rights. I am grateful to hon. Members of all parties for attending the debate. I hope that our words and concerns will be heard outwith this Chamber, and that there might be a little hope for the future of the oppressed people in these countries.

9.53 am

**Mr. Greg Hands** (Hammersmith and Fulham) (Con): I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this important debate. Like me, he has long had an interest in this part of the world, and I am sure that he would agree that, if anything, the debate is somewhat overdue.

Central Asia is a relatively neglected part of the world—neglected by policy makers, that mythical body called the international community, and, dare I say it, by Her Majesty's Government, and even by the House. There have, I think, been two oral questions on the region and, perhaps, two dozen written questions in the last year, from, for instance, the hon. Members for Orkney and Shetland, for Stroud (Mr. Drew), for Bassetlaw (John Mann), for Moray (Angus Robertson), and for Leicester, East (Keith Vaz), and from my hon. Friend the Member for Buckingham (John Bercow).

I have been to all five of the countries in question, and to Uzbekistan on various occasions. In a general sense, central Asia is not a happy part of the world, and its nations have certainly underperformed in the past 15 years, compared with other ex-Soviet republics not just in Europe but in Asia. Twenty years ago, Tashkent was more or less on a par with Novosibirsk or Krasnoyarsk. Since then, there has been quite a severe divergence in the wrong direction for Tashkent and other major central Asian cities.

The hon. Member for Orkney and Shetland talked in detail about some of the economic statistics; those on per capita incomes and life expectancies are truly alarming. There are also some crazy economics in countries such as Uzbekistan. It is one of the few countries where people can still be seen doing their daily shopping with huge wads of cash. I have seen ethnic Russians showing up at travel agencies with large wheeled hold-alls full of cash to buy their one-way ticket to Moscow; it makes me think of the Weimar republic.

One issue that has not been touched on so far is the regrettable out-migration of ethnic Russians. That is partly due to Russia's loss of its previous status as the quasi-colonial power, but it is also due to human rights concerns. Depending on one's view on what is going on in Moscow, that journey might smack a little of being a case of out of the frying pan and into the fire. However, that phenomenon is sucking out a lot of the middle classes—such as they exist—from these countries.

Most of the interest that there is in the region in the outside world—and, indeed, in the House—is due to energy interests. I am not against there being such interests, but we need also to consider human rights, which in many of these countries are awful. Uzbekistan is without doubt one of the five most tyrannical regimes in the world at present. Turkmenistan exceeds even

*[Mr. Greg Hands]*

North Korea in its rampant Stalinist personality cult. Tajikistan is still in chaos. Kyrgyzstan still has an uncertain future, and the recent Kazakh election was, at best, questionable.

I want to focus briefly on Turkmenistan, before concentrating mainly on Uzbekistan. In describing Turkmenistan, it is a shame that we are not allowed visual aids, because it is difficult to get a feel for the country without having seen it. There is a massive personality cult; the hon. Member for Orkney and Shetland referred to it. The leader is Niyazov, the self-styled Turkmenbashi, and his regime is characterised by vanity, control freakery and a habit of fantasy and invention. I have always written him up as TB for short. The phrase "Halk, Watan, Turkmenbashi" can be seen almost everywhere in the country; it means something like, "Praise the leader." All of us have come across occasional snippets about him. I share the view of the hon. Gentleman. In that country, one spends about a third of the time in a state of bizarre amusement, but for two thirds of the time one is appalled at what is going on. In the centre of Ashkabad, there is a neutrality monument. It is an 8 m-high gold statue of Turkmenbashi that revolves on top of a pedestal that is about 70 m high. The leader of the country greets the sun in the morning—the statue faces the sun—and then he revolves during the day and says goodbye to the setting sun in the evening. It is incredible to watch. However, the cruel reality in Turkmenistan is that open expression of alternative views is not possible. It can result in imprisonment or forced institutionalisation in a psychiatric hospital. There is no free media, and even most publications from Russia are banned, and steps are taken to suppress the use of the internet.

The hon. Member for Orkney and Shetland rightly focused much of his speech on Uzbekistan. Human rights abuses in Uzbekistan are not new, but on 13 May last year in the city of Andijan there was the world's biggest peacetime massacre of demonstrators since Tiananmen square. I was delighted recently to meet Muhammed Salih, the last Uzbek opposition leader who dared to speak out. He has written an excellent book called "The Opponent". It starts by describing his unhappy time as a Soviet soldier during the occupation of Czechoslovakia in 1968. Mr Salih spoke movingly of the events in Andijan, and, in response to my questioning, he outlined how the opposition in the country was being much maligned by the Government, who seek to paint its members as Islamists and terrorists, both of which are gross distortions.

I commend the work of Human Rights Watch which, despite facing great difficulties and some danger to its own people, has managed to put together a credible account of what happened in Andijan—of tanks rolling through the main square and firing indiscriminately, of snipers picking off their victims, and of soldiers later shooting dead some of the wounded. At the time that they happened, the events of 13 May 2005 were somewhat buried under a glut of other international news. That was just after our election, and the French and the Dutch were in the middle of EU constitution ratification, so the attention of the international community may to some extent have been elsewhere.

Over the past nine months, I have tabled more than a dozen questions on the Government's response to the events at Andijan, and on what action the UK and the international community are taking. The first response to my very first question on the subject came not from the Minister for Europe, but from the Uzbek embassy in London; its response actually came before the Government's. The embassy sent me what I am sure it thought was a helpful e-mail, a six-page exposition of what it described as the "terrorist" incidents at Andijan, which it bizarrely blamed on Hizb ut-Tahrir. The e-mail had a sinister tone, demanding to know, for example, where I had learned aspects of idiomatic Uzbek, and so on.

The reaction internationally to the events at Andijan has been very weak, and for no particular reason; there is not even the excuse that Uzbek bases are needed to project coalition power in the region. Energy concerns are not particularly great in Uzbekistan. To the best of my knowledge, Uzbekistan is still a member of the European Bank for Reconstruction and Development and still has a partnership and co-operation agreement with the EU, although I could not ascertain whether that has been suspended. Germany seems quite happy to allow Uzbek Government leaders to receive medical treatment there, claiming that it is being done on humanitarian grounds. I question whether the population of Uzbekistan has the same access to quality medical treatment.

There is an EU arms embargo, although Uzbekistan is a member of the NATO partnership for peace programme. It must be the first time in history that we have a military ally on whom we have an arms embargo. I pointed that out to the Minister at Foreign Office questions in October, but it seems that no action has resulted. Thankfully, the US has been a little tougher than the EU; it has at least pulled out of its military base, although it is slightly unclear whether that was voluntary.

The Economist's excellent editorial of 25 August last year said, with reference to Andijan:

> "On few, if any, occasions since the cold war has so little been done by so many in the face of such atrocity."

The article goes on to criticise the EU for

> "a display of spinelessness worthy of a sea full of jellyfish."

In three months' time, I hope in co-operation with other speakers here, I will be hosting, in Parliament, an anniversary event for 13 May.

In conclusion, we need a much tougher response on Uzbekistan. It is still not too late. I again draw a contrast with the response to Tiananmen square in 1989. Ironically, at the time that response was criticised in many quarters for not being strong enough, but it was actually quite swift and—compared to the response to Andijan—quite strong. Some 17 years on, there are still some sanctions in place against China; yet here we are nine months after Andijan with very little to show.

In my time in the region, I often thought that Uzbekistan, Turkmenistan and, to some extent, Kazakhstan were how eastern Europe countries would have been had the Berlin wall not fallen in 1989. One might recall Ceausescu and Honecker in 1989 praising the Chinese authorities after Tiananmen square, and thank God that they were never able to copy those authorities. The regimes that we are talking about,

particularly that of Uzbekistan, have copied the Chinese example. Uzbekistan, in particular, and Turkmenistan are worse than the countries of cold war eastern Europe; they are more like the Stalinist days of the early 1950s. Torture is rampant, demonstrators are shot, there are no press freedoms, censorship is complete, and there are roadblocks everywhere on the highways. We need a far tougher response from the western world and from Her Majesty's Government, and I look forward to hearing the Minister's answers.

10.3 am

**Angus Robertson** (Moray) (SNP): It is a pleasure to follow the hon. Member for Hammersmith and Fulham (Mr. Hands), who is obviously well informed about the situation on the ground in the republics that we are talking about. I commend the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this debate.

My interest in former Soviet republics is normally about the south Caucasus—Armenia, Azerbaijan and Georgia. It is through my interest in that region and my involvement in the non-governmental organisation sector that I have come to understand how much of human rights work is dependent on funding from the UK Government through the global conflict prevention pool. The last GCPP report, "A joint UK Government approach to reducing conflict", states:

"Activities under the various strategies include ... .Helping civil society organisations defuse the tensions which can lead to violent conflict. This can include some promotion of human rights."

One NGO involved in the former Soviet republics has outlined its work as consisting of: fostering institutional and legal reform by providing international comparative expertise; engaging in advocacy on a national and international level; the training of key actors—that is, young journalists, lawyers, judges, specialised NGOs and public officials; the monitoring and auditing of the public's access to official information; and raising public awareness about the practical function of freedom of expression and access to information in a democracy. Those are exactly the sort of efforts that are essential to deal with the shortcomings that have been outlined.

It may not be well known to some Members present that the Government have slashed their spending on these important efforts by 20 per cent. as a whole. It may surprise them even more to hear that funding to the former Soviet republics has been almost halved; there is a cut of nearly 50 per cent.

In a Westminster Hall debate last October, to which the Minister responded, I read out a reply that I had received from an NGO, which said that the cuts

"will have negative implications for the democratic transformations in the region. Work cannot be carried out with gaps in time; there should be continuity and an ongoing flow of activities that build on past strengths and existing experiences".

Another NGO said that it would have to

"tap core support and cut back in projects",

and said that there are

"obviously other pressures on government spending, but nothing has been made clear as to why the money has gone".

Having worked with many NGOs in the south Caucasus, I am passionate about the subject, and I do not think that the cut in spending there is justified. It would seem extraordinary if the UK Government were to cut spending to the central Asian republics.

My first specific question to the Minister, together with his colleagues from the Department, is to ask him to run through the cut in spending to Uzbekistan, Turkmenistan, Tajikistan, Kazakhstan and Kyrgyzstan. Will he confirm that there has been a cut in spending through the conflict prevention pools to projects in those republics? Nothing that we have heard today would give anyone confidence to suggest that either the human rights situation or the democratic situation have improved over the past year; if anything, they have become worse.

The Minister and I have a difference of view on the Iraq conflict, but there is an appreciation that funds, including other budget lines from the conflict prevention pools, have gone from central Asia to Iraq. If the Government have cut funding, now is the time for them to explain why, and to say which projects in the central Asian republics will be affected.

My second point is about the UK Government and the domestic reaction to the human rights situation in central Asia. Not many citizens of the republics that we are talking about live in the UK. I happen to have a Turkmen citizen—an ethnic Russian—in my constituency. He is going through some of the difficulties that the hon. Member for Hammersmith and Fulham outlined. I have raised his case with the Home Office, and I do not expect the Minister to talk specifically about it, but I would like to give him the correspondence on the subject. In that way, he can liaise with the Home Office so that the matter can be dealt with.

It may not be clear to people outside the region that the Turkmen laws regarding marriage were such that until the beginning of the year $50,000 had to be paid as a fee for registering a marriage with a foreigner. That is extraordinary. I suspect that that was part of the effort to try to stop the ethnic Russian middle classes leaving. Be that as it may, international pressure was put on the Turkmen authorities and changes to the law have been brought about, but it would be a fantasy to think that the problems have disappeared because of that.

My constituent has appealed against a decision to refuse a certificate of approval for the marriage in the UK. She was granted a visa extension to enable her to have her child in the UK, which has happened, and she has been allowed to remain in the UK for several more months, after which her current visa status requires her to return to Turkmenistan before she can apply for a marriage visa. How extraordinary that somebody who is here in safety and has had a child is having to return to that country. We do not have enough time to read the reports from Human Rights Watch, Amnesty International, the Organisation for Security and Co-operation in Europe and the office of the United Nations High Commissioner for Human Rights, etc., all of which are saying that this is an issue of concern.

For prescience I shall read one paragraph from a document from the Turkmen Initiative for Human Rights, published at the beginning of January. It states:

"the Turkmen authorities had to cancel this repressive law"—

the registration law—

"yet they were reluctant to offer complete freedom to their citizens, so lists of those who were not allowed to leave Turkmenistan, i.e. 'black lists' appeared in the country. According to various data these lists included between 3 to 5 thousand names. However,

*[Angus Robertson]*

most of these people only learnt about their status when they were at the airport about to board a plane. When such cases became known to diplomats at foreign embassies, the Turkmen Foreign Ministry had to demonstrate great ingenuity in order to justify the actions of the border officers and special services.

Consequently, a new law was passed which requires all those wishing to exit Turkmenistan irrespective of the aim of the trip to obtain a new document—a passport for the citizens of Turkmenistan for going abroad and entering Turkmenistan—in advance of the trip."

That is not satisfactory. It would be helpful if in time, if not today, the Foreign Office clarified that position. There cannot be hundreds and thousands of Turkmen citizens in the UK; it must be a small group of people. The case has been made by verifiably independent human rights organisations that the current situation is not acceptable. I hope that the Home Office and the Foreign Office will co-ordinate to ensure that people seeking to remain in the UK are treated according to their circumstances and that they are deeply sceptical about the human rights situation in Turkmenistan.

The Government have some work to do on this matter and they have some explanations to give on the funding of projects in various central Asian republics. I am sure that the Minister will say that the UK Government have grave concerns and are doing everything that they can. However, if that is so, are they cutting their funding and, if so, why?

10.13 am

**Mr. Jeremy Browne** (Taunton) (LD): I congratulate my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) on securing this important debate. The last time that I listened to a speech in the House by my hon. Friend, the outcome was a defeat for the Government by one vote. The Government will be pleased that there will not be a vote on this debate. None the less, I hope that the issues raised are treated with the degree of concern that they warrant.

I congratulate also the two speakers who preceded me—the hon. Members for Hammersmith and Fulham (Mr. Hands) and for Moray (Angus Robertson)—particularly the former for making a well-informed and insightful speech based on his experience of visiting all those countries in the region.

I have a degree of sympathy for the Government on such occasions, because it is normal in these debates for everybody to agree that the state of affairs in the given country is deplorable and ask the Government what they are going to do about it. The Government have scope to make headway and progress, otherwise we would have nothing to discuss, but we should not delude ourselves that the Foreign Office or wider Government are able to resolve all the ills of the world from Whitehall. None the less, this is an important debate and I hope that the Foreign Office will not try to be so realpolitik with this region that it will see wider strategic concerns taking too great a precedence over the worrying human rights abuses that have already been chronicled during this debate.

I commend my hon. Friend the Member for Orkney and Shetland on his vigilant opposition to the use of the death penalty around the world, which is a form of sanction that debases humanity. It is a laudable aim for all hon. Members—I am pleased that there is now a large degree of consensus across parties in Britain—to say that the death penalty is an inappropriate way to punish people and to send a wider signal to populations of other countries, which is often another of its effects.

We in this country so often take for granted a range of freedoms, including freedom of election, media freedom, freedom of trade union affiliation and religious practice, which has already been touched on, freedom of association and the rule of law and a proper independent criminal justice system. I join those who have already spoken in urging the Minister and the Government not to neglect or too readily forget the events in Andijan only 10 months or so ago. Tiananmen square took place when I was a 19-year-old and a few years have passed since then, but it lingers long in the memory and rightly so, because such events are more likely to be repeated if they are too readily forgotten.

I have four suggestions that are not directly within the remit of the Government but are, none the less, areas where they may have some scope to act. First, this region has a low profile in this country and in western Europe, north America and other parts of the world, and it is easy to neglect it. Few people in this country have ever been there and many of them probably could not locate it accurately on a world map. Few people from the region have visited our country. There is little scope for cultural interchange. As a consequence, countries that are out of sight are often out of mind as well. It would help provoke debate in this country, and raise greater concerns than have already been made apparent by groups such as Amnesty International, if people in Britain had a greater appreciation of the way of life and culture and difficulties faced by people in the region. I do not claim that that is directly in the frame of reference of the Minister, but it is worth bearing it in mind that when opportunities arise to promote understanding of that region, whether through the media or in the House, that is an important factor in bringing international pressure to bear on those who abuse their power in these countries.

Secondly, I should like to talk about poverty, which the hon. Member for Orkney and Shetland mentioned, including widespread hunger, unemployment and reduced life expectancy. Extreme poverty can be a powerful instrument of control for a regime that wishes to use it in that way—Zimbabwe is as graphic an illustration of that as any country. Such poverty also brutalises a society and means that the human rights concerns of the people who live there are relegated, day to day, below the more immediate concerns of keeping body and soul together. It is always difficult to try to maintain a civilised civic society when people live in extreme poverty and feel that they are willing to complain less about their circumstances, in terms of their liberties, as long as they are able to feed and shelter themselves and their families.

As the hon. Member for Moray said, the Government have scope to make progress on that issue and to try to encourage the Governments in the countries that we are discussing—in so far as we have relations with them—to do the same.

My third suggestion is to do with the issue raised about natural resources and energy in the countries of central Asia. Too often, we in the west regard the need to provide for our energy requirements and drive up our

standard of living as taking precedence over all forms of foreign relations. I do not wish to be unrealistic; like my constituents, I drive a car and heat a home, and we should guard against being unduly hypocritical. None the less, rather than seeing the need to increase our energy supply as a reason for overlooking human rights, we should regard it more as a lever for change and a way of exercising pressure elsewhere. The Government need to be forceful in that regard.

My final thought is not directly a matter of Government policy, but it is about an issue that they may seek to influence. I do not believe that human rights ever quite come about by Governments signing treaties or forcing them to emerge artificially. The process is more subtle and difficult than that; it is about engendering in people, and those to whom they give their consent to rule, a sense of values that they regard as impossible to violate.

That is more delicate than something that a Foreign Secretary decrees should happen by signing a piece of paper, and it is a worldwide process. I do not regard human rights and civil liberties as the particular preserve of those who happen to be fortunate enough to live in a country in which Government Ministers treat such issues with due concern. That is why I particularly commend the work of Amnesty International, an organisation of which I am a member, and others. They see the issue in a global context, remind us to be vigilant and foster the desire in people throughout the world to live free from tyranny and terror.

I leave those thoughts with the Minister and look forward to hearing his speech and that of the official Conservative spokesman, the hon. Member for Cotswold (Mr. Clifton-Brown). I hope that the Minister will be able to answer many of the concerns raised this morning.

10.22 am

**Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): I am grateful for having caught your eye in this debate, Mr. Cook. I apologise to the Chamber as I have just developed a nose bleed. I am sorry if I look unsavoury; that is the reason why.

I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this debate. As he says, not enough attention is paid to central Asia. Some appalling human rights abuses are going on in that part of the world, although as I said during my intervention on the hon. Gentleman, it is wrong to brand all five "stans" in the same way. They have very different populations. Some have greater Russian populations—for example, 30 per cent. of Kazakhstan's population is Russian, but only 3.5 per cent. of Tajikistan's is Russian. The countries are very different in make-up, they have different languages, different religious beliefs and consequently different Governments. They have varying human rights records. For the sake of completeness, I shall talk about all five countries. I shall end with Uzbekistan and the problems there following the massacre.

Tajikistan has perhaps the best human rights and democratic record of the lot. It has independent television, allows independent trade unions and permits public assembly, albeit with a licence, and those are all characteristics of the democratic, open state that we would like to see.

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) and I saw the Kazakh Foreign Minister yesterday. Although there are concerns about President Nazarbayev's recent re-election, Kazakhstan wants to do business with the west. The Foreign Minister made it absolutely clear that he was here to promote his country and that it wants to move towards democracy and better human rights.

We learned one very interesting fact from the Foreign Minister: within four years, Kazakhstan will become the world's largest exporter of uranium. Recently, it signed a memorandum of understanding with the Russians. This is well outside the scope of this debate, but if we could persuade the Iranians to have a system under which the Russians processed their uranium, that uranium would come from Kazakhstan. That is an interesting possibility. Kazakhstan has rich oil and gas reserves.

Turkmenistan has already been referred to. It is effectively a one-party state; the Democratic party of Turkmenistan is the only registered political party and faces no serious opposition. *[Interruption.]* Shades of the situation in this country? Perhaps not—the Opposition here are getting stronger, and we do not want a one-party state.

Perhaps more worryingly, Kyrgyzstan faces a possible break-up as a country. An article by the Institute for War and Peace Reporting states:

"Kyrgyzstan has been in constant turmoil in recent months, with protests, confrontations and scandals following one another in close succession."

The article goes on to say:

"When it comes to the basic tasks of government—law and order, resource management, and reform—the authorities are failing badly, and they are also losing out to their critics in the battle for public opinion.

Given all these circumstances, one hears more and more often the view that the country is swiftly moving towards a tragic finale where it becomes patently apparent that Kyrgyzstan has not developed into a fully-fledged nation, and peace-keeping forces are brought in from the outside."

The article states that the greatest pessimists predict that Kyrgyzstan could break into two.

That leads me to Uzbekistan, the last of the five "stans". It will be useful to cite a letter written by the organisation Human Rights Watch that restates the UN's fundamental declaration on human rights, the core principle on which the UN was founded and to which all nations on Earth should adhere. The letter states:

"The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sets forth the standards by which the international community assesses states' treatment of rights defenders ... Article 1 of the declaration states clearly that, 'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.' Article 2 stipulates that each state has a responsibility and duty to create all conditions necessary to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all human rights and fundamental freedoms in practice."

As the hon. Member for Orkney and Shetland said, we often take what we have in this democratic country of ours, and in the west, for granted. It is too easy to forget how possible it is to go about one's daily life in an atmosphere of peace and freedom.

*[Mr. Geoffrey Clifton-Brown]*

So what happened in Uzbekistan? There have been various descriptions, but the best I have read comes from Human Rights Watch. I shall quote it to show how bad what happened in Uzbekistan on 13 May last year was. The description is very telling:

"In the early morning hours of May 13, gunmen attacked government buildings, killed security officials, broke into the city prison, took over the local government building ... and took hostages. Towards dawn, they began to prepare for a large protest in Bobur Square, in front of the hokimiat, and mobilized people to attend. By 11.00 a.m., as word spread, the protest grew into the thousands, as people came of their own will and vented their grievances about poverty and government repression. When government forces sealed off the square and started shooting indiscriminately, the protesters fled. Hundreds of them were ambushed by government forces, which gunned them down without warning. This stunning use of excessive force has been documented by the United Nations and other intergovernmental organizations."

Yet we have heard relatively little about that slaughter in Andijan in this Parliament or in the world's media. My hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) quoted an article from *The Economist*. During his excellent, fluent speech, which reflected his knowledge of the area, my hon. Friend told us that Uzbekistan is a member of the European Bank for Reconstruction and Development and has a partnership and co-operation agreement with the European Union, so there is some justification in allowing Europe, with its famous common security policy, to take the lead. He also quoted from an article in *The Economist*, which continues with a wonderful bit of irony:

"If so, the European Union has risen to the occasion as grandly as it did over Bosnia, Iraq and on so many other occasions: with a display of spinelessness worthy of a sea full of jellyfish."

Like the hon. Member for Orkney and Shetland, my hon. Friend has tabled questions about the visit to Germany of the Uzbek Foreign Minister—there is no reason why he should not be held to account for his country's activities.

I can give many examples from reports on the matters that concern me—torture; secret trials; people who do not have access to proper lawyers; people who are given long sentences without justification; and, perhaps worst of all, the case of Mutabar Tojibaeva. An article from Human Rights Watch dated 7 March quotes Holly Cartner, its Europe and Central Asia director, who says:

"The trial that led to the sentence of Tojibaeva is so unsound that her conviction cannot be allowed to stand ... We view Tojibaeva's conviction as part of a pattern of persecution against independent voices and critics within civil society since the Andijan massacre. The ferocity of this pattern is unprecedented even when judged against Uzbekistan's 14-year history of repression since independence from the Soviet Union."

Uzbekistan is a real pariah state, and the world should focus on it.

In closing, I have a few questions for the Minister. No doubt he will run through all the "stans". Perhaps he will say a little about what Government representation we have in each. As the Government are in embassy-closing mode, can he reassure us that, in view of the problems in these countries, none of our embassies or consulates there will close. Yesterday we were told by the Foreign Secretary that we recently opened a second consulate in Kazakhstan. That is a good sign; we want to see British representation maintained at the highest level in these countries.

There have been alarming reports from Ukraine and other countries that are sending refugees back to Uzbekistan. One can only imagine the fate of such people. In particular, I refer to a report from the Organisation for Security and Co-operation in Europe, on Ukraine's decision to return Uzbek asylum seekers. It says that Mr De Gucht, the OSCE's current Chairman-in-Office, has expressed his consternation at the decision taken by the Ukraine authorities to extradite 11 Uzbek asylum seekers back to Uzbekistan. What representations are the British Government making to Governments who propose to send refugees back to Ukbekistan? They are in grave danger of being persecuted, if not executed, if sent back.

**Mr. Carmichael:** I am mindful of the hon. Gentleman's earlier comments about the dangers of applying common standards across the five "stans", which were perfectly legitimate. In this context, does he share my concern that there have been instances of the four other "stans" sending back to Uzbekistan people who have subsequently been the subject of unfair trials and have been sentenced to death? It is all very well to say that there are good human rights practices within some of the countries, but they should not be allowed to be blind to the poor practices of their neighbour, Uzbekistan.

**Mr. Clifton-Brown:** I entirely agree with the hon. Gentleman. There is no recognition in each of the countries—at least in public; there might be in private—of the conditions in the others. Again, the British Government could make some useful representations to each country about the conditions in the others, and the fact that we expect to see articles 1 and 2 of the United Nations conventions upheld by every single country. A fundamental aspect of those articles is that refugees should not be returned to countries where they are likely to be persecuted or, worse, executed. One of the worst consequences of refugees going back to Uzbekistan is that a number of them have simply disappeared. Their families do not know where they are or what has happened to them; that is reminiscent of some of the dark days of the Peron regime, and it is very unsatisfactory.

In conclusion, this is an interesting but potentially unstable region. The western world can do it a great deal of good through unilateral, bilateral and multilateral contact with its countries as they emerge from the shadows of the Soviet Union. We have been engaged in the democratic process for 400 or 500 years; they have not. They are learning all the time, and they can learn a great deal from the west, particularly from the United Kingdom Government who have a worldwide perspective on freedom and proper recognition of human rights. I hope that we will hear from the Minister that the British Government are doing a great deal in that respect.

10.36 am

**The Minister for Europe (Mr. Douglas Alexander):** I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on having secured the debate. Its merit was already proven before I rose to my feet, and I hope that I shall strengthen hon. Members' convictions that the debate is worth while by the remarks that I am able to offer.

I welcome the opportunity to underline our commitment to improving human rights in central Asia. I also pay tribute—I would be remiss to do anything else—to the longstanding interest in these matters, in particular the abolition of the death penalty, of the hon. Member for Orkney and Shetland, and acknowledge the important work undertaken by non-governmental organisations such as those, including Amnesty International, that he generously recognised at the beginning of his speech. I shall ensure that the terms of this debate are shared with my ministerial colleagues in the Department for International Development, as he requested in the course of his remarks.

It is already clear, on the basis of our discussion this morning, that the House is united in its profound concern about the continuing negative trend on human rights in central Asia. Let me assure hon. Members that the Government continue to place a high priority on trying to bring about improvements. We remain committed to encouraging, cajoling and, where possible, co-operating with the countries in the region, to help to bring about greater freedoms and the development of civil society. We also remain focused on the difficult question, which has been honestly recognised, of how, in practice, the United Kingdom, acting in concert with the European Union and other international partners, can best effect positive change, not least in countries with a record of repression.

The hon. Member for Cotswold (Mr. Clifton-Brown), urged me to set out the level of representation at our posts in central Asia. Essentially, we have embassies in all except Kyrgyztan; I shall write to him for the sake of completeness. On the matter of the Uzbek refugees, we have made representations to the Kyrgys, Kazakhs, Russian and Ukrainian authorities to allow the United Nations high commissioner for refugees to fulfil its procedures before decisions are taken on extradition. The Government have urged the relevant authorities to continue to abide by their commitments to the United Nations conventions on refugees and against torture, and the Uzbek authorities to treat any returned refugees according to their international commitments. I raised the issue directly with the Kyrgys Foreign Minister when I met him last month.

**Mr. Carmichael:** The Minister has referred to the importance of co-operating with the different agencies that work in the region as well as with the Governments. Normally, the benefit of debates such as this is that they allow us to put matters on record. Can I say to the Minister that I have deliberately not placed on record today a number of significant matters of concern to NGOs because I am concerned, as are others, about affecting the work of the NGOs in those areas. Would the Minister undertake to join me as part of a cross-party delegation to meet NGOs such as Amnesty International, Christian Aid and others involved in the region to hear from them about their concerns and to consider how Government and NGO might work effectively together in the area?

**Mr. Alexander:** I am, of course, sensitive to the points raised by the hon. Gentleman and to the sensitivities of the important, brave work that some of the NGOs undertake. I would be happy to meet the hon. Gentleman and those who represent the NGOs to address these questions. Given my background with these organisations, it would be bizarre if I were unwilling to meet them. I am happy to give that undertaking.

**Mr. Clifton-Brown:** The hon. Member for Orkney and Shetland has raised an extremely important point, which I also meant to raise. Would the Minister wholeheartedly condemn the Governments, such as those of Russia and Uzbekistan, who make it extremely difficult for NGOs? Russia wants to ban NGOs, and Uzbekistan is thinking about following those lines. Would he wholeheartedly condemn any Government who seek to ban the work of NGOs in their country?

**Mr. Alexander:** The hon. Gentleman raises a timely issue. I was in Moscow only last week, and at my request I met a cross-section of the NGOs, particularly those dealing with human rights in Russia, and heard directly from some genuinely inspiring individuals the difficulties and concerns that they fear in the light of the passage of the NGO law through the state Duma. It is a matter of record that through our embassy in Moscow we have raised such concerns directly with the Russian Government and members of the Duma.

Given my conversations with the NGOs, our responsibility is to follow closely the implementation of the NGO law. It has been moderated from the original proposals. None the less, I am clear that we will focus considerably on the human rights record and the treatment of NGOs in Russia not only in the immediate weeks and months ahead in anticipation of the G8 meeting in St. Petersburg in July, but after July as well. One of the points put to me by the NGOs was that they were aware that there would be a great deal of international scrutiny in the immediate months ahead, but that their concern was to ensure that that scrutiny would continue once the international focus moved away from the Russian Government's efforts for the G8.

**Mr. Hands:** On the subject of the Minister's constructive-sounding talks with Russia, what specific representations has he made about the situation in Uzbekistan? My experience to date has been that the Russians appear wholeheartedly to back the official Uzbek line. What specific things has he been pressing Russia, as a country with great influence in the regions, to do?

**Mr. Alexander:** I can assure the hon. Gentleman that we have bilateral conversations with the Russians about the central Asian republics and Uzbekistan as part of that area. My discussions in Moscow focused principally and directly on the situation with human rights and NGOs in Russia, given the bilateral focus of that visit. I assure the hon. Gentleman that we will

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continue to address the other issues, including engagement with the central Asian republics, with Russian interlocutors on a regular basis.

I want also to address one or two specific points raised by the hon. Member for Orkney and Shetland, before I move on to some of the specific countries that have understandably featured prominently in our debate. The hon. Gentleman has long campaigned on the death penalty, and I am pleased to note that Turkmenistan has abolished the death penalty, while Kazakhstan, Kyrgyzstan and Tajikistan have introduced moratoriums. However, it is regrettable that the Uzbek authorities have not introduced a moratorium pending the planned abolition of the death penalty in 2008. No death penalties appear to have been passed since the decision to abolish them was taken last August, according to the information that I have seen. I would strongly urge all central Asian countries to abolish the death penalty as soon as possible.

The hon. Gentleman also asked about the human rights council of the United Nations, and in particularly the approach of the United States towards the evolution of that organisation in light of the comments made by John Bolton, the US representative to the United Nations. It is with some relief that I address the Chamber as a representative of the British Government, rather than on behalf of any other sovereign Government. I want to make a substantive point, which bears on our earlier discussion on how we can exercise influence rather than—with the greatest respect to the earnest and sincere speeches made today—simply make speeches about the difficult challenges we face in advancing the global agenda on human rights.

I was privileged to travel to the United Nations General Assembly in New York last year, in our capacity as president of the European Union, for a number of third country meetings. I took the opportunity to meet the United Kingdom's permanent representative, a distinguished and able diplomat, and discuss the progress that had been made in anticipation of the millennium review summit, which had taken place the previous week and where the issues of institutional reform in the UN were discussed. I left with a clear sense of how central the role of the United Kingdom had been in securing the albeit limited progress on UN reform based on the report by the high-level panel and the Secretary-General.

It was clear to me in the course of my conversations with the permanent representative that but for the language that had been secured in the Gleneagles communiqué the previous July, with a number of commitments from a range of countries that included the United States, it would have been a more difficult endeavour to secure the changes that we were looking for and from some of the amendments that had originally been proposed by other partners, including the United States. That is a practical example of where, far away from the scrutiny of the media and from newspaper headlines, important and vital work is being taken forward by British diplomats in pursuit of the goals that all Members would share, I am sure.

**Mr. Clifton-Brown:** The Minister's remarks call for a comment. He may be aware that I was part of the all-party delegation that recently went to the UN. We met Emyr Jones Parry, our permanent representative, for whom we all had the highest regard. Many reforms are going on in the UN at the moment, of which the human rights council is only one. Will the Minister assure us that that reform will be one of the highest priorities for the British Government when pressing the UN for reform?

**Mr. Alexander:** I can certainly assure the hon. Gentleman that we continue to work on the issue. The emphasis that Emyr Jones Parry was able to stress when I met him last year was part of a continuity of approach, which unlike the focus and scrutiny secured by the millennium review summit is a matter of continuing work for the United Kingdom's mission in the United Nations.

I will write to the hon. Member for Orkney and Shetland on the issues that he has raised about torture and its use in intelligence. However, I want to place a clear statement on the record, as he suggested. The United Kingdom unreservedly condemns the use of torture and has worked hard with international partners to eradicate the practice. The British Government, including the intelligence and security agencies, never use torture for any purpose, including obtaining information, and nor would we instigate others to do so. I would be happy to set out a fuller response to the hon. Gentleman's direct question, so that it is a matter of public record.

**Mr. Carmichael:** When the Minister sets out the Government's position, which I look forward to receiving, will he take care to outline their position not only on his unambiguous statement today but on the attention that is given to the provenance of intelligence from other countries? To use a hypothetical example, if the United States obtained information from Uzbekistan, which was passed on to us, would the roots of that intelligence be available to the UK Government and would they bear that in mind in its use?

**Mr. Alexander:** That has understandably been a matter of concern, and I will be happy to set out the British Government's position when I write directly to the hon. Gentleman.

The hon. Gentleman also raised the treatment of religious minorities, in particular those of the Christian faith in central Asia. It is right to acknowledge that Christians are discriminated against across the region, as are other religions. Just this week, the last synagogue in Tajikistan was pulled down. Our embassies throughout the region meet frequently with members of all faiths and lobby their host Governments, both in individual cases and more generally on the importance of freedom of religion. I assure the hon. Gentleman that that will be a continued focus of our work in the months and years ahead.

Uzbekistan featured prominently in several contributions to the debate. The Foreign Affairs Committee has this year recognised that human rights are at the forefront of our relationship with Uzbekistan. That is a welcome reflection of the work of our ambassador David Moran and his team in Tashkent, who have been pursuing our agenda with the Uzbeks in increasingly difficult circumstances.

Ten months ago, as the hon. Member for Hammersmith and Fulham (Mr. Hands) described in his wide-ranging speech, the world learned of a place called Andijan in Uzbekistan, for all the wrong reasons. We have recognised the criminal nature of armed attacks on the prison, which acted as the catalyst for the ensuing events. But that element of criminality cannot begin to excuse the excessive, disproportionate and indiscriminate use of force by the Uzbek security forces in Andijan.

**Mr. Hands:** I appreciate the Minister's continued condemnation in this context and the answers that have been given to various written parliamentary questions, but will he explain why Uzbekistan, for example, is still a member of the NATO partnership for peace? He has answered me on that point that it is up to Britain and our NATO allies; but has Britain put it to our NATO allies that it is unacceptable for Uzbekistan to be part of an organisation called a partnership for peace?

**Mr. Alexander:** Let me address the hon. Gentleman's specific point in the course of my remarks about what steps the European Union is taking; I shall indeed also answer his point about NATO.

As all Members of the House are aware, the Uzbek authorities have consistently rejected calls for an independent inquiry into the tragic events that we have discussed this morning, despite claiming to be committed to the standards of both the United Nations and the Organisation for Security and Co-operation in Europe. Instead, since May last year we have witnessed a programme of detention and harassment of those, including human rights defenders, journalists and others, who have questioned the authorities' version of events in Andijan on the days in question. Embassies have not been immune from the Government's drive to prevent those with concerns about human rights in Uzbekistan from expressing them.

As to the specific matter of what action has been taken, I shall speak first about the European Union and then deal with the question of NATO. On 3 October 2005, under the United Kingdom's presidency, the European Union Foreign Ministers, at the General Affairs and External Relations Council, decided to implement first an arms embargo and secondly visa restrictions on those deemed responsible for the disproportionate use of force at Andijan.

During the debate I was asked why the Uzbek interior Minister was able to secure medical treatment in Germany. My understanding is that Almatov's visa was issued before the visa ban came into force. Germany checked that the medical case for the visa was urgent before deciding to issue it. However, I understand that the visa ban is now fully in force.

The third aspect of work that progressed at the General Affairs Council of 3 October concerned a suspension of all technical meetings under the partnership and co-operation agreement with Uzbekistan. The co-operation council that was due to take place in February has been postponed indefinitely. A fourth decision was the reorientation of the Commission's funding programme in Uzbekistan, which was worth €9.2 million in 2005–06, to support an increased focus on poverty reduction and the promotion of democracy, human rights and civil society.

The NATO Secretary-General has also supported the call of the United Nations for an independent inquiry, to which I have already referred. The United Kingdom believes that NATO co-operation with Uzbekistan should focus on those areas that will promote adherence to our shared values: specifically, democratic control of the armed forces and respect for human rights. NATO is currently reviewing training programmes case by case, on the basis that I have just set out—to consider whether the areas in question will promote adherence to the shared values that I mentioned.

**Angus Robertson:** What is the reason for the apparent inconsistency in the European Union and NATO approaches? If it is right for the EU to suspend meetings, why should not the United Kingdom Government within NATO pursue a suspension of Uzbekistan's membership of partnership for peace?

**Mr. Alexander:** There is no categoric answer that can always be offered to the challenge of dealing with repressive regimes with bad human rights records. I would not pretend before the House that policy-making is that straightforward. Instead, it is necessary to consider both what influence can be exerted and what instruments are available for exercising that influence. The question how best to secure such influence is a reasonable one. It is a matter that we keep under review, in relation to the international organisations of which we are a part—such as the European Union and NATO—but it is simply a fact that the EU is a distinct international organisation from NATO.

The views that we express within those organisations do not necessarily differ in accordance with the responses that are then agreed within them. It is a logical fallacy to suggest that differing approaches taken by NATO and the EU show a disparity in the views that were expressed by the British Government. We take to both those forums a view about how best to advance the interests of human rights. That is the basis on which we conduct our discussions with international partners, and an agreement is then reached.

I am glad to say that our concerns are shared throughout the European Union and the wider international community. Seventy-three countries supported the United Nations resolution that called for an independent inquiry into events in Andijan and for the Uzbek authorities to deal with numerous other areas of concern, including freedom of expression and freedom of religion. A stable, prosperous and democratic Uzbekistan would have an important role to play in the development of central Asia. We continue to be interested in a meaningful dialogue with the Uzbeks, both bilaterally and within the EU, on co-operation on broader political and economic reforms. However, that will be possible only against a backdrop of progress on human rights, democratic reform and the development of civil society. *[Interruption.]*

**The Chairman:** Order. The Minister is responding to the debate and has the Floor. Hon. Members will please observe parliamentary protocol.

**Mr. Alexander:** Thank you, Mr. Cook. I assure hon. Members that the issue of Andijan and human rights in Uzbekistan remains a focus of our work. Genuine,

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positive progress must be made. The EU has kept channels for dialogue open, including through its special representative for central Asia, Jan Kubis. I discussed with him only yesterday his plans to engage with the Uzbek Government at the highest levels to encourage them to act. We agreed, as do all our European Union partners, that it is the clear responsibility of the Uzbek authorities to address the concerns of the EU and the international community at large, by allowing an element of external scrutiny of Andijan and by demonstrating a genuine willingness to reform.

**Angus Robertson:** Will the Minister give way?

**Mr. Alexander:** With the greatest of respect, I have been very generous in giving way and I am conscious of the time. I think that it would be inappropriate, given the range of countries that have been covered in the debate, if I responded solely on the issue of Uzbekistan, significant and important though it is.

I have dwelt, necessarily, on Uzbekistan, and the restrictive measures introduced in the wake of the terrible events in Andijan, but the overall human rights situation in Turkmenistan remains arguably worse. In the past three years the EU has co-sponsored three resolutions on Turkmenistan before the UN General Assembly and two before the UN High Commissioner for Human Rights.

There are a few precious positives to recognise. The death penalty has been abolished in Turkmenistan, legislation was passed last year banning the use of child labour, and an increased number of religious minorities have now been registered. However, as a report by the UN Secretary-General noted last September, there is a lack of overall improvement in addressing serious human rights violations.

Our embassy in Ashgabat does invaluable work both raising individual cases and lobbying over broader human rights concerns with the Turkmen authorities. It runs projects aimed at opening Turkmenistan to the outside world, including internet projects and scholarships. It also supports the embryonic civil society, for example through resource centres and capacity training. The EU and OSCE also continue to engage with the Turkmen authorities to bring about improvements on basic human rights and freedoms.

On the specific consular case that the hon. Member for Moray (Angus Robertson) put to me, I shall of course be content to pass on the correspondence directly to my colleagues in the Home Office, given the points that he raised about his constituents. More generally, when dealing with an essentially isolationist regime such as that of Turkmenistan, engagement—where necessary critical engagement—is exceedingly important. However, in calibrating that we should always be careful to avoid taking action that might rebound on the people that it is meant to help.

Our policy is to ensure that the Turkmen Government are in no doubt about our position and to maximise the leverage that we have by acting closely with the wider international community. Bringing about even small, incremental change in a largely closed country such as Turkmenistan is not easy, but the Turkmen Government take heed, for example, of the United Nations. We shall continue to make constructive use of all the levers at our disposal to encourage positive reform in Turkmenistan.

Later this year, the Tajiks will go to the polls to elect their president. That is a country that even in its own short history of independence since 1991 has experienced at first hand the dire consequences of a protracted and bloody civil war.

## Greener Fuels (Taxation)

11 am

**Dr. John Pugh** (Southport) (LD): It is a pleasure to serve under your chairmanship, Mr. Cook. It is also a pleasure to see the Minister, because he can sustain an intelligent and thoughtful dialogue on any subject and particularly one such as this. The debate gives a pre-Budget airing to what is, to some extent, a perennial topic in the House. I shall talk largely about the transport element of biofuel and not allow myself to venture onto other aspects of green fuel.

The fiscal system for biofuel and for greener fuel in general poses the Treasury with a dilemma. The Treasury's traditional role is to raise money in an acceptable and efficient way—that is the old rule by which the Treasury has abided for century after century. In recent times, however, the Treasury has had a new mission and has imposed taxes to change, penalise and encourage certain behaviour. As a result, we have the concept of environmental taxation, and therein lies the dilemma. If the Treasury succeeds manifestly in changing behaviour, it almost simultaneously succeeds in reducing the revenue that it would normally receive. I sometimes think that it should, in its own interests, allow us to pursue our own path to perdition, by letting us carry on smoking, drinking, gambling and polluting, thus providing itself with a stable income base, or that it should adopt the philosophy of sad resignation.

In recent times, however, the Treasury has had a much wider policy objective. The Minister's predecessor, the right hon. Paul Boateng, emphatically set out the Treasury's commitment to reduce greenhouse emissions and achieve other desirable environmental effects through taxation. None the less, one might suspect that some in the Treasury harbour residual doubts about the sanity of that procedure. There must, therefore, always be doubts about the sincerity of the Treasury's efforts.

We must none the less confront the fact that there are differential tax rates on bioethanol, biodiesel, liquid petroleum gas and ultra-low sulphur fuels. However, the effect of that tax regime is not exactly magnificent. Since 2000–05, the number of LPG vehicles has increased by a factor of five. That is not a massive increase, because the number of vehicles has increased only from 20,000 to 120,000. The number of outlets where one can obtain LPG has increased from 130 to about 490. The tax take has gone up to about £10 million, although that pales into insignificance compared with the £12 billion obtained from petrol. For LPG, therefore, the results are relatively modest.

Nor has there been massive success with bioethanol and biofuels in general, which are covered by the renewable fuels obligation. In a recent debate, the Under-Secretary of State for Transport, the hon. Member for Halton (Derek Twigg), stated quite categorically that they represent about 0.3 per cent. of the fuel used.

**Mr. Christopher Fraser** (South-West Norfolk) (Con): Does the hon. Gentleman agree that the construction of the country's first bioethanol plant by British Sugar at Wissington in my constituency is a good thing? Does he also agree that the development of the biofuels industry in this country is long overdue?

**Dr. Pugh:** Yes, that is a very timely intervention, as I was about to say that we have no facility, but we shall shortly have one, and that will be entirely desirable. We are bound to import some bioethanol, but doing so does a degree of environmental damage because it is shipped from places such as Brazil.

At the European level, biodiesel makes up about 0.2 per cent. of fuel sales. In England, there is one biodiesel plant, Argent Energy in Glasgow, which says that there is enough capacity for it to have other facilities and to develop fat further.

A previous Westminster Hall debate, which involved my hon. Friend the Member for North Norfolk (Norman Lamb), established that the Department for Transport is engaged in fairly intensive discussions on how further to incentivise biofuels and what to incentivise. However, it is not unfair to observe that progress has not been good enough, and everybody would acknowledge that. That is not entirely the Treasury's fault, because other variables are at play. Those include the technology, the availability of resources and incorrigible factors such as consumer preferences, which are not as easily changed by a fiscal system as we might imagine.

However, there is clearly significant scope for further development. At the moment, we have a £3 billion wheat surplus, and wheat is eminently convertible into biofuels. We also have the potential to convert sugar into biofuels. On biodiesel, I mentioned Argent Energy in Glasgow, which reckons that it would need six other facilities similar to its present one simply to meet the renewable fuel obligation. We had a golden opportunity to make significant progress by reusing quantities of waste products such as tallow, used oil and food industry by-products. We also have significant hopes and aspirations that Government bodies will increasingly procure more environmentally friendly vehicles than they have hitherto.

**Mark Hunter** (Cheadle) (LD): I am grateful to my hon. Friend for giving way on that point about procurement policy in general. Does he agree that there is perhaps a leadership role for local authorities and local government in that regard? Many councils, including Stockport metropolitan borough council in my area, have moved their fleets of vehicles specially into LPG and other more socially useful fuels.

**Dr. Pugh:** My hon. Friend emphasises a point that I wanted to make. Exemplary efforts have been made by local government, occasionally by big firms and even by central Government. In the previous Westminster Hall debate on this issue, which was led by my hon. Friend the Member for North Norfolk, the Under-Secretary of State for Transport, the hon. Member for Halton, pointed to a number of cases of Government bodies converting their fleet to LPG or biofuel. That clearly indicates that there is considerable potential, although that potential is, by and large, unrealised.

The key question is how we can improve things, given that we all want to do so. We have to differentiate a little between LPG and biofuels. As I understand it, LPG has

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a 20 per cent. advantage over biofuels. As the maths and the finances stack up, there is every chance that somebody who converts a standard two to three-year-old vehicle to LPG will recover their costs within about two to three years. It would be a blissful day if most of the vehicles that passed us on the roads were LPG powered.

However, there are clearly availability issues as regards supply and technology, and there are also technical issues. Therefore, we must look not only at LPG, but at the prospects for biofuels. In one way, biofuels are the easiest things to encourage. Bioethanol can be added to petrol, with no substantial technological modification of the vehicle required. That is the easiest route by which to pursue cleaner and greener fuel. In many parts of the world, bioethanol is commonly added to petrol, and up to about 10 per cent. can be added with no real damage. As hon. Members probably know, the quantities of biofuel used in Brazil are absolutely enormous, and vehicles are modified to run almost totally on biofuels, with little petrol ingredient.

If I were in the Treasury, there are two strategies that I would pursue to encourage biofuels. One might be regarded as more laid back than the other and would simply involve relying on the renewables fuel obligation and on finding a mechanism effectively to enforce it so that we hit our 5.7 per cent. target by 2010. If the Treasury did that, I guess that it might relax, and ethanol could go into the mix at about 5 per cent., or perhaps even 10 per cent. or more, and the world would not change markedly. We could visualise a day on which non-ethanol-added fuels had been gradually phased out, in the same way that leaded fuels were phased out. Indeed, I am informed that some supermarkets are already quietly adding ethanol to the fuel pumps and the customers are not noticing any substantial effect.

If that was all that happened, there would not be a long-term effect on Treasury revenue, because taxation could gradually change from one sort of fuel to another, almost seamlessly. However, that is not necessarily the most obvious way to make progress. Technological issues may need to bottom out and supply-side issues may need to be addressed. We must accept the point that the Department made in a previous debate on the issue that not all biofuels are equally virtuous. Some are developed at the cost of rain forest, which is intrinsically undesirable. Some biofuels are not as efficient as others and, as was previously mentioned, some have to travel an appreciable distance before they reach us, and not, of course, in vehicles powered by biofuels.

A more likely scenario is that ethanol competes head to head—or pump to pump—with other sorts of fuel for some time. That is, biofuels will compete with standard fuel and consumers will need to be tempted by a sustained price differential. According to the producers, the current price differential of about 20p is not sufficient to cover their costs or barely does so, although I guess that perhaps they would say that. One could argue that a further, more substantial cut is required. However, if that cut is made and the consumers are tempted to fill up with biofuel rather than other kinds of fuel, a large slice of the £23 billion revenue that the Treasury currently receives from those of us who drive our cars from place to place will be cut.

If a further cut was made, there would be another dilemma. Who would be rewarded best and how could the Treasury ensure that they were the right people? Would they be the virtuous consumers who chose to move from one pump to another at the forecourt, or would the oil companies benefit, simply by leaving their prices much the same and welcoming the fact that their profit margins had increased a little more? That is a dilemma for the Treasury that I am sure it will think through fairly carefully.

None the less, there is a case for maintaining a price differential between biofuels and other fuels, in tandem with enforcing the renewable fuels obligation, rather than dramatically phasing out the differential, when we simply coerce the petrol companies into providing biofuels or as we approach the target that we wish them to achieve. There is a sound case for saying that a cliff-edge withdrawal of the price differential would not deliver the environmental benefits that we want and would lead to targets being missed.

There is also a case for keeping and perhaps developing the system of capital allowances for those who wish to develop a plant necessary to produce the fuel. That point was underlined recently in a radio programme by the managing director of Argent, who said that without such support we might not have biofuels on a proper commercial basis. I should like the Treasury to respond to that point, because in the previous debate on the issue it was mentioned—not by the Treasury spokesman, obviously—that the Treasury was giving the matter some appreciable thought.

I suspect that to have a truly virtuous outcome we need a combination of carrots and sticks. We need the downward thrust of the renewable fuels obligation and we need the message to go out, loud and clear, to the oil companies. However, we also need the carrot—the differential tax rates, capital grants and allowances—to ensure that supply can meet what we hope is the expected demand.

There is a holy grail being sought. The ideal scenario from the Treasury's point of view is to secure all the environmental benefits without a slump in the tax revenue, and at the same time not suffer any other adverse economic effects, such as an effect on the balance of payments. The proposal that the hon. Member for South-West Norfolk (Mr. Fraser) made, to develop our own bioethanol industry, has an economic benefit as well as an environmental one. As we are going to use the stuff, we might as well home produce it as well. Discovering the holy grail, which I am sure is keenly sought in the Treasury, of securing environmental benefits without a consequent massive slump in revenue will take a degree of clever judgment or a Baldrick-like cunning plan. That is what I would like the Minister to address in this debate.

However, I conclude on a slightly techie point that I have raised with the Minister before—I apologise to hon. Members for being almost wilfully obscure. The process of producing biofuel is known as esterification—I am glad that I do not have to say that too many times in this debate—but some manufacturers use a process called filtration to make biodiesel. Nothing in the Hydrocarbon Oil Duties Act 1979 explicitly states that esterification needs to be employed. Producers who use filtration argue that their product satisfies the conditions laid down in the Act and is therefore entitled

to the same fiscal benefits. However, the Minister contradicted that in a written answer to me, but did not provide a wholly satisfactory explanation of why biodiesel produced through filtration should be treated differently from biodiesel produced through esterification.

I shall leave the Minister adequate time to respond, but I appreciate that the Government have a difficult problem to address. They depend to a great extent on the duty that they receive from fuels and at the same time they have voluntarily embraced the path of environmental virtue. They must pursue both paths—fiscal probity and environmental virtue—simultaneously. That probably can be done but, without sharing Treasury modelling, it is not easy to see exactly how. However, if the Minister has a Baldrick-like cunning plan that will do the job, I would certainly like to hear about it.

[illegible]m

**The Financial Secretary to the Treasury (John Healey):** I congratulate the hon. Member for Southport (Dr. Pugh) on securing this debate and on the tone with which he has dealt with the issues. He appreciates that the Treasury has some difficult decisions to make in this territory. I also pay tribute to him, as I know that he has a long-standing interest in the issue, both before coming to the House, on the council on which he served, and since, as a member of the Transport Committee. I am glad to see that he is still a transport spokesperson for the Liberals, after the changes at the top of his party, at the start of the Ming dynasty.

The hon. Gentleman draws our attention to the role of transport and the potential use of transport taxation to deal with climate change, which is one of the most serious problems facing the world and one of the most prominent areas of policy debate. As he would expect, the Government are giving the issue serious attention as we prepare for the Budget and the spending review—I shall take his contribution to this debate as Budget representations if he wishes. Beyond that, the Government are preparing to publish the review of the climate change programme. We are also preparing for the comprehensive spending review, in part through the work on reviewing the economics of climate change that Sir Nick Stern is doing at the behest of the Prime Minister and the Chancellor. Such things are part of the essential preparations for making the big, long-term decisions that face us as a Government and as a nation in the comprehensive spending review.

The hon. Gentleman is right to draw attention to transport, which is a central sector in meeting the challenge of controlling and reducing the United Kingdom's climate change emissions.

I welcome the interventions made by the hon. Members for South-West Norfolk (Mr. Fraser) and for Cheadle (Mark Hunter). The hon. Member for South-West Norfolk is fortunate to have British Sugar and the Wissington plant development in his constituency. For the past two or three years, British Sugar has been discussing the plant with me and I am delighted that the construction is under way. It will be the first bioethanol plant in Britain, but I am sure it will not be the last. British Sugar is clearly blazing a trail in the hon. Gentleman's constituency for others to follow.

The hon. Member for Cheadle paid tribute to his council, Stockport metropolitan borough, for its use of procurement, and in particular for making its fleet of council vehicles LPG-driven. I, too, pay tribute to it, as I do to my own Rotherham metropolitan borough council, which was one of the first local authorities to use its position as a significant procurer and purchaser in the area to turn to green energy sources in its buying of energy.

The hon. Gentleman may not be aware of the two new European Union procurement directives that came into force in this country at the end of January and the guidance that has been produced by the Office of Government Commerce. I encourage him to examine their provisions. The guidance is designed specifically to help procurers in the public sector see how they can use their position in the overall objective and imperative to secure good value for money to achieve some of the environmental aims that he and his council share.

There is no doubt that climate change is one of the most serious global challenges facing us. We need to act at the domestic level to reduce climate change emissions in the UK, but we must recognise that UK emissions form only 2 per cent. of the world's emissions. Therefore, the imperative is to act internationally. The problem is a global one, and it requires co-ordinated global efforts and action. That is why the UK put action to take forward efforts to tackle climate change at the forefront of its G8 and EU presidencies last year.

Since 1997, this Government have taken a different approach from the one that the hon. Member for Southport not unfairly described as the traditional Treasury preoccupation with raising finances through taxation. Within two months of first being elected in 1997—in July—we set out a statement of intent. It detailed the clear intention of the Treasury, at the heart of Government, to use tax and other economic instruments to deliver important environmental objectives, and in particular to support economic growth that was both stable and environmentally sustainable.

The strategy was developed further in the pre-Budget report in November 2002, when we published "Tax and the environment: using economic instruments". It set out the framework of interventions that are open to Government in this area, the economic and principled case that any such policy measures should meet, and the process through which we would develop policy on the use of fiscal and other economic policies to achieve environmental goals.

Specifically on fuels, particularly transport fuels, we developed things further the following year by setting out the alternative fuels framework. It established the rationale for decisions on Government support for alternative fuels that can help to meet environmental objectives, which are at the heart of the hon. Gentleman's concerns. Developed directly from the principles in "Tax and the environment: using economic instruments", the framework aimed, in part, to confirm the principal priority of the environment and the benefits to it in such policy decisions. It also aimed, in part, to provide clarity and certainty for investors in those markets. Therefore, the alternative fuels framework commits the Government to guaranteeing fuel duty differentials for at least three years ahead.

I appreciate the progress that the hon. Gentleman recognises, but in many ways transport taxation is a model of a policy area in which the Government have

*[John Healey]*

taken innovative and reforming action to make markets, consumer behaviour and technological developments greener, while balancing concerns about economic growth, incomes and the tax revenues necessary to fund essential public services.

The hon. Gentleman concentrated on biofuels, so I will deal with the points that he raised in the remaining time available.

**Dr. Pugh:** I welcome everything the Minister said about frameworks, policies and things of that nature. Something is not entirely clear to me, perhaps because of ignorance on my part. When a policy is embraced, put forward and said to have certain effects, the Treasury must have a process by which, after a period of time, an assessment is made as to whether the fiscal or environmental effect is as expected or whether it disappoints and does not achieve the desired end. How is that done specifically? Are any data published to indicate whether the fiscal measure has been a success or a failure?

**John Healey:** There is indeed such a process. I will send the hon. Gentleman a copy of "Tax and the environment: using economic instruments" and the alternative fuels framework. They set out the criteria and the methodologies that we use and the process that we go through in trying to weigh up these sorts of decisions. If he looks at chapter 7, particularly in the pre-Budget and Budget reports, he will see that where we assess the impact of any tax changes that we make—we do that as a matter of course—we publish the results. I think that he will find those useful.

Tax is a potentially potent policy tool, but it is often relatively blunt. It is usually most useful alongside other measures such as information, regulation or public spending programmes. Biofuels are a leading example of such a policy area. The introduction of the duty discounts to which the hon. Gentleman referred—the 20p per litre duty incentive for both biodiesel and bioethanol—has clearly given a kick-start to an industry and a market in Britain that was starting from a low base. The biofuels industry in the UK grew from virtually nothing to producing about 11 million litres per month by last October; in 2005, there was an eightfold increase from the start of that year.

Industry has consistently told us that the best way to deliver investment in renewable fuels in the longer term is through a framework that goes even further—in other words, one that is not just concentrated on duty discounts. Such a framework would give industry additional certainty for its investment and planning. That is where the renewable transport fuels obligation comes in.

**Mr. Fraser:** Will the Minister give way?

**John Healey:** I will, but I am conscious of the time and I want to respond to some of the other points.

**Mr. Fraser:** This is a quick point. Following the EU sugar regime, will the Minister use the Budget to put forward plans to stimulate further the bioethanol industry and to ensure that sugar beet farmers have the incentive to grow beet?

**John Healey:** The hon. Gentleman anticipates the remarks that I am going to make about the Budget and some of the key decisions that we take. I would caution him that the reform of the common agricultural policy, and the sugar regime in particular, aimed to move away from production subsidies of one kind. We must be careful about moving into a realm where we replace one set of production subsidies with another.

The renewable transport fuels obligation will give the biofuels industry further certainty and will deliver carbon savings of 1 million tonnes per year once the obligation reaches 5 per cent. of road fuel sales. We have examined other instruments to create incentives for the development of biofuels. We will, subject to state aids approval, introduce the 100 per cent. first-year capital allowance, in which the hon. Member for Southport is interested, for biofuels plant that meet certain qualifying criteria. That will work alongside the RTFO to encourage development. At the Budget, we will set the level of the obligation for 2008–09 and—

**Frank Cook (in the Chair):** Order.

11.30 am

*Sitting suspended until half-past Two o'clock.*

## Venezuela

2.30 pm

**Frank Cook (in the Chair):** I have just had a semaphore message asking whether jackets can be removed. I should explain that this is a parallel Chamber, so the situation is the same as on the Floor of the House. It is therefore quite contrary to standard protocol for hon. Members to remove their jackets. We have made representations to the Speaker, and once the weather gets sunnier and hotter, it may be permissible for hon. Members to remove their jackets.

Six hon. Members have given prior notice that they want to contribute to the debate. The mover of the debate has indicted that he will take about 15 minutes, which means that other hon. Members who have given notice that they want to speak will get no more than seven and a half minutes each on average. I should therefore be grateful if hon. Members would bear in mind the time when they make their contributions or accept and respond to interventions.

**Colin Burgon** (Elmet) (Lab): Mr. Cook, I hear your wise words about the coming warm weather and about the length of our speeches. Bearing that in mind, I shall take no interventions during my speech, in the hope that hon. Members will be able to speak later.

The debate is about the changes in Latin America. In this country, we talk about Africa a[illegible]DS, about the middle east and about the growth of economic power in India and China, but Latin America is the one continent that seems to have disappeared from our radar. In talking about Latin America, the word that we should use is change, and that is the central issue of the debate. I am pleased to say that that change reflects a move to the left; Opposition Members might not share my feelings, but there we are. That left movement has many variants in countries such as Chile, Brazil, Uruguay, Bolivia and, of course, Venezuela. Indeed, I was delighted to hear the President of Brazil speak to us this morning. The content of his speech was brilliant, and I shall try to deal with it later.

Latin America is a huge continent, which has always been considered to be part of the United States' backyard, and it is important that the United Kingdom does not neglect it. If we look at American history, we come across the practice of the Monroe doctrine and the idea of manifest destiny. Prior to the civil war, the southern states tried to expand the slave empire into the Caribbean and Latin America to perpetuate slavery. I am pleased to say that Lincoln and the Republicans opposed that, although Lincoln would turn in his grave if he could see his party's performance in the current context.

My desire to highlight the changes in Latin America and to seek a positive response recently motivated me to ask the Prime Minister for his perspective on events in Latin America, but my diplomatic response to his answer is that I found it somewhat disappointing. Indeed, some people in Latin America found it more than disappointing, and it created a minor political tsunami. I am told that, as a result of my question, I am more famous in Latin America than in Leeds. However, like you, Mr. Cook, I am an eternal optimist and I requested th[illegible]o enable the Government to clarify their policy towards Venezuela and clear up any confusion. That is especially relevant given what can only be described as the excruciatingly embarrassing remarks by a junior Foreign Office Minister in the columns of *The Times* on 13 April 2002. He welcomed the overthrow of Chavez in a coup but, unfortunately for him and fortunately for the people of Venezuela, the coup collapsed one day later, when Chavez was restored to his presidency thanks to popular support. My first question to the Minister, therefore, is what efforts have been made since April 2002 to repair the damage that that comment would obviously have caused? Will he, if possible, clarify the Prime Minister's comments about the international agreements that Venezuela has supposedly not upheld?

In a general sense, it is worth asking why we should welcome good relations with Venezuela; indeed, that is the question that we are asking today. For those who like to inhabit the world of realpolitik, there is a straightforward answer. Venezuela has the largest proven conventional oil reserves in south America and the sixth largest in the world, at about 77 billion barrels. Only Saudi Arabia, Iraq, the United Arab Emirates, Kuwait and Iran have larger proven reserves. Even in the simplistic sense of having good relations with people who have something that we need, we should encourage the relationship with Venezuela.

Venezuela also possesses huge reserves of heavy crude oil. During the second half of the 1990s, it was the fifth largest oil producer in the world, behind Saudi Arabia, Russia, Iran and the US. It is also a significant producer of gas and has about 3 per cent. of the world's total reserves. Interestingly, those sizeable offshore reserves are being exploited at the moment, and licences are being given to foreign companies. Contrary to the situation with oil companies, the law permits 100 per cent. foreign ownership of projects to exploit non-associated natural gas, so there is an interesting opening for people who are interested in gas, and I am sure that there are a few in this room.

Venezuela is also a significant trading partner for the UK. It is our third largest export market in south America and was worth £187 million in 2004. In the same year, the UK imported £213 million of goods from Venezuela. Several leading British companies have investments in the Venezuelan energy sector, and in tourism, pharmaceuticals, agriculture and finance. My second question to the Minister, therefore, is, bearing all that in mind, can he outline the Government's strategy for enhancing British commercial interests in Venezuela, particularly given the strength of competition from countries such as China in the Venezuelan and wider regional market?

I would argue, however, that a Labour Government's foreign policy should be driven not just by considerations of economic self-interest, but by a shared system of political values. As I am sure you would agree, Mr. Cook, the Labour party has a long and honourable record of supporting progressive Governments around the world and of siding with movements that seek to govern in the interests of the majority and to involve the masses of people who, historically, have been ignored. Interestingly, Venezuela was the first country in Latin America to begin the process of rejecting the domination of what we call neo-liberal ideas and the

*[Colin Burgon]*

Washington consensus and to experiment with ideas of anti-globalisation. Some historians take the view that the upsurge of discontent in Caracas in February 1989, which resulted in the death of roughly 1,000 people, was as important for Latin America as the fall of the Berlin wall in the same year was for Europe.

Whatever the international significance of those events in Caracas, there can be no doubt that they marked the beginning of a domestic political process that eventually led to the victory of Hugo Chavez in December 1998 and catapulted Venezuela into the limelight in Latin America. That was a novel place for Venezuela, because it had previously attracted little interest in terms of its history or politics, other than as the birthplace of Simon Bolivar, although that is fairly important. According to people to whom I spoke at the Foreign Office, Venezuela was never considered an attractive diplomatic posting. The usual take was that Venezuela was an oil-rich country run by a white, Americanised elite, with nearly 70 per cent. of its 24 million people living on the edge of hunger and poverty.

What was the platform on which Chavez came to power and which has caused such ructions on the continent? Given Opposition and US claims about Chavez's democratic legitimacy, it is interesting to note that he had faced the electorate eight times in six years by the end of 2004—a record that has been matched nowhere else in Latin America and which none of us would like to match. The three central themes of his programme were, first, a radical reform of the economy and, surprisingly, an emphasis on following a third way that was inspired by a certain Tony Blair. That approach was based on what Chavez called a middle road between savage neo-liberalism and failed communism. The second plank was the need to overhaul the country's institutions politically and constitutionally. The third element was the importance of diversifying trading relations away from the dependence on the United States that inevitably and unduly shaped Venezuela's development.

The domestic impact of Chavez's politics is clear. After the dramatic rise in oil prices in 2002 following the failed coup, the Venezuelan Government invested more than $3 billion in social policy reforms in 2005. A series of social investment programmes called missions cover such matters as pre-school education, primary education and literacy, secondary education, vocational worker training, primary health care in the most deprived neighbourhoods and a food distribution programme that covers 60 per cent. of the population. It is estimated that just over 1 million people have acquired literacy skills as a result of those programmes. The poorest in that country have access to medical assistance for the first time ever, thanks partly to the 17,000 medics provided by Cuba.

At international level, President Chavez has attempted to build and broaden links with other countries on the continent. The oil wealth of Venezuela has enabled him to develop regional energy accords with his Caribbean and Latin American neighbours to help with debt problems facing countries such as Argentina and Ecuador, and thereby reduce the influence of the International Monetary Fund in the region. He has even been able to fund regional social programmes such as mission miracle, which enables poor Latin Americans to receive free eye treatment in Venezuela and Cuba.

Venezuela's increasingly active role has met with outright hostility on the part of the right-wing Republican Administration in Washington. As recently as 16 February, Condoleezza Rice called for an "international united front" against Venezuela. In what can only be described as an extremely condescending comment, she said that the State Department was

"working with responsible governments, even responsible governments of the left, like the Brazilian government or the Chilean government, to try and counter these"—

Venezuelan—

"influences."

Fortunately, both those Governments have strongly rebutted Ms Rice's statements.

There is great danger in the American attempt to isolate Venezuela. The issue that is playing on America's mind at the moment is links with Iran. There is no future in links with a fundamentalist Islamic regime such as Iran. It is up to the UK to use its position to argue for secular politics that unites us all. It would be bad news if Venezuela was influenced by Islamic fundamentalism coming out of Tehran, just as it would be if it was influenced by Christian fundamentalism coming out of Washington.

Central to the debate is the question of who determines our foreign policy on that huge and changing continent. Can the Minister reassure me that our policy is not being subcontracted out to right-wing elements in the US, and will he show me evidence of how our policy is clearly different in this respect? Does he share my view and that of almost 100 of my parliamentary colleagues—I refer to early-day motion 1644—that all elected Governments in the region should be treated with equal respect and that the US right-wing fundamentalists should desist from efforts to destabilise the democratically elected Chavez Government?

Having listened to President Lula of Brazil this morning, I believe it is clear that fundamental and welcome change is under way in Latin America. Venezuela is at the forefront of that process. How we determine our policy towards that nation will say much about this country. I hope that friendship, solidarity and mutual respect will mark that relationship.

**Several hon. Members** *rose—*

**Frank Cook (in the Chair):** Order. I see seven hon. Members seeking to catch my eye. I am required to start the first of the three winding-up speeches at 3.30 pm, which gives us 46 minutes. Will hon. Members please bear that in mind when making their contributions? I call Daniel Kawczynski.

2.44 pm

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): Thank you, Mr. Cook. I have visited Venezuela. I had the opportunity to visit Caracas and some of the outlying towns, and it is a beautiful country with a remarkable people, so I am pleased that the hon. Member for Elmet (Colin Burgon) secured the debate. I find myself agreeing with much of what he said. Hugo

Chavez, because he has been democratically elected as the Head of State of Venezuela, deserves a certain respect that some other leaders around the world do not, because they came to power through military coups or other non-democratic methods. We certainly need to improve relations with Venezuela. I remember the hon. Gentleman asking his question of the Prime Minister and the furore that followed in the media.

One thing that the hon. Gentleman did not say is that a senior member of the Republican party in the United States—I cannot remember who exactly—called last year for the assassination of Hugo Chavez. That troubled me greatly. The idea that we could call for democratically elected Heads of State to be assassinated is very worrying. I dissociate myself from that and I hope that the Minister will do so.

American allies, wherever they are around the world, sometimes disagree with America and they do not suffer as a result. One such country is Canada. Canada has great relations with America, yet it sometimes goes out of its way to have a different policy from the United States. An example is the relations and the trade that it has with Cuba. I hope that the Minister will say that we are prepared at times to deviate slightly from the American position and that we must pursue first and foremost our own interests, rather than just complying with what the Americans suggest to us.

As the hon. Member for Elmet mentioned, there are many British oil companies in Venezuela, and they generate a great deal of revenue for this country. I am talking about oil and gas production. I am sure that a company such as BP will be grateful that the debate has been secured and that we have an opportunity to discuss the issues. Venezuela is the third largest economy in Latin America, so it provides the United Kingdom with a tremendous opportunity for direct foreign investment. That might be more difficult if we are deliberately provocative and antagonistic to its leaders.

I will be brief, because I am well aware that other hon. Members wish to speak, but I want to make two other points. Venezuela has a shoreline that meets the Caribbean sea, and we have a vessel in the Caribbean. I was meant to be going on it, as I am on the armed forces parliamentary scheme, with the Navy. It is patrolling for drugs in the Caribbean.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): Parachute him in.

**Daniel Kawczynski:** Venezuela has an important role to play in dealing with the narcotics trade across the Caribbean. I hope that we can work closely with the Venezuelan Government on narcotics issues to deal with the growing problem that they present. Of course, that issue affects not only the United States, but the United Kingdom.

Next to Venezuela is British Guyana. That former British colony is very important to us. It is a member of the Commonwealth, and obviously we want to do everything that we can to safeguard its position. In the past, Guyana has had small territorial disputes with Venezuela, and I am keen that we enter a dialogue with Venezuela to ensure that those disputes do not erupt again. The Minister is very capable and I urge him to redouble his efforts to improve our relations with Venezuela, and not to denigrate the elected President of that country. I have my own feelings on him as an individual, but he was democratically elected and we must work with him.

**Several hon. Members** *rose—*

**Frank Cook (in the Chair):** There are 41 minutes left and seven hon. Members are bidding to speak. I call Jon Trickett.

2.49 pm

**Jon Trickett** (Hemsworth) (Lab): Thank you, Mr. Cook; I will try to be brief. I congratulate my hon. Friend the Member for Elmet (Colin Burgon) on securing this debate on an issue that is important strategically for the part of south America that we are discussing. It is also important in terms of the way that the world is developing, given the globalisation that we are all experiencing.

The American Administration's position might be more nuanced than is reflected in some of the more extreme and bellicose statements that emerge from time to time. Not so long ago, there were discussions that seemed to be positive between parts of that Administration and representatives of the Venezuelan Government. However, it is also true that many bellicose statements are coming out of Washington, and from very senior sources. The statement about assassinating Chavez came not from someone in the Administration, but from someone on the Republican right—I think it was Pat Robertson—but many statements have been made that lead one to be very troubled about what the American Administration's intentions are. This debate provides our Government with an opportunity to clarify their role.

I recently read a document produced by an organisation called the Centre for Security Policy in Washington. It is doing some of the outriding—or some of the more outrageous thinking, some Members might think—in respect of Venezuela. It states that Venezuela

"must change. It can change on its own, or it can invite hemispheric forces with the help of Venezuela's broad democratic opposition, to impose the changes. Either way U.S. strategy must be to help Venezuela accomplish peaceful change"

this year. It is clear that there are extreme right-wing forces in the American Administration that will not tolerate the direction of travel of the Venezuelan Government and the international linkages that they are bringing about.

My hon. Friend the Member for Elmet referred to the Washington consensus. I think it is true that one can perceive a world view coming out of the neo-conservative establishment. Many such neo-conservatives are closely associated with George Bush, Cheney, Rumsfeld and their colleagues. The Washington consensus implies a world in which the trade is so-called "free", capital markets are entirely liberalised, property rights are secured, there is market deregulation, there is a major transfer of assets from the public to the private sectors, the state has a minimal role, and the international alliances that are created are grouped around a Washington hegemonic presence—a unipolar world. It has been explicitly stated that that is what America aspires to create. The Washington

*[Jon Trickett]*

consensus also implies that America has the right to impose what it would describe as a pax Americana on the world—that it has the right to conduct unilateral and pre-emptive wars, should that be necessary. In respect of building a foreign policy on Venezuela, the question is whether our Government want to construct a set of bilateral relations that are built on the Washington consensus, or whether they will develop, with the European Union and others, a more nuanced approach.

One problem with what Washington wants to impose on the world is that it produces an extremely divided form of development for those in what we call the third world—the developing countries. In Latin America, the richest 10 per cent. control 48 per cent. of the income, and the poorest 10 per cent. share 1.6 per cent. of the income. The Washington consensus—the neo-liberal project—produces the most divided societies imaginable. Chavez has attempted to demonstrate that there is an alternative model for development that can tackle poverty, and which, through microcredits and other detailed Government initiatives, can begin to share the wealth. In doing that, Venezuela has been able to take advantage of its oil wealth, but it has also begun to develop a set of international alliances that do not easily fit into the Washington model of a world grouped around a single pole of power—American power, based on Republican Administration. Washington regards that as particularly threatening, and that explains the bellicose statements that have come out of elements of the Administration.

Chavez and the Venezuelan Government are demonstrating that it is possible to develop a set of international relationships that do not fit into the Washington consensus. What will the UK Government and the EU do? How will they respond to that? I hope that the UK Government are able to establish a line that does not simply support the idea of an unipolar world—of a single economic and military interest—and that instead they will develop a much more complex approach to Venezuela and the Latin American continent. I hope that we can play a positive role by sitting alongside Venezuela and the other nations in that region that are following a different strategy for developing and spreading out the wealth than the one that Washington seeks to impose on the world.

I notice that I have been speaking for six minutes and 18 seconds, so I shall now sit down.

**Several hon. Members** *rose—*

**Frank Cook (in the Chair):** We have 34 remaining minutes, and six hon. Members are bidding to speak. I call Mark Pritchard.

2.56 pm

**Mark Pritchard** (The Wrekin) (Con): Clearly we are in agreement that President Chavez is democratically elected, but we all know from our history that there have been other characters throughout the generations who have also been democratically elected but who have not necessarily had the best record on human rights and looking after their own people. I will not list them now, because they are too numerous to list.

There is no doubt that there is a democratic mandate, and I hope that the wealth that Venezuela has as a result of its oil reserves and the recent rises in crude oil prices will cascade down to the poorest and most vulnerable in Venezuelan society. Some hon. Members have said that they think that that is happening. They might wish to speak to organisations such as the Department for International Development and CARE and other non-governmental and charitable organisations. Unfortunately, there is a sorry tale of poverty and deprivation not only in large parts of Caracas, the capital of Venezuela, but throughout the country. I think that the wealth that President Chavez currently has would be better spent on addressing that, rather than on mobilising 2 million civilians and training them in the basic techniques of how to handle an AK47. I think also that addressing that would be a better way of spending money than procuring Russian helicopters for some bogus threat. It is, of course, very convenient for the president to have a phoney war with the United States. I agree with those Members who say that the rhetoric from Washington should be cautious. The American Administration—both the Department of Defence and the Department of State—should not play into President Chavez's hands on this issue. But even if they do, that does not mean that President Chavez should put military equipment before his own people.

My hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) made an excellent point when he said that the Government of Venezuela need to put more effort into dealing with the drugs trade. Many of those drugs end up on the streets of London and in other parts of our nation.

**Mr. Philip Hollobone** (Kettering) (Con): I welcome my hon. Friend's remarks. Would he not agree that the example set by President Lula of Brazil, who has adopted—if I dare say so—a third-way approach to economic development in south America offers better long-term prospects for that continent than the route being followed by Hugo Chavez?

**Mark Pritchard:** Those are helpful remarks. President Lula rose from very humble beginnings; he was a shoeshine boy, so he knows the pressures of poverty. President Chavez is a former paratrooper. The hon. Member for North-West Leicestershire (David Taylor) made a comment about parachuting in one of my colleagues; President Chavez would know how to parachute into another location.

Latin America needs leaders who send out clear signals to the investment community that their countries are safe, secure and stable and a good place in which to do business. One of the unfortunate things about President Chavez is his rhetoric, which seems to be ratcheting up week by week. In the past week or so there have been comments about imperial enemies; there has been the so-called crusade against capitalism—[HON. MEMBERS: "Hear, hear."]—and there is the axis between Cuba, which has a terrible human rights record, and President Chavez. If Labour Members wish to put in jeopardy their constituents' pension funds, which may be in investments in companies such as British Gas, they can carry on cheering President Chavez and President Castro of Cuba. We cannot have a divestment of British

interests in Venezuela; those interests cannot be put at risk by a president who is sending out entirely the wrong signals to the investment community.

Of course, the situation has a negative halo effect on the rest of Latin America. There are many success stories in Latin America, and it would be most unfortunate if, as a result of one rogue president, the investment community decides to invest elsewhere. There are good examples, such as President Lula. I was in Peru a few weeks ago, and presidential elections are coming up there in the next two or three weeks. I had the privilege of meeting several of the presidential candidates. One in particular, Lourdes Flores, is very impressive. I hope that President Chavez will be far more responsible in his rhetoric.

Of course, the issue affects UK relations directly. We know that President Chavez has been encouraging Argentina to look again at the Falkland Islands, and to make yet more protests at the United Nations. That is disturbing to me and, no doubt, to others who fought to bring the Falkland Islands back under the Union flag.

In conclusion, there is no doubt that there has been anti-American rhetoric in this House yet again; indeed, we hear it all the time. It is not the Washington model that is causing President Chavez to threaten neighbours and use anti-American and anti-British rhetoric; it is an International Monetary Fund model, and a World Bank model, that Latin American countries have been following. It is an international model with international consensus, in which Britain plays a part, that Latin American countries have been asked to follow in relation to their fiscal and borrowing policies.

I hope that the Minister will confirm today that there will be no more closure of UK diplomatic missions and embassies in Latin America, given that it is becoming increasingly important in our own foreign policy. I hope also that he will confirm that we will continue to have a commercial presence, through our embassies, in as many Latin American countries as we currently do, so that British interests are protected, and so that we can take the opportunities available in the region.

**Several hon. Members** *rose—*

**Frank Cook (in the Chair):** There are 27 minutes available and five bidders. I call John McDonnell.

3.3 pm

**John McDonnell** (Hayes and Harlington) (Lab): I apologise to the Front-Bench spokesmen, because I am chairing a meeting on the Company Law Reform Bill at 3.30 pm and so cannot be here for the winding-up speeches, although I did not want to miss this debate because I am chair of the "Hands Off Venezuela" campaign.

Today is international women's day, and I want to place on the record our respect for, and celebration of, the role of women in the Venezuelan revolution—and it is a revolution. For most of us, revolution conjures up images of armed struggle and blood-spilling, but Venezuela makes us reconsider that stereotype. Since 1998, when Hugo Chavez was elected President, and especially since 2002 and 2003, the unarmed population of Venezuela have defeated first a coup and then a sabotage of the oil industry, both backed by the US Administration. Those major events launched a process of dramatic change in the country, which was supported by the Venezuelan people, particularly the women.

The women of Venezuela have constituted the vast majority of participants in every Government campaign to eradicate poverty and raise the population's quality of life. President Chavez has pointed out that it is mostly women at the grass roots who have run the education and health missions to which my hon. Friend the Member for Elmet (Colin Burgon) referred, the literacy, primary, secondary and university programmes, and the health committees that manage the 20,000 mainly Cuban doctors who live and work in the community. Those missions have transformed the country. Venezuela was declared free of illiteracy in 2005. More than a million more children are now attending school and getting three free meals a day. Everyone now has access to free health care.

The women whose labour has enabled those vital services have been transformed themselves. It is women who formed land committees in both rural and urban areas, so that families who migrated from the countryside to the city after the oil boom of the 1960s, and who ended up on squatted land, now have the deeds to their homes. Idle land in the countryside is being distributed. Co-operatives are encouraged, so that Venezuela can stop being dependent on imports for 65 per cent. of its basic foods and so that food security can be ensured. A network of state markets, also run mostly by women, make subsidised food available throughout the country, and soup kitchens ensure that street children and others without income receive the nutrition that they need.

No one is left out of the community's concern. Women's knowledge of the community and their eagerness to work for the benefit of all have been central to the spread of the revolution in care. It was largely women who mobilised the electorate during the 2004 presidential referendum that ratified President Chavez's election to power with a 60/40 majority. That shows how determined women are not to lose their elected leader and what they have gained as a result of his work.

Again, on international women's day it is appropriate to highlight President Chavez's recent announcement that the poorest housewives, mainly single mothers, will receive a payment of about $180 a month—equivalent to 85 per cent. of the minimum wage—not as charity, but as recognition of the fact that raising children is a social and economic contribution to the whole of society, and of the fact that they are workers in the home. The minimum wage was in turn raised by 15 per cent., and there have been increases in pensions and other low wages. The first 100,000 women will benefit in June, and another 100,000 will benefit from July. Up to 500,000 women will eventually get that wage for their vital, unwaged work.

The president has repeatedly said that women are the poorest and work the hardest. He has told them:

> "They work so hard raising their children . . . This was never recognised as work yet it is such hard work . . . Now the revolution puts you first, you too are workers, you housewives, workers in the home."

That was recognised in the constitution; article 88 recognises the economic and social contribution of women's work in the home and on that basis grants

*[John McDonnell]*

housewives a pension. That has been hailed worldwide as a breakthrough, not least because it is bound to raise all women's wages, as at least some women will now have the power to refuse the lowest pay. Article 88 still needs legislation to put it into practice, but rather than wait for that, Chavez has put together the recognition in article 88 of caring work and recent legislation aimed at lifting the poorest out of poverty, and has redirected some of the oil revenues to women.

All over the world, women have been campaigning for economic recognition for unwaged caring work in order to underline women's poverty in both unwaged and waged workplaces. In 1995, the UK-based Global Women's Strike got the UN to agree that unwaged work should be measured and valued in national accounts. In fact, a ten-minute Bill was introduced in the House on that issue. In 2005, Global Women's Strike organised a speaking tour for Nora Castaneda, president of the Women's Development Bank of Venezuela, to let people outside Venezuela know about the far-reaching article 88. Global Women's Strike has just published a book, "Creating a Caring Economy", in which Nora Castaneda explains how that micro-credit bank is helping to build a movement that is

"creating an economy at the service of human beings".

The people of Venezuela believe that their oil and natural resources belong to the people themselves. Today, women are marching to the US embassy in Caracas to deliver a petition demanding an end to the occupation of Iraq. They have also spoken out against intervention in Haiti by the US. They will not tolerate any intervention intent on depriving them of the wealth from the oil revenues of their own country. The task of all democrats and progressives throughout the world is to support the revolution, and in particular the struggle of the Venezuelan women.

**Several hon. Members** *rose—*

**Frank Cook (in the Chair):** There are 21 minutes remaining and four hon. Members bidding. I call David Taylor.

3.9 pm

**David Taylor** (North-West Leicestershire) (Lab/Co-op): I was pleased to hear that the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) wants us to deviate somewhat from the American position on Venezuela—I paraphrase a little—and that the hon. Member for The Wrekin (Mark Pritchard) seemed sceptical of some American rhetoric. I am happy to fall in line with that, because much of the shape of UK relations with Venezuela is due to American attitudes to that country.

I shall try, in my five minutes, to summarise and give a considered response to sundry allegations. The first allegation, from the USA and the anti-Chavez lobby in Venezuela, is that the Venezuelan Government have used electoral fraud and manipulation to retain power and free and fair elections in the country cannot be guaranteed by the Chavez-controlled CNE. That common line of argument is central to the attempt to portray Chavez as authoritarian and despotic.

As my hon. Friend the Member for Elmet (Colin Burgon) said, there have been many electoral processes in the country during the Chavez Government. In fact, there have been 11 since 1998, which have been passed by international election observers who have played a prominent, visible role in every election. That authenticates the election of Chavez and rebuts the arguments of the United States of America, which has financed and supported an Opposition-identified civil society organisation, Súmate, which campaigns for so-called free and fair elections. The leaders of that organisation will go on trial shortly for receiving foreign support for their activities, which is against Venezuelan law. That will be a serious test for US-Venezuelan relations. If Súmate's leaders are found guilty of treason, bilateral relations between the US and Venezuela will worsen.

The United States of America often argues that the Venezuelan Government are illegitimate and have undermined democracy in Venezuela. That is based on the claim that the abstention rate has been high in every election and referendum process, so the President only represents a minority in Venezuelan society and the Bolivarian revolution is illegitimate. However, the problem is that abstention has traditionally been high in Venezuela; it has declined a little under the Chavez Government, but it is still too high for a Government committed to creating a model of protagonistic, participatory democracy. This has been linked to voter fatigue, with a constant cycle of elections, wasted-vote syndrome, and so on.

There are three other main accusations, which I shall just list without responding to them. First, it has been said that the Chavez Government are engaged in the suppression, torture and abuse of their opponents and have undermined freedom of speech. Secondly, it is alleged that they have armed their supporters. In fact, during the build-up to the 2002 coup attempt, it was alleged that the Government were arming the Bolivarian circles, but no evidence was ever brought forward to substantiate that claim. Such a development would have been resisted by the Venezuelan armed forces, because it would have undermined their monopoly of arms. Thirdly, the final charge that is routinely made by American diplomats, and others in the Administration, is that the Venezuelan Government are channelling financial support to terrorist organisations and undermining democracy and democratic government in the region.

In the one minute and 20 seconds that I have left, I should like to ask some questions of the Minister, who I greatly respect. In September 2005, the US State Department condemned Venezuela, along with Myanmar, for non-compliance in the global war on drugs. Can the Minister provide an assessment of the status of the UK relationship with Venezuela on narcotic drug enforcement matters?

The US State Department has also claimed that the Chavez Government are supporting, harbouring and financing terrorist and anti-US rebel groups across the region. Frequent allusions of ties to Islamic terrorism have been made and reported in the US media. Does the Minister have any information or intelligence that he can share that could shed light on those allegations, which remain unsubstantiated by the United States?

The US Government strategy of isolating Chavez and distinguishing between so-called good and bad left-of-centre Governments in south America has been totally counter-productive. Do our Government take the view that all elected Governments in the region should be treated with equal respect and that the US should desist from efforts to stabilise the democratically elected Government of Venezuela?

Finally, in the context of all the comments that have been made, does the Minister not think that it is time for a wider international debate on the legitimacy and legality of the United States' so-called democracy promotion efforts, through institutions such as the National Endowment for Democracy? I am lacking time, but the Minister is good at delivering when he says he will write to hon. Members and I am sure that he will do so today.

**Frank Cook (in the Chair):** There are 16 minutes for three hon. Members.

3.14 pm

**Jeremy Corbyn** (Islington, North) (Lab): The speech-to-minute rate is getting better all the time and I shall do my best to improve it.

It is hard to start without mentioning the remarks and comments of the hon. Member for The Wrekin (Mark Pritchard). Why does he think that there is such a disparity of wealth and poverty and land ownership in Venezuela? Why does he think that the people of Venezuela are overwhelmingly behind a President who promises to use the nation's wealth to conquer the poverty, rather than hand the money to the richest in the country, which is basically what has been happening for the past 100 years?

**Mark Pritchard** *rose—*

**Jeremy Corbyn:** No, I will not give way, because I have just five minutes.

The Bolivarian revolution of the 1820s got independence from Spain, which was a tremendous achievement. Bolivar himself led independence throughout the continent. The problem is that he did not live long enough. After his death, the independence movement essentially fell into the hands of the landowning aristocracies in country after country. The landowning pattern in Venezuela was no different from many others in that continent, because of the unfairness of land distribution.

The discovery of oil in Venezuela in the 1920s did not lead to a liberation of the livelihoods of the people of Venezuela, but to a decline in agriculture and a continuation of unfairness and fabulous wealth for a small proportion of the population as a result. The Bolivarian revolution—the second one, led by Hugo Chavez—is righting the wrongs of the last two centuries. That cannot all be done in five years, or 10, but it has made a good start and has inspired a large number of people throughout the continent.

Recently, a number of the hon. Members who are taking part in this debate attended a seminar about Venezuela and Latin America as a whole, during which lots of issues were raised about British and other investments. I gently say to the hon. Member for The Wrekin that many companies in the City of London have made a fantastic amount of money from Latin America during the past 200 years, one of them being the Vestey Corporation, which the hon. Gentleman should know plenty about, because it has funded the Conservative party over the past 100 years and assisted it in its endeavours. The Vestey Corporation is a major landowner in Venezuela, along with many others, and it should think about returning some of its profits to assist the conquering of poverty in that country, rather than having the hon. Gentleman blathering on about defending its investments there at the present time.

**Mark Pritchard** *rose—*

**Jeremy Corbyn:** No, I am not giving way, because I only have five minutes, as the hon. Gentleman well knows. He took more than his five minutes, I have to say.

What is happening in Venezuela is important in the context of Latin America. The right-wing commentators in the US and Britain say, "It's all individuals and Chavez is some kind of idiosyncratic nutter who is on his own." However, talk to people in Argentina, Chile, Brazil, Mexico or any country in the region, and they will say different; they see what is happening in Venezuela and Bolivia as, at last, the beginning of the fair distribution of resources for the benefit of the majority of people in the continent, rather than a small number.

The United States seeks to lecture other countries on democracy and human rights, but there is one part of Cuba where there is a gross abuse of human rights: it is called Guantanamo Bay and it should be shut down. Until George Bush gets around to closing down Guantanamo Bay, he should tone down the rhetoric concerning human rights anywhere else in the continent.

Large numbers of people attended the recent World Social Forum in Venezuela, including a delegation from my constituency comprising two people—Gary Heather and Tricia Clarke—who brought back an interesting report on what they had observed about how the poor people had not just been helped by the revolution, but felt empowered by it. That point was made by my hon. Friend the Member for Hayes and Harlington (John McDonnell). I quote from Tricia Clarke's comment:

> "Women play an important part in the social revolution that is taking place in Venezuela. Women are participating in all the projects in the barrios and speak proudly of Chavez and the changes that are taking place."

That is an example of how many people around the world feel inspired by visiting Venezuela and seeing the huge changes taking place there.

What the British Government need to do is not make the kind of remarks that the Prime Minister made to my hon. Friend the Member for Elmet (Colin Burgon) in the House, but understand that the people of Latin America feel that they have had enough of the Monroe doctrine and the lectures from above—from the north. What happened at the Buenos Aires trade summit is an example of the growing unity of the poorest people across the region to demand their place in the sun, their share of resources and their escape from the poverty that they have lived in for too long.

**Frank Cook (in the Chair):** There are 11 minutes for the two speakers remaining.

3.20 pm

**Tony Lloyd** (Manchester, Central) (Lab): Thank you, Mr. Cook. I congratulate my hon. Friend the Member for Elmet (Colin Burgon) on securing this debate and on his commitment to what Venezuela represents in the modern world.

The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) made a valuable point when he said that Venezuela is a beautiful country with beautiful people. Anybody who has visited rural Venezuela will know how spectacularly beautiful it can be and anybody who has seen the Venezuelan people will know how fine and beautiful they are. However, someone who has visited the country will also know that as one travels from the airport to Caracas, one passes through some of the worst slums on the planet. That is sadly typical of large parts of the large cities of Latin America. Those slums are dire in their poverty and, historically, living conditions for the ordinary people have been abject. The hon. Member for The Wrekin (Mark Pritchard) talked about the concept of wealth cascading down. However, one of Venezuela's problems has been that, in the oil years, the wealth certainly did cascade—but not down to the poorest people, who were denied and who were probably harmed by the curse of oil.

I should like to recall some individual human moments. I remember walking through one of the poorer parts of Caracas some years ago. I talked to a young woman. She did not look old enough even to be a mother, but a toddler was holding her hand and she was heavily pregnant with her next child. I asked her what she wanted for the future. She said, "I would like my son to get an education and become a lawyer. I would like my unborn baby to become a doctor." I remember walking away from that woman—who was another tragedy, another statistic of Venezuela's poverty—thinking that no way could those children aspire to such things. That woman was another victim of Latin America's poverty, in a land where there could be plenty.

The Venezuelan Government are committed to pro-poor policies that look to advance educational opportunities for the poorest people. We have heard the statistics about the eradication of illiteracy among some in Venezuela and about the opportunities in respect of health care, income support and security. Those kinds of policies can begin to transform the lives of some of those who, historically, have been among the most destitute.

I say to hon. Members who talk about a good investment climate that we should talk about a good climate for the ordinary people of Venezuela. Let us talk about the young woman I mentioned and what she needs. She needs stability and some share in the wealth and asset base of her country, and at last there is a Government committed to doing such things. That is why President Chavez has been remarkably popular every time he has had to face an electoral test.

I turn to Britain's national interest. We can talk about that; it is legitimate that we should. Of course we want a good climate. I also want BP to operate successfully in Venezuela. I have seen its operations there, and they are good for Venezuela as long as the resource base goes to those entitled to it. I suppose that it is also good for world energy supplies in so far as we are oil-dependent. What BP wants is a stable country; we need to work towards an investment climate in which there is stability for Venezuela. However, that will not be achieved through a lecturing tone from anywhere.

We do not often find western European countries adopting such a tone, although every now and again there are lapses. However, from Washington there is all the classic foolishness of the north American approach to Latin America that we have seen over the years. Some time ago, I said to my hon. Friend the Member for Islington, North (Jeremy Corbyn) that I knew too well that when Vice-President Nixon visited Caracas in 1958, he was spat at by the crowds.

The north Americans were unpopular then, and they are doing their best to make themselves unpopular now through their hectoring, language and rhetoric and through the real threat that seems implied by that kind of rhetoric—a threat that north America might want to act in some tangible way to destroy what the Venezuelan Government are trying to do. That is not the right way forward for our national interest, nor for our Government's real commitment to international partnership and development. We do not need such things from north America and should give a strong signal that it is not the Government of Hugo Chavez who are on trial, but the policy of the United States on Latin America that is under test.

In the final few moments of my contribution, I shall say simply this: I do not know where the young woman I talked about went to and I do not know about the children who sleep rough in Caracas; many thousands will do so tonight. However, I do know that we ought to be supporting—although not uncritically—a Government who are driving against the evils in a city such as Caracas and a country such as Venezuela. We ought to say that we celebrate the pro-poor policies of the Government in Venezuela, who are moving the agenda.

3.26 pm

**Mr. Paul Keetch** (Hereford) (LD): Thank you for this opportunity, Mr. Cook. I have just spent the past hour cutting back my speech from the allotted 10 minutes to give more time for the Minister to reply. I shall be brief—some important issues have been raised, and the Minister ought to have time to reply to them in what has been a good and well balanced debate.

I congratulate the hon. Member for Elmet (Colin Burgon) on securing this debate. When he and I visited the United States in the summer of 1997, I remember hearing about his interest in south America—particularly in its civil war issues—and he demonstrated some of those interests today. There have been valuable contributions. I particularly enjoyed that of my near neighbour, the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski). The comments made by the hon. Member for North-West Leicestershire (David Taylor) were also particularly good. The history lesson we received from the hon. Member for Islington, North (Jeremy Corbyn) set much of today's debate in context.

It is well known that many countries in south America are and have been hostile to the current and previous US Administrations and have a purported belief that the United States is an imperial power seeking to dominate their region. Much of that is perfectly understandable.

I agree with the hon. Member for Manchester, Central (Tony Lloyd) that the policy of the United States in the region does it enormous harm.

Speaking as one who regards himself as a friend of America, I wish that America would understand how some of its comments and perceptions are seen overseas. We all know the statistics about how few US Congressmen hold passports and how little they travel. If they travelled more overseas, as many of us do, perhaps they would understand some of the damage they do. Given that issues such as Guantanamo Bay are still going on, it is clear why there is great suspicion.

Relations between Britain and Venezuela have undoubtedly suffered in recent weeks, since the intervention of the hon. Member for Elmet at Prime Minister's questions. Today's debate is about Venezuelan-British relations, and there is much to celebrate about them. I should like to consider some of the things to be celebrated before coming to those that we should not necessarily celebrate.

For example, trade and investment between the UK and Venezuela have shown that both countries can benefit from a decent trading relationship. The United Kingdom is the fifth largest investor in Venezuela. I shall not repeat the figures given by the hon. Member for Elmet, but they show that the UK and Venezuela have strong trade and investment relations, which should be nurtured in the future to the benefit of both countries. My first question to the Minister is whether there has been any noticeable decline in our trade interests as a result of the spat of the past few weeks. If that has been the case, it is unfortunate for us and for the kind of trickle-down of wealth that we would all like to see in Venezuela.

There are also strong cultural links that show a rewarding relationship between our two countries. The British Council, for example, runs many cultural programmes covering the arts, English language training and education, and there are several opportunities for Venezuelan postgraduate students to study in the United Kingdom; since those schemes began in the mid-1980s, more than 300 scholarships have been awarded. Cultural ties between the UK and Venezuela are vital and I hope that whatever our differences about the Falkland Islands, and about what Condy Rice may or may not have said, we shall continue to encourage such contacts.

As has been said today, there are reasons why we should welcome the Government of Hugo Chavez and why he should be admired. Not only has he sought to broaden health care and education provisions, but he has used the oil revenues in a way that previous Administrations in his country did not. Many residents in the poorest areas of Venezuela now have access to basic health care, whereas before they had nothing.

I remember my visit to Venezuela some 15 years ago. I saw the slums that the hon. Member for Manchester, Central referred to, but I was also astonished at the huge wealth of the country. In one district through which I drove, on one side of the mountain there were slums—people were literally living in cardboard boxes—and on the other people were living in armoured houses with security guards, dogs and barbed wire. The disparity between rich and poor was amazing, and we should support anything that can be done to reduce it.

There is another side to the matter. I am worried, for example, about the human rights agenda in Venezuela. In the tenth world democracy audit covering 2004, Venezuela came 126th out of 210 countries, with the same score as Côte d'Ivoire and Iraq. Since winning the national referendum on his presidency in 2004, President Chavez and his majority coalition in Congress have tried to undermine the independence of the judiciary by trying to pack the supreme court with their supporters. They learned that from Washington; it is not unusual in the Americas for that to happen. However, it is a matter for concern.

The Administration have enacted legislation that could seriously threaten press freedoms and freedom of expression. For example, one amazing clampdown that has occurred has been the banning of pot clanging—a popular way of protesting against the Government. That was highlighted in the Foreign Office's human rights report. In addition, Amnesty International has expressed concern about

"the political polarisation which is threatening to destabilise Venezuela",

and we are aware that there have been some very ugly scenes on both sides in confrontations between the supporters of the Opposition and the security forces.

Today's debate is about the future of UK-Venezuela relations. I want to make sure that the Minister has plenty of time to answer the very real concerns that have been expressed by me and by colleagues from across the House. Undoubtedly, the Government of President Chavez has, perhaps for the first time in Venezuela's history, tried to tackle the huge disparity between wealth and poverty in that country. He has tried to use the oil revenues that he is lucky enough to preside over to help the people of his country in a way that no previous leader has done, and his task has been made more difficult by some of the comments that have emanated from the right wing of the Republican party in the United States. Nevertheless, there are concerns about human rights. It is not, as is always the case in such countries, a black and white issue as I hope that the Minister's response will show.

3.32 pm

**Mr. Geoffrey Clifton-Brown** (Cotswold) (Con): I am glad to respond for the official Opposition for the second time today in this Chamber. I congratulate the hon. Member for Elmet (Colin Burgon) on securing the debate. There have been some excellent contributions, and I hope that the message that comes out of this debate will be that this House is not too polarised about Venezuela. It is clearly in this country's interests to have excellent relations with Venezuela. It is the world's fifth largest oil producer, as we have already heard, there is huge potential for export there—to which I shall allude in a minute—and we have a great many imports from it, too.

Indeed we have had good relations with Venezuela for a considerable time—after all, Simon Bolivar visited this country as Venezuela's liberator as long ago as 1810, and President Chavez visited the UK as the guest of the British Government in October 2001. In return, the hon. Member for Harlow (Bill Rammell), when he was a Foreign Office Minister, visited Venezuela in 2004, and the Venezuelan Minister for Energy and Mines visited the UK in that same year. It is very much in our interests to maintain those good relations.

*[Mr. Geoffrey Clifton-Brown]*

I am going to pull the leg of the hon. Member for Elmet slightly, because I want to refer to his 17 February article in *The Guardian*. He referred to the Prime Minister's answer during Prime Minister's questions by saying:

"The Prime Minister's response surprised many of us on the Labour benches. Skilled diplomat that he undoubtedly is, Blair's response seemingly lacked any nuance of diplomacy."

We would all say "amen" to that. It was clearly listened to in Caracas, and the unfortunate comments that came from there in response have not been helpful to UK-Venezuelan relations.

I almost agreed entirely with the final paragraph of the article. The hon. Member for Elmet stated:

"It is time that the UK re-engaged with Latin America and offered moral support to regimes intent on social justice and"—

the one bit that I do not agree with—

"redistribution of wealth. In light of our participation in the invasion of Iraq and global perception of UK foreign policy, I believe it is highly advisable to employ constructive language and diplomacy"

—which is what I hope we have achieved in this debate—

"so that this country can interact with other sovereign states with an independent, open and progressive agenda. UK foreign policy should not be allowed to be hijacked by other states acting in their own interests, which may not be compatible with our own."

Perhaps, therefore, some of the comments that have come out of Washington are not helpful either. We obtain—I learned from a parliamentary answer—only some 2.2 to 2.4 per cent. of our oil imports from Venezuela, but the United States imports a million barrels a day, so it is a very big customer of that country.

**David Taylor:** May I put it to the hon. Gentleman that in the Venezuelan context, the objective of having social justice without redistribution of wealth is rather like having an egg without the yolk? Do the two things not go inextricably together?

**Mr. Clifton-Brown:** If the hon. Gentleman will just contain himself for a little while, perhaps he will see where I am coming from on that.

As has been said, exports to Venezuela were worth £187 million in 2004—principally in the sectors of chemicals, beverages, medicine and pharmaceutical products. Venezuela is the UK's third largest export market in Latin America, after Brazil and Mexico. Imports from Venezuela, worth £213 million in 2004, were mainly in petroleum and petroleum products, and the main UK investors in Venezuela are BP, Shell, Wood group, BOC Gases, Anglo-American Mining, GlaxoSmithKline, AstraZeneca, Diageo, Unilever and BAT. My briefing note must be out of date because it also mentions the Vestey group, which has had most of its land seized by the Chavez Government. That, of course, is not helping with inward investment into Venezuela; it does not create a good climate.

**Jeremy Corbyn:** Will the hon. Gentleman give way?

**Mr. Clifton-Brown:** I will happily give way, but before I do, I should perhaps declare a slight interest in the subject: I am closely related to the Vestey family.

**Jeremy Corbyn:** Then the hon. Gentleman will be able to answer my question. How much of the land that was seized was lying idle at the time of its seizure?

**Mr. Clifton-Brown:** That was complete propaganda put about by the Chavez Government. The Vestey family had been in Venezuela for about 70 years and had farmed that land in a way that was well in advance technologically of that used for most of the rest of the land in Venezuela.

**Mark Pritchard:** Does my hon. Friend agree that it would be absolutely wrong for those on the Opposition Benches to encourage or condone nationalisation of British interests paid for by British companies and British taxpayers in Venezuela?

**Mr. Clifton-Brown:** I would simply say that I hope that all countries—particularly oil-rich countries such as Venezuela—will encourage a climate in which inward investment from foreign countries is welcome. If I have time, I should like to show that inward investment in the Venezuelan oil industry is desperately needed. It could be much more effective if it had such investment, and it would then produce more revenues for the people of Venezuela. What President Chavez did was not necessarily helpful.

A lot of comments have been made in this debate about the economy, and it is difficult to know whether it is performing well. With high oil prices, it could do much better. An article in *The Economist* of 16 February stated:

"Higher prices have quadrupled Venezuela's annual revenue from oil exports since 1998. Nevertheless, the country's Catholic bishops claimed last month that poverty was 'accelerating rapidly'. Not so, replied Mr Chavez. It has 'begun to decrease slowly and progressively'."

So we can choose whom we wish to believe. The article goes on to say:

"In the five years to 2003, Mr. Chavez's performance was disastrous (see chart)."

The chart does tend to indicate that the oil price has gone up, yet poverty has also increased, so there is something slightly wrong there.

"The proportion of households below the poverty line increased by more than 11 percentage points. By 2003, a quarter of Venezuelans were living in 'extreme poverty', unable even to feed themselves adequately. It was the first time since data were collected that poverty rose even as the oil price did too."

The hon. Member for Islington, North (Jeremy Corbyn) has described the so-called missions, which are President Chavez's personal missions to engage in emergency health, education and welfare programmes. There are conflicting stories about those programmes,

but they certainly are not democratically accountable. They do not appear to be as effective as they might be. Indeed, the article went on to say:

"Whatever the merits of the missions as emergency programmes, they stress quantity over quality. Meanwhile, Venezuela's public infrastructure, such as roads and hospitals, is crumbling. A deficit of 1.5 million housing units is widening. Only a quarter of the 11,000 new houses needed each year are being built, because of the public sector's incompetence and its unwillingness to involve the private sector."

That may well be. I respect *The Economist*; it is one of the most respected journals for producing balanced articles. It may be that the person who wrote that had a biased view, but there is no doubt in my mind that the Venezuelan economy could perform better.

Another article in *The Economist*—it might be by the same author; I do not know—on 31 January 2006 stated:

"Fiscal profligacy will keep the public finances in deficit, despite high oil prices."

It continued:

"Most non-oil investment will continue to be put off by the uncertain legal and regulatory regimes and by price and exchange controls . . . The Ministry of Finance has been overborrowing in recent months, and has built up substantial Treasury cash balances".

As has been mentioned, President Chavez has taken on other south American countries' debts. For example, Venezuela has taken on £538 million of Argentine debt. The same pertains to Ecuador.

The President is trying to use the oil wealth to buy influence. That is not unprecedented elsewhere, provided it is done in a benign way. I hope that we can see that it is done in a benign way. We can see from this constructive debate that it is important that south America should be brought to the fore in this Parliament more often and more positively. We have always had good trading relationships with south America and they are, on the whole, friends of ours. We should maintain good trading and diplomatic links, and the debate has been a helpful and positive step. I hope that we can now reach more normal relations after the unfortunate remarks made in past months.

3.42 pm

**The Minister for the Middle East (Dr. Kim Howells):** May I say what a pleasure it is to take part in this debate under your chairmanship, Mr. Cook? You have long experience in diplomacy and foreign affairs and I am sure that you have enjoyed this debate as much as I have. It has been a good debate.

I congratulate my hon. Friend the Member for Elmet (Colin Burgon) on securing the debate, which I am answering on behalf of our noble Friend Lord Triesman, who has responsibility for Latin America in the Foreign Office. I welcome the opportunity to discuss Venezuela and the points raised in today's debate. Venezuela is an important country, and I shall try to explain why we believe that. We have heard some of the reasons already. Venezuela is important regionally and globally, which is reflected in the importance we attach to our bilateral relationship with it. That is why the debate is important. It gives us the opportunity to put that on the record. I will come to the points raised by my hon. Friend in a moment, but we have heard a great number of interesting points.

The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) stressed the importance of the fight against drugs, which I shall deal with in the body of my reply. He is quite right. My hon. Friend the Member for Hemsworth (Jon Trickett) spoke, and I am glad he did, about the eyeball-swivelling right-wingers on the fringes of American politics who assume that they have a divine right to decide how people should vote and that it is possible to react in any way they want to the decision of the democratic expression of the people in south America and Latin America.

The hon. Member for The Wrekin (Mark Pritchard) warned us about the scale of the task facing the Venezuelan Government in tackling the dreadful poverty that is evident in the country. It was a good warning. My hon. Friend the Member for Hayes and Harlington (John McDonnell), who has gone now, paid tribute to the women of Venezuela—quite properly, in my view—and listed some of the achievements of the Government in tackling poverty and its social consequences, especially as they affect women. It was important to put that on the record.

My hon. Friend the Member for North-West Leicestershire (David Taylor) reminded us how important co-operation with Venezuela is, especially in the field of drugs. It is a huge problem. I will try to expand on the subject in a moment. His question about a wider debate about American foreign policy is for another occasion and another venue. I seem to spend half my life dealing with that question, but that is for another place.

My hon. Friend the Member for Islington, North (Jeremy Corbyn) gave us an enlightening speech on the historical context, and sketched out some of the reasons why, despite the fact that oil has been around in Venezuela for a long time, it remains a poor country when it ought to be one of the richest in the world, not just in south America. That has ramifications elsewhere as well. My hon. Friend hinted at many reasons why that should be so. He mentioned one that, I think, is the most important. The capacity to govern ought to flow naturally from a democratic election and the decision of the people. If we try to undermine that for partisan reasons, whether they are political, economic or anything else, that is dangerous. That is one of the reasons why Venezuela has for so long had a reputation for instability, when it had democratic elections back in 1947. Since 1958, it has been a reasonably stable democracy by south American standards, although there have been some intervals when that has not been the case. I am glad that my hon. Friend raised that point.

My hon. Friend the Member for Manchester, Central (Tony Lloyd) has great experience in these matters. He boiled the importance of the changes that President Chavez and his Government are attempting to implement down to the specific example of a young woman who he met in Venezuela. It is important that we remind ourselves that we are talking not about abstract, high-political notions, but about people and the changes that ought to be happening in such countries. I was glad to hear my hon. Friend do that.

The hon. Member for Hereford (Mr. Keetch) has visited Venezuela and seen it for himself. I cannot see any sign that our business relations with Venezuela have cooled as a consequence of statements that have been

*[Dr. Kim Howells]*

made over the past few weeks. I am glad to say that. As I will try to argue, it is an important country for us and for the world.

The hon. Gentleman highlighted some important worries about human rights in Venezuela. It is not pro-American to say that one is worried about human rights in any country. It shows a concern about human rights and about how we promote and protect them. No matter which country we look at, that concern ought to be at the heart of foreign policy in any democracy. That is the case in this country, and I am glad that the hon. Gentleman raised the subject. It is very encouraging that there is a free press in Venezuela as well as vibrant news media that are not afraid to reflect the concerns of people from all parts of society. We must rejoice in that and do our best to protect it.

I was very glad that the hon. Member for Cotswold (Mr. Clifton-Brown) made the speech that he did. I have always been a believer in Gramsci's dictum—I never get it right but I think it is about optimism of the spirit and pessimism of the intellect. It is right that we should cast a sceptical eye across any country when we attempt to analyse where it is likely to move. Of course there are problems in Venezuela, as in many other places. The hon. Gentleman expressed a different view from that of some of my hon. Friends about how those issues, including poverty, might best be addressed, but I respect the fact that he has cast a sceptical eye over the question. I know that he feels passionately that Venezuela and its democratic system should be helped whenever that is possible.

The relationship between the United Kingdom and Venezuela is an active one. We work effectively together in several fields, including crime, counter-narcotics and energy. We have an important commercial relationship, as hon. Members have explained. Indeed, UK companies hold large investments in Venezuela. It is the third biggest market for the United Kingdom in Latin America, and it accounts for almost 10 per cent. of our exports in that area of the world—a figure surpassed, I believe, only by Brazil and Mexico.

We work with the Venezuelan authorities in tackling crime and corruption, which are a major impediment to social and economic development throughout Latin America. Recently we sponsored a conference in Venezuela on the role of the police in Latin America and 14 countries from across the region were represented. The event provided a useful space for debate and for the sharing of experiences from the region on transformation and the restructuring of the police.

Our embassy in Caracas is currently running a project aimed at helping Venezuela to develop its national capacity in the energy sector. My hon. Friend the Member for North-West Leicestershire reminded us that there is a world beyond the most immediate of concerns. One thing that worries me as a former Education Minister is that we do not do enough to export the marvellous skills and abilities of this country's further education sector and universities. They do sterling work that is of relevance in this context. I think that the hon. Member for Cotswold raised the point, and the hon. Member for Hereford certainly did, that the economy could be doing better.

Probably, upskilling—to use that awful term—is the most immediate way to achieve an improvement in that regard. We want the Venezuelan economy to improve. It will help if we can work closely with Venezuela on that: it will promote the transfer of knowledge and skills in several key areas. We have close links with the state oil company in Venezuela and with Venezuelan universities and the appropriate Ministries, as well as other public and private organisations that are involved in providing, supporting and developing education and training to the energy sector in Venezuela. Shell, BP and the Wood group are also making efforts to share their expertise to the benefit of Venezuela, as a reflection of their policies of social responsibility, so that they can work as partners in the development of the country's main natural resources.

Those resources are very extensive. We have heard about only one of them today: oil. However, in fact there are extensive and large deposits of other minerals, such as coal, iron ore, bauxite and gold. The country has remarkable natural resources. It is to be hoped that those resources will help to transform the life of the young woman about whom my hon. Friend the Member for Manchester, Central spoke. If the economy could be tailored to make real use of those minerals, that should and could happen.

I do not know whether we need reminding, but in a world of rapidly depleting resources, Venezuela is a great natural resource for the whole world. As my hon. Friend the Member for Islington, North hinted, it is also a very fertile country. It should have much stronger agriculture, to feed itself and its neighbours, and to enable it to export around the world. My hon. Friend is right to point out that issue. I have talked about the potential for mining precious minerals—coal is a precious mineral these days—but we need to be careful; many agricultural economies have been destroyed by a sudden rush for mineral wealth. We should be able to help the Venezuelans with that issue, and we ought to do it.

As for the vexed question of drugs, under our EU presidency and in co-operation with the Venezuelan authorities—it was good co-operation—we ran the first meeting of drugs observatories of Latin America and the Caribbean and the EU in Caracas. The meeting reaffirmed the principle of shared responsibility, as well as the role that drugs observatories can play in informing the formulation of policies to carry out effective drug strategies.

I shall not have time to expand on that matter as I wanted to, but as we have had greater success against the go-fast boats in the Caribbean that take cocaine to America and the Caribbean islands the drug traffickers have switched their attention. Venezuela is suffering as a consequence of the transhipping of drugs across Venezuela towards Guyana and down to Brazil. The drugs go to the ports in those countries, where they are shipped to west Africa. They then come up through west Africa and into Europe. The people involved are endlessly resourceful. They are well financed. They are having a tremendously corrosive effect in the northern part of south America, and we must work closely with the Venezuelans on that.

**Jeremy Corbyn:** Will the Minister confirm, for the record, that there has been tremendous co-operation

from both Cuba and Venezuela in attempts to end the drugs trade in the region and protect the lives of many poor people in Europe and north America?

**Dr. Howells:** I know that we have co-operated closely with the Venezuelans, and I have a little knowledge about co-operation with Cuba, but I am sure that my hon. Friend, who knows a lot about the subject, is right on that score. It is important. Addiction to crack cocaine and the poison that young people in Europe stick into their veins and up their noses does not just affect communities in Europe, such as his constituency and mine and those of other hon. Members present. It has a corrosive effect also in Venezuela and Colombia.

**Tony Lloyd:** I am sure that my hon. Friend will agree that co-operation is vital in this matter, because we shall not resolve the damage that is done in this country without good partners in Latin America. It is also in Venezuela's interest, as it becomes the victim of drug trafficking of the kind that my hon. Friend has described. So does north America, in the end. We all need partnership on those issues, not confrontation.

**Dr. Howells:** I could not have expressed it better. The problem is a serious one for all of us, and my hon. Friend is right. I am confident that we can work in partnership with Venezuela and other countries in the region. If we do not, we shall all suffer as a consequence.

**Mark Pritchard:** Is the Minister aware that drug enforcement officers from this country, who currently help in Latin American countries, are being withdrawn because of changes to budgets? If he is not aware of that, will he undertake to investigate the matter and ensure that we put more, not fewer, drugs officers in those countries?

**Dr. Howells:** I will undertake to give the hon. Gentleman a reply on that. I know that our drugs liaison officers around the world do a superb job, and I shall try to find out about that for him.

In conclusion, I hope that hon. Members will agree that it is in the interests of the United Kingdom to remain engaged with the region. That is why the debate in which my hon. Friend has brought the issue to our attention is so important. What happens in Latin America, including Venezuela, matters a great deal to us all. We shall not always see eye to eye with some its Governments; nor will we shy away from criticism when we judge it to be necessary, but our policy remains to seek constructive engagement with Venezuela. We have much to gain from working together.

**Frank Cook (in the Chair):** Order. Before we commence the next debate, let me ensure that everyone understands that there is a two-minute discrepancy between the analogue timepiece on the wall and the electronic ones by which we determine our timing.

## Judicial Error (Compensation)

4 pm

**Mr. Mark Todd** (South Derbyshire) (Lab): I stray with some trepidation into a discussion of how judicial error is managed and compensated. Although my parents suggested that I pursue the legal profession, I did not do so. I chose otherwise and have only a lay knowledge of the law.

My point of interest in compensation for judicial error stemmed initially from the experience of a constituent, Mr. Paul Robinson, who lives in Netherseal, in the south of my constituency. He was convicted on an indecent assault charge by a 10 to two majority verdict in May 2003. He was sentenced to a two-year community rehabilitation order, ordered to pay prosecution costs and placed on the sex offenders register. His appeal was heard in October 2004. The appeal was allowed and the conviction was quashed. I shall not recount the details of the case. The purpose of this debate is to illustrate the implications of judicial error for my constituent and to ask questions about the implications for the judicial process and the judge in question.

The point at issue that led to the error was that the defence intended to call a witness who had been named by the appellant as having seen her shortly before the claimed offence took place. The defence took the view that if doubt could be cast on her account, a fundamental aspect of her case would fail. The judge, of his own volition and without prompting from the prosecution, indicated that the question went to credit and that the defence was bound by the witness's answer. The defence pursued the point by returning to the witness who could have been called and pointing out the possible evidence that he might give. The prosecution were not called to comment at all during the exchange, at the end of which, as the appeal court put it:

"The judge dealt very peremptorily with the matter. The Crown were not called on for any assistance. He simply said: 'It goes to credit, I am not allowing it, thank you.'"

The appeal court then gave its assessment of the decision:

"It had, in our judgment, become clear, when the judge made this ruling, that it was a key issue in the case whether the complainant had been in Netherseal or Main Street at around 8.30 on the morning of Tuesday 7th May. She said that she went there specifically to talk, among others, to"

the possible witness,

"and that he was there. His evidence, had he been allowed to give it, would, as we understand it, have been that he never saw"

the complainant

"at the bus stop at any time during that week."

The appeal court went on to consider legal precedence in the matter. I shall not detain the Chamber by going into that, except to say that, from my reading as a lay person, the outcome seems pretty clear. In giving its judgment, the appeal court put the matter bluntly:

"In our judgment, the evidence of"

the potential witness

"in this case did plainly go to an issue in the case, namely, whether the complainant was or was not at the place where the offence is alleged to have occurred at the time that she alleged that it did occur.

*[Mr. Mark Todd]*

We think the judge was wrong. We think that he was too hasty in reaching the conclusion that he did. He would have been better advised to have sought the assistance of the Crown. In the experience of this Court in doubtful situations such evidence is ordinarily admitted. Be that as it may, the evidence was not admitted in this case and it is our conclusion that, had the evidence been admitted, it is impossible to say that the decision of the jury would inevitably have been the same."

The appeal court then quashed the sentence.

It seems clear that my constituent's conviction was substantially based on the judicial error made. The appeal court did not hear the evidence in question although its content is referred to in the judgment. I wish to pursue two points, the first of which is the consequences for my constituent. His conviction received local publicity, as one would expect. Since then—and even after his successful appeal—he has been subject to harassment both locally and in his business activities. It is fair to say that his life has followed a dramatically altered and inferior course since his conviction. Although he has not spent a period in custody, he has been placed on the sex offenders register and met the required restrictions on his freedoms, which were relieved following the appeal.

My constituent is entitled to no compensation, which relates in part to the presumption that only a prison sentence should prompt compensation and also to the attitude taken to convictions that are shown to be unsafe. There is a reference in one of the cases that I examined to a distinction in some legal minds, according to which

"compensation goes only to those ultimately proved innocent, not to all those whose convictions are adjudged unsafe".

That was the conclusion reached in a divisional court in 2002. One can only be grateful that the apparent suggestion that an appellant must prove innocence was overturned at a subsequent appeal, the leading judgment stating that

"our criminal system, like that of most other states, does not provide for proof of innocence".

In my constituent's case, the appeal court chose not to hear the evidence that would have cast substantial doubt on the claims of the appellant, relying instead on the argument that the judge had erred. From my brief and inexpert review of other cases in which compensation has been considered, that approach is commonly taken. That appears to leave appellants at a disadvantage in terms of any compensation claim, in that it can seem that their case has succeeded only on technical grounds and not on the basis of evidence demonstrating that facts in the case were otherwise than those heard in court.

We set a very high bar for paying compensation, which is understandable in some respects. As a constituency MP, I sometimes receive angry correspondence about compensation paid when a person is released from prison after a wrongful conviction. That correspondence would be angrier still if compensation were payable when a conviction was overturned on a technicality alone. However, I feel it to be reasonable that, where evidence is available to suggest the probability that the appellant did not commit the offence—as was the case in this instance—it should be heard in addition to any argument over process or judicial error. That did not happen with my constituent.

My other point is about the consequence for the judge. It seems strongly arguable that his decision not to permit a witness to be heard and cross-examined, and for the jury to have made its own judgments on that process, had a material impact on the outcome of the case. It is worth recalling that the jury gave a majority verdict of 10 to two, and that even marginal alterations in the trial process might have made a substantial difference. We are talking about a witness would have questioned the presence of the complainant at the scene.

The straight answer is that I do not know what happened to the judge after his decision was corrected. Although I can appreciate that the objectivity and independence of the judiciary might be harmed by, say, the ability of a complainant to sue the judge for damages where their error causes harm, I would expect some accountability to be exercised for judicial error. On my observation, we instead enter into a polite and largely private world. Some of the texts that I have read, which were written by learned lawyers, point out that it can be argued that the appellate process offers some accountability, in that it demonstrates where a correction is required of a judge. Reversals are normally administered politely and with deference. As one learned commentator has said:

"personal attacks are politely concealed".

In my constituent's case the appeal comment is blunt in those terms.

It might be assumed that adverse appeal judgments were monitored and pursued with the judges involved. Are they, and, if so, how? It is also fair to say that the costs and risks of appeal must mean that only a proportion of cases of judicial error are appraised in that way. Only some cases of judicial error lead to a potential appeal, yet arguably all errors should be monitored and that monitoring should then be reflected in an appraisal of judicial performance.

It has been argued, again by a far more learned person than I, that the price of tolerating incompetent judges should be borne by society in order to protect the competent judges against the abuse of power by the Executive. The argument is essentially that we must put up with failure and error because to have the Executive sacking judges or reprimanding them publicly for their performance would affect their independence of judgment in weighing up particular cases and advising juries. If one accepts the argument that we must accept incompetence, one could reasonably add that the cost to the individual of an incompetent judge should also be borne by society as part of the cost of protecting the judiciary's independence.

There are, it seems, informal processes through which the Bar may pass on informed opinions of judicial performance. However they rely, as much in the legal profession does, on personal networks and exchanges which seem an inadequate means of assessing the performance of those whose actions have a profound bearing on the lives and well-being of individuals.

Public scrutiny is partially offered through the informed and less well-informed comments of the media. Judges are assessed on their performance in that way and are often criticised. That is also presumably

monitored to some extent. Among the approaches that are adopted in some cases is the public scrutiny of administrative reports that show the productivity of courts. That is of some informative use, but it does not answer the need for accountability on the quality of judicial performance. It measures only the throughput of courts in getting cases listed and their leading to judgment. It does not address whether the performances have been adequate or not.

It would seem reasonable to have a periodic report that summarised the number of occasions a conviction was overturned in instances where judicial error was found by the higher court to be a contributory factor. Such a report could also set out examples of performance management, such as where judges have been asked to reflect on an adverse superior judgement. I see no reason why an individual should not be named in such a process. In other professions—we are all aware of what happens in the medical profession—acceptance of error and public scrutiny of fault are regarded as perfectly acceptable. Public recognition of error need not impinge on the independence of a judge's future deliberations.

While I have no great hopes that my constituent's experience will lead to any compensation or even to an apology from the judge responsible, I hope to hear from my right hon. and learned Friend the Minister what steps the Government are taking both to monitor and, where necessary, to establish management arrangements for the performance of judges. Failing that, if one accepts that judicial independence is compromised by any attempts to impose competence standards, I hope that we will have a framework for compensating those who suffer a lower barrier to entry than now.

4.14 pm

**The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman):** I congratulate my hon. Friend the Member for South Derbyshire (Mr. Todd) on making this case the subject of this debate. It is an individual case, but it raises a number of important and difficult points of principle. I shall deal with our overall approach and then address the mechanisms of accountability and complaint that we have established.

The judiciary in this country are of immense importance. It is down to them to ensure that justice is done, which includes taking away people's property or liberty where that is necessary in the interests of justice. By the same token, they take away people's reputations as part of the process. As a result of the enormously important position that the judiciary hold and their great powers, any errors that they make have far-reaching consequences.

My hon. Friend has given the example of the consequences that resulted from an error for one of his constituents. He also asked whether we should have to choose between the independence of the judiciary and high standards and whether we have to put up with errors and low standards in the judiciary because we just cannot go anywhere near the matter and nothing can be done because taking action would interfere with their independence.

We reject that sense that a choice has to be made. We should ensure that there is both absolute independence of the judiciary—they should be confident of their independence—and high standards. We must have both. We need the judges to be independent, and seen to be such, but we also need a system of redress and accountability for error or misconduct. Just as the judiciary should sustain public confidence, so should the rules about redress and accountability where error or misconduct has taken place.

My hon. Friend is right to say that there is a sense that the systems of complaint get fed into a dark, mysterious, secretive place and nobody knows what view is taken of the complaints or what is done about them. However good a system of complaint is, if it is mysterious and people do not know the outcomes, it will not ensure that public confidence is maintained.

Hitherto, judicial office holders who are criticised by the Court of Appeal have that drawn to their attention, usually through their presiding judge, who will consider whether any further action is necessary by way of giving advice, guidance or refresher training, or by changing their work load. That is not an open process. People will see the criticism in open court but nobody necessarily knows whether it has been drawn to the judge's attention, although it almost certainly will have been. People will not know the presiding judge's view or what action that judge has taken. There is a problem: although action can be taken, it is not seen by those who need to have confidence in the accountability of the judicial system.

My hon. Friend mentioned compensation. Although he is right that his constituent does not qualify for it, perhaps I may explain what the compensation schemes are and how they operate. The Home Office operates two compensation schemes. The first is a statutory scheme under section 133 of the Criminal Justice Act 1988, which places a duty on the Home Secretary to pay compensation where there are new or newly discovered facts in cases that are out of time for appeal which show beyond reasonable doubt that a miscarriage of justice occurred.

The second scheme is the Home Secretary's discretionary scheme. It applies only when someone has spent time in custody. To that effect, a person might have lost their livelihood and reputation and might feel great outrage, but the discretionary scheme none the less applies only to those who have lost their liberty. It is an ex gratia scheme and there are two bases for it: where there has been serious default by a public authority, which does not include the judiciary because they do not count as a public authority, and where there are exceptional circumstances, such as an accused person being completely exonerated at trial or on appeal. My hon. Friend's constituent would not qualify because, despite the appeal, he did not spend time in custody. Cases of judicial error can only be considered under the Home Secretary's discretionary scheme if someone has spent time in custody.

**Mr. Todd:** In the first scheme to which my right hon. and learned Friend referred, one of the tests is that new facts that demonstrate beyond reasonable doubt that the individual did not commit the offence in question are, effectively, disclosed. In my constituent's case, the Appeal Court could have heard the evidence of the individual who was not called in the original trial, but did not take that opportunity. I understand that it is common practice for the issue of process, if it is

*[Mr. Todd]*

available, to dominate as a ground for the dismissal of an appeal, and that often the new evidence that was not heard before is not heard in the Appeal Court.

**Ms Harman:** I take my hon. Friend's point entirely that if one is exonerated in a quicker and more expedited way, one none the less does not qualify for the section 133 statutory payment. I shall consider that further, particularly as to whether there is a gap such as he has described.

I have explained the discretionary scheme. There is also a provision that the Lord Chancellor has been prepared to consider requests for ex gratia payments in cases in which a judicial office holder has demonstrated some sort of personal misconduct. I want to mention also the new scheme for judicial complaints. In the past, Lord Chancellors have taken seriously cases in which Members of Parliament or members of the public have complained to them about judges, but one problem with that is that it has not been visible. Just as when the Court of Appeal makes a complaint about a judge it might be taken up by the presiding judge, the Lord Chancellor might have taken up such an issue with a judge, but nobody would know about it. That is one issue that the Constitutional Reform Act 2005 was introduced to address, so that while assuring the independence of the judiciary, we bring such complaints out of the polite and private world of the Inns of Court and gentlemen's clubs into proper transparency and accountability.

The reforms in the Act come into effect in April. A major plank of the reforms is the introduction of a statutory regime governing the investigation of allegations of judges' personal misconduct. The Lord Chancellor and the Lord Chief Justice will have joint responsibility for the scheme and for a new office of judicial complaints, which will be operational from 3 April. The office will support them in that new role and regarding the introduction of proper rules and regulations. Any regulations will be laid before Parliament so that, as with any other important system, one can see what the rules are and which bodies will apply them.

**Mr. Todd:** My right hon. and learned Friend refers to misconduct; there is a distinction between misconduct and error. In the case that I discussed, no one suggested that the judge did something indecent or improper, but simply that he made a mistake. How would that be handled in the process?

**Ms Harman:** Judicial error is dealt with through appeals and the compensation scheme that I outlined. I will consider further what my hon. Friend said on that.

As my hon. Friend rightly points out, I am dealing with misconduct here, and the sorts of related issues about which people might complain, which are not necessarily described as errors, but are generally about people wanting to complain about the judiciary. I am talking about cases concerning matters that cannot be subject to appeal, but about which people feel aggrieved and want to make complaints. Hitherto, there was no proper process for such situations, but there will now be such a process under the Constitutional Reform Act. I was just taking the opportunity that my hon. Friend has created with this debate to remind hon. Members how the system will work, because it is all part of trying to ensure that we do not have to choose between independence and high standards or accountability; we want to have them all.

In addition to the new office of judicial complaints, there will be a judicial appointments and conduct ombudsman to oversee its operation. There will be a lay element to the consideration of any individual complaint. I remind hon. Members that Sir John Brigstocke was recently appointed to the ombudsman position; I am looking forward to meeting him tomorrow.

The reforms will ensure that we all understand that the judiciary are independent but that they live in a world in which people expect accountability and redress, and that people are less likely simply to assume that the right thing was done. "Leave it with me" is no longer good enough. If people think that something has gone wrong, they want it put right. That is part of the welcome change of people expecting public authorities to do the right thing and be accountable if they do not.

The winds of change that the new office of judicial complaints will bring into the judiciary will have a beneficial effect beyond even the question of personal misconduct. We do not want judges always to have to look over their shoulders, but we all know that if we might be answerable for something, we think about it with extra care. We want judges to be fearlessly independent but to have a sense of accountability, not just through the appeal process, but through a process that involves lay people and not just the courts.

I might not have been able to deal with my hon. Friend's constituent's sense of grievance, but I undertake to ensure that the Lord Chancellor sees the report of these proceedings and understands my hon. Friend's concerns. I shall also bring the issue to the attention of Sir John Brigstocke when I meet him tomorrow. There is a line of thought that colleagues should not even mention individual cases as it is all down to the judge and nobody should mention such cases in the House of Commons, but I do not agree. This is absolutely an appropriate subject for debate, and we might have to make an alteration if we find that my hon. Friend has identified a lacuna.

## Defence Procurement

4.28 pm

**Mr. Ian Liddell-Grainger** (Bridgwater) (Con): I am delighted to initiate the debate, not least because, as the Member of Parliament for Bridgwater for the past five years, I have lived with the threat of the closure of the ammunition plant.

Defence is a genuine interest of mine. I used to be an adviser to the Land Command, and I retain the rank of major in the Fusiliers and remain on the reserve list. Most importantly, I represent a constituency with a proud history of providing weapons and arms to the Army, Navy and Air Force—providing them with real means to do the job.

In Bridgwater, to put it crudely, we make bombs. We have done so efficiently, economically and successfully for more than 50 years—in fact, for just on 60 years. Most of my constituents who are involved at the plant are the best legal bomb makers in the business. They are true specialists and, needless to say, dedicated to their work. But next year, there may be no more work for them to do. Next year, the people who own the Royal Ordnance factory, as it used to be called, outside Puriton, intend to close the place. They reckon that they can buy what Britain needs elsewhere in the world, and cheaper. I think that they are misguided, and I am not alone by any means: 135 skilled people agree with me, and so does my parliamentary predecessor, Lord King of Bridgwater, who was Defence Secretary at the time of the first Gulf war and has an exemplary record with this country's armed forces, having also served as a young serviceman.

To shut the plant would be much more than a local blow; it would be a national disgrace. If taken to its logical conclusion, it could put the defence of the realm at risk. Even local people in an industrial town such as Bridgwater feel a sense of betrayal. We started making armaments in Bridgwater during the last war. It was a question of genuine necessity. Germany was stretching our military capabilities to the limits, so building the factory had to start as quickly as possible. At that time, of course, money was no object. They even dug a complete canal system from the Bristol channel to provide the water for the factory.

Over the years, that discrete little plant of 400 acres has churned out the propellant, bombs, missiles and everything else that we have needed for every theatre of conflict in which the United Kingdom has taken part since the second world war. It was the local Royal Ordnance factory that made the famous bouncing bomb. Its inventor, Sir Barnes Wallis, would probably be rotating in his grave if he realised what was going to happen to the factory that played such an important part in our history.

The bombs that came down on Saddam Hussein's bunkers were primed at Puriton. The final charges for many of our weapons of mass destruction are made and located in Bridgwater. The work force remain and will always remain special. Originally, they were recruited from throughout Britain, and they are people who do a very dangerous and vital job of keeping our defences on the straight and narrow.

The factory also maintains an exemplary safety record. Rarely has there been a problem, and no problem has ever involved an explosion. When the factory became a part of BAE Systems, and that did not happen under the present Government, there was a change—there was a can-do attitude. Even when the plant was under threat of closure two years ago, the entire work force volunteered for extra productivity to keep the plant going for BAE Systems. They went on to three shifts a couple of years ago, for obvious reasons. I know that because I have been working alongside the trade unions since I have been in Parliament, and the local management is also determined to try to keep the factory open.

I am afraid that crude economies are beating common sense into second place. BAE Systems is rationalising, rightly, for hard commercial reasons, but no Government should treat the defence of the country as a commercial venture, and no Government should ever be held hostage by any company, especially one such as BAE Systems. Let us consider the matter crudely: who will pack the bombs, load the bullets and enable the military to do the job that we all depend on it to do? Those are sensible questions to which as yet we have had no forthright answers. I have been in correspondence with Ministers, and Lord King of Bridgwater and I have had face to face meetings with Lord Drayson on this subject. However, I am told time and again that the decision has been made and the security of supply is safe. The official line is that there is nothing to worry about. BAE Systems is confident. In the manner of Mandy Rice-Davies, they would say that, wouldn't they? BAE Systems probably cannot be bothered with a little bomb factory that ticks over nicely but will never make a real bomb in the financial sense.

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I should declare an interest. As a serving bomb disposal officer in the Territorial Army, I am especially keen on bombs. My hon. Friend is making a powerful case about appropriate sovereignty in our defence procurement systems. Indeed, this area is covered by the defence industrial strategy, which I realise is not in the direct realm of the Minister. Does my hon. Friend share my concern that it is not just the factory in his constituency but also the small and medium-sized enterprises that serve it that could be affected?

**Mr. Liddell-Grainger:** I thank my hon. Friend for that thoughtful intervention. I agree totally, and I defer to him in the area of bomb disposal. It is not one in which I personally would ever get involved.

I realise that it is not this Minister but Lord Drayson who deals directly with this subject. In the meeting that I had with the noble Lord, I was not utterly convinced that he had grasped the complexities of the situation in respect of the defence of the realm. He understood the financial side, but, on the practical side, I was not entirely sure that he understood the long-term ramifications.

I totally agree with my hon. Friend. Many of the companies that supply directly to the plants are British companies. After they go, I wonder where defence supplies will be obtained. There have been many questions in the House on this issue.

*[Mr. Liddell-Grainger]*

The land on which the factory stands is close to the M5. I suspect that it would fetch a large packet for housing. I wonder if that has crept into the BAE accountants' heads. I rather hope not, but I have a horrible feeling that I may be wrong.

National security should never depend on commercial interests. I am told, for example, that the United States navy is seriously worried about future supplies, as the Puriton factory provides a type of explosive that is hard to obtain from any other source. Rumour has it that the Pentagon is trying to persuade my local plant to make more of the stuff so that the American military can stockpile it. The Americans are well aware of the skills of the British work force and certainly have no intention of shopping around the world, unlike us.

Naturally, one can buy things that go bang from all corners of the globe, but the secret is to buy quality. One certainly does not want things going bang unexpectedly—that would be completely unacceptable and, of course, dangerous to those in my hon. Friend's line—or failing to go bang when they should.

A few years ago, the British military tried to save cash by buying bullets from the far east, specifically India. But riflemen with rifles that refuse to fire are no good to any army. The foreign goods were quietly and, unfortunately, expensively scrapped. The factory in Bridgwater made up the difference in supplies, at some cost to itself.

I have an abiding distrust of the defence procurement process. For example, how did the highly trained experts responsible for RAF Yeovilton, which is in Somerset, manage to order an expensive new control tower which, when built, did not give views of the aircraft?

Those of us with contacts in the military well remember Operation Sharp Sword. It was a huge training exercise in the Gulf before the action started. Unfortunately, things went wrong. The boots melted—I have some experience of that myself, it is not a new thing—and tanks and helicopters were instantly clogged up with sand. How many times have vehicles been taken to desert situations and refitted in theatre, instead of before they leave this country? The lads on the ground renamed the exercise Operation Broken Penknife, which is hardly inspiring when one is talking about the defence of the realm and putting the lives of our troops at risk.

Rumour also has it that France could be the new source of some of these supplies. The French make splendid cheese and wine, but I would not bank on their ability to keep us in weapons or explosives. The French record on safety and security trails a long way behind ours. I am told that a consignment of explosives was recently shipped from France to Somerset so that the experts at Puriton could have a good look at it—could evaluate it on our behalf. The product was passable, but the security at the French depot where it was collected was non-existent: the lorry driver drove in and picked it up and no one was there. No wonder the Americans are twitchy. But we should be twitchy, too. This is no time for complacency.

Somerset has the only ordnance plant that makes propellant. It is now facing closure because of the peace dividend. Everybody hoped that we would not grumble, but this sad saga is really about price, not peace. I believe that making weapons is far too important to leave to the marketplace; that has been proved to be the case on many occasions. Closing our arms factory would obviously be a bitter blow to Bridgwater, but it would also be a dangerous step for our national security. I appeal to the Minister to intervene—to use his muscle—before it is too late.

Even when the Prime Minister was questioned on this topic during Question Time, he said that he was happy that the security of supply and the assurances given by BAE Systems were sufficient. They are only sufficient until something goes wrong. When it goes wrong, the blame will sit squarely on the shoulders of the Government of the day—that may not be this Government or its Ministers—for allowing this to happen in the first place.

4.42 pm

**The Minister of State, Ministry of Defence (Mr. Adam Ingram):** I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on securing this debate and on providing me with the opportunity to speak on these important issues. I acknowledge the hon. Gentleman's expertise and his involvement—the role he has played in Her Majesty's armed forces. I also pay tribute to the hon. Member for North-East Milton Keynes (Mr. Lancaster) on the role he has played.

As the hon. Member for Bridgwater will be aware, we discussed procurement generally in depth in a defence debate on 2 February. We largely dealt with the recently published defence industrial strategy—the DIS—and the progress we were making on our major programmes. That, of course, affects the way procurement in this country is managed and run in the future. The hon. Gentleman raised a number of issues and some of them fall within the ambit of the DIS, so I think it is worth setting that out again. He has made some trenchant criticisms of past procurement, and many of the points he made have been taken on board by the present Government. We have learned lessons and we are trying to put in place a new construct to assist us. If I briefly touch on the DIS, I hope that it will give the hon. Gentleman comfort in respect of some of the areas of tangential concern that he raised.

We published the DIS on 15 December. It has been well received across industry and by the trade unions. There has been a general welcome for it in this House and the other place, recognising the new partnership between industry and the Government on which it is based. The DIS gives industry, for the first time, real clarity on what we require, how we will go about obtaining that and how we can maintain onshore those elements of industry that are fundamental to our national security. In some sectors, the market is healthily competitive; in others, such as maritime and guided weapons, change is unquestionably required. Industry must make its commercial decisions in responding to the DIS, but we expect companies to show leadership by aligning their businesses to the realities of the future.

Maintaining the ability to support and upgrade the significant programme of new platforms and new equipment that we are bringing into service will be crucial. We clearly cannot afford a cradle-to-grave

industry in all sectors. However, the higher-value areas—those that provide the most secure and interesting careers—are often the very ones in which we need to keep our freedom of military action.

We have taken the bold step of setting out the realities, which many would say is long overdue, and we have done so early enough for companies to be able to plan for the transition to a sustainable future while they are well employed. It was John F. Kennedy who said, "The time to fix the roof is when the sun is shining." I am pleased to report that industry and the Ministry of Defence are wasting no time in implementing the DIS.

I think the hon. Member for Bridgwater was seeking to claim the moral high ground and to call into question perhaps not the integrity but the capacity of BAE Systems. May I remind him of some of the history? The royal ordnance factories were vested as Royal Ordnance plc on 2 January 1985, and a major transition took place at that time. BAE Systems took it over in 1987. It is worth bearing it in mind that there have been closures of significant parts of that enterprise over the years. To mention just a few, Enfield closed in 1988; Patricroft closed in 1989, as did Waltham Abbey; and Westcott closed in 1994. That was well before the time of this Administration and well before my time.

Was the realm threatened as a consequence? No, it was not. Why was that action required? To answer that, I would have to examine some of the issues, but there was probably a need for rationalisation, a better way of delivering what needed to be delivered. The then Conservative Government understood that that had to be examined and tested, and the decisions were taken. The very fact of closure is no sign of disrespect to those who have shown commitment and delivered a high-quality service in years past. Sometimes, closure is needed to ensure the best delivery. Much of what we are doing now involves taking the same factors into account. We are, of course, doing much more besides.

The defence industrial strategy provided clarity on the MOD's thinking in a variety of sectors, including general munitions. In it, we recognised explicitly the military importance of general munitions. I do not believe that there is any difference between us on that. Paragraph B6.3 on page 95 states that

"quality general munitions, including Small Arms Ammunition, are essential to provide the volumes of fire and the 24 hour, all weather capability required to suppress, neutralise and demoralise enemy forces".

The hon. Gentleman knows better than I do what that means in practice.

The chapter outlined critical capabilities that we want to retain and develop in the industrial base, which included the manufacture of certain munitions—not all but particularly insensitive munitions and polymer bonded explosives to ensure that the safety hazards inherent in those weapons are as low as is reasonably practicable. We consulted industry throughout the process.

The hon. Gentleman will know that BAE Systems provides us with the majority—80 per cent. of repeat buys—of our general munitions capability under a long-term framework partnering agreement dating back to 1999. The FPA has provided us with security of supply and contributed to the delivery of an effective general munitions capability that has stood the test of numerous operations since its inception. However, given the particular importance of munitions to our overall military capability, this is an area where we cannot afford to stand still, and we are continually reviewing how best to ensure security of supply—that is uppermost in our mind—and the best value for money for the taxpayer. That is no different from the situation in all those years past when the general munitions environment was undergoing such radical change.

As part of that ongoing work and coincident with the DIS work, we reaffirmed last September our long-term requirement for general munitions and signed a partnering principles agreement with BAE Systems setting out how we might work together in the future. That was informed by our DIS capability assessments. We set out the assessments and then talked to industry to ascertain whether we could apply that partnering arrangement, which applies to general munitions, consistently across a range of platform and other equipment deliveries.

As a consequence of those decisions, BAE Systems made commercial decisions involving the closure of two of its munitions sites at Chorley and Bridgwater—Bridgwater, obviously, being the hon. Gentleman's constituency. I can well understand his concern about the Bridgwater site, but I should point out that this is a commercial decision for the company as it responds to the wider market place and the DIS, and considers what is best for defence as a whole.

I should make it absolutely clear that we have taken steps to ensure that our military capability will not be weakened by this process. We have worked hard with the company and received the assurances that we need about safeguarding the supply of material, which will no longer be directly provided by BAE Systems as a result of its decisions. So we have put all that under test, using the same criteria as were laid down by the hon. Gentleman. The company wrote to the Defence Committee on 13 February this year, elaborating in detail on the safeguards that we have jointly agreed. No doubt that will be given due weight by the Committee when it reports.

As part of the guarantee, BAE Systems is establishing a strategic stockpile of Bridgwater-produced material to support our forces for the foreseeable future. That is an important aspect; as well as taking the assurances and guarantees, we also have a stockpile so that we can sustain our needs into the foreseeable future. The company also discussed with us how it will undertake its assessments when sourcing material from overseas, and made it clear that secure sources of supply will be a key factor in any decisions. We strongly support the company's efforts to raise efficiency across its business in general and, in particular, to create a sustainable future for general munitions production in the UK, while ensuring value for money for the taxpayer.

The partnering principles also give the opportunity to improve the delivery of military capability to the armed forces. The BAE Systems site at Glascoed in south Wales will become a centre of excellence in the development of insensitive munitions materials such as PBX, which I mentioned earlier. There will be considerable investment at the Glascoed site to allow that to take place. It is not as if we are throwing

*[Mr. Adam Ingram]*

everything out; indeed, we are satisfied that the company has taken rational decisions, and it is also investing in key capabilities.

The hon. Gentleman should be aware that the Department is also in partnering arrangements with other munitions suppliers such as Wallop Defence Systems, based in the UK, and Rheinmetall AG, based in Germany. To sum up on the issue of munitions: our work in this area will provide better capability at better value for money in this important sector.

**Mr. Liddell-Grainger:** I thank the Minister for his generosity and am intrigued by what he has said. He knows better than anybody in the Chamber that the stress of going into action and supplying the equipment—getting it to the right place at the right time—is phenomenal.

During the first Gulf war, the noble Lord King, the then Defence Secretary, was told by the Belgians that they would not supply machine gun ammunition. If that happens in such a situation, there is a problem. If we depend on the French or South Africans or Americans and they say, "No, we do not want to do this", ammunition will be the first thing to run out. It is the thing that is most prolifically used—bombs, missiles, the lot. The assurance given by the Minister and the noble Lord Drayson is fine as far as it goes, but there is no guarantee at the end of the day that the country involved would allow us to have the stuff if it disagreed on moral grounds with what the British Government of the day were doing.

**Mr. Ingram:** I well recognise that point, and I make this one. We work within a set of relationships, whether NATO or EU relationships. There is a greater amount of interdependency and there are greater efforts, improving the success levels of interoperability. All those things must now take place, because no one nation can effectively deliver all the capabilities that they need. Even the United States, during the Afghan conflict, had to call on NATO's airborne warning and control systems. Indeed, it was German planes that flew over the US skies because the US's surveillance aircraft were—correctly—heavily engaged in tracking down the evil force that attacked it on 9/11. I well understand that.

The hard logic of what the hon. Gentleman is saying is that we should produce everything ourselves; we should be producing all stocks and all our equipment, and there should be no purchasing from abroad. It is not just a question of ammunition—and there is no question at all about how vital ammunition is. A spare that keeps a helicopter flying, or any nuts and bolts that could be critical to mission success, could fall into the same category, although they do not have the same immediacy for infantry in the front line. However, to someone flying an aircraft, such parts can still be as important, in terms of getting it wrong. That is perhaps a weakness in what the hon. Gentleman is saying, but I am not denying the importance of ensuring security of supply; that is vital.

I can tell the hon. Gentleman that we already have the stocks necessary to meet the defence planning assumptions. To sum up in one phrase, we could go to war now. We do not need to wait for those in the supply chain to say that they can supply. That has been proven consistently. I recognise some of the issues that have been raised in the past, and that is why we go through training exercises. I have been a Defence Minister for four and a half years now. I remember the Saif Sareea 2 training exercise, which took place at the same time as the conflict in Afghanistan. The debate was whether we should go ahead with that exercise. The decision was taken do so, although it put a considerable strain on the system, because we had valuable lessons to learn, and those lessons were absolutely critical. The exercise did expose issues within the defence logistics organisation. We have taken on board those critical lessons and we are now moving forward. General munitions fall within that area. I am sorry that the commercial decisions have impacted adversely on the hon. Gentleman's constituency and I am sorry for the people who work in that factory, but at the end of the day I do not think for a moment that the defence of the realm is threatened by what we are seeking to do.

*Question put and agreed to.*

*Adjourned accordingly at three minutes to Five o'clock.*

# Westminster Hall

*Thursday 9 March 2006*

[MR. ERIC ILLSLEY *in the Chair*]

## Violence Against Women

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Gillian Merron.]*

2.30 pm

**Mr. Eric Illsley (in the Chair):** Quite a number of hon. Members wish to speak in this debate. If everyone keeps their comments as succinct as possible, we might be able to call all of them.

**The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart):** I first want to remark on the significance of the fact that this debate is taking place. The innovation of having a debate to mark international women's day was made following the 1997 election. That is a mark of the importance that we attach to equality.

I am glad that we are focusing on violence against women today. That is why in the Chamber we have two Ministers for the price of one. My Department, the Home Office, is the Department responsible for violent crime, and my hon. Friend the Minister for Women and Equality will conclude the debate. That signals that this is not just an issue for women, but an issue of crime and violence that we need to address.

It is a shocking fact that, globally, domestic violence is the leading cause of morbidity in women between the ages of 19 and 44. It is also shocking that 30 per cent. of pregnant women in the United Kingdom have experienced domestic violence while pregnant. Women are significantly more likely than men to experience physical or sexual violence. Although I acknowledge that men and same-sex couples may also experience domestic violence and/or sexual assault, we must not forget that in this country a woman is killed every two or three days as a result of domestic violence. This is a crucial issue of crime.

Those statistics illustrate the barriers to achieving our objective of equality. The low social and economic position of women can be a consequence of the violence that they experience, but it can also provide a context within which that violence can thrive, forcing women and girls into a subordinate position. Violence against women is much more likely than violence against men to take place in the home—the place where we all want to feel safe from fear.

I have the privilege of being the Minister with responsibility for victims. In this area of violent crime more than any other the victim may end up blaming themselves—feeling that somehow their action contributed to the violence against them. That is completely unacceptable. Only one person is responsible for violent crime, and that is the perpetrator of that violent crime. If only one message goes out from today's debate and that message is that that is what the whole House believes, it will be very important for both the perpetrators and the victims of violence.

**Mrs. Eleanor Laing** (Epping Forest) (Con): I wish to confirm that the Minister is right. Conservative Members agree with what she has just said.

**Fiona Mactaggart:** I thank the hon. Lady.

We have designated this month as domestic violence month, illustrating the Government's commitment to tackling that crime, which devastates families and erodes communities. We condemn all forms of violence against women—domestic violence, sexual violence and trafficking and prostitution.

I asked for a record of the milestones of achievement over the past 30 years. I shall not read them out because I can see how many Members wish to speak and it might be regarded as complacence, but such a list would mention legislation, intervention and protection; ensuring that police officers, Crown prosecutors, probation officers and people who work with victims are better prepared; and ensuring that other areas of service are better prepared, such as health services so that, for example, accident and emergency departments are able not only to provide care for victims but to do so in a way that protects forensic evidence. We have also established advocacy and support services, which are vital in the early stage of contact with victims. They should be available to victims before, during and after court processes. In that context, I recognise the success of specialist domestic violence courts pilots and of the introduction of independent domestic violence advisers, who have demonstrated successful outcomes in bringing perpetrators to justice—too many perpetrators are still not brought to justice—providing support to victims, and improving the entire criminal justice pathway.

**Lyn Brown** (West Ham) (Lab): Given that we know that more than half—57 per cent.—of victims of domestic violence are involved in more than one incident and that women are on average beaten more than 30 times before they go to the police, does my hon. Friend agree that we still have a long way to go in persuading women that any type of violence in the home is totally and utterly unacceptable?

**Fiona Mactaggart:** Absolutely, but we ought also to persuade the men who are being violent.

**Mrs. Madeleine Moon** (Bridgend) (Lab): Is not one of our biggest tasks to get the message out to men that violence is unacceptable? I was horrified to read a survey that showed that 75 per cent. of 11 to 12-year-old boys thought that women should get hit if they make men angry. We must get into schools and help young people to understand that that sort of attitude is unacceptable.

I remember being involved in a court case when I was a social worker where the judge was cross-examining the man, and he said to him, "You're saying that Mrs. Moon is lying when she says that you are violent towards your wife?" The man replied, "That's right, I'm never violent." The judge said, "Can I be clear; you have never hit your wife?" The man said, "Well, I give her the

*[Mrs. Madeleine Moon]*

odd backhand to keep her in line, but I'm never violent." That understanding of what violence means—that violence somehow does not include the odd backhander to keep wives in line— is sometimes the gap that we have to cross. We must make it clear that that crosses the line of what is unacceptable.

**Fiona Mactaggart:** My hon. Friend is right. One of our innovations is work with perpetrators. In the probation service in 2005, we established an accredited perpetrator programme. There is some debate about how well it works, but research in the United States and our country seems to show that it reduces the likelihood of reoffending. That is one issue, but my hon. Friend's point about educating young people about violence and about intervening before such incidents occur is also very important.

Across Government, we have the rape action plan, the national domestic violence plan, and we have established sexual assault referral centres and domestic violence specialist courts, which are now in existence in every region of England and Wales.

**Vera Baird** (Redcar) (Lab): That is an impressive list of achievements, and I agree entirely that men need to be engaged in the issue. However, does my hon. Friend agree that the push to get domestic violence on to the agenda received a huge boost when large numbers of Labour women were elected to Parliament in 1997? Prior to that there were all-party groups on beer, cider, Scotch whisky, probably Irish whiskey as well and every Indian ocean island to which a free trip could be got, but there was not one on domestic violence. Does my hon. Friend agree that that was a great step forward?

**Fiona Mactaggart:** I agree absolutely. I think that when the voices of women are normal in politics, politics changes, and not only in the sort of field that we are discussing. I remember doing research on how women had changed Parliament, and one aspect of that was that when we talked about the Army, we stopped talking only about the size of their bombs and the number of regiments, and started to talk about their wives and children and what happened to them. Women think about politics differently, and, when we talk about violent crime, one of the aspects of violence to which we are more alert—one that leads, as I pointed out, to two murders a week—is domestic violence and violence against women.

It is a reflection of women's greater engagement in Parliament that one of the most recent items in a slew of legislation is the Domestic Violence, Crime and Victims Act 2004. Later this month we shall publish the second national report and the comprehensive delivery plan outlining how we shall improve help for victims and ensure that they come forward in the certainty of getting the help, protection and support that they need. We also have assistance programmes in relation to the domestic violence that affects people in black and minority ethnic communities.

**Chris McCafferty** (Calder Valley) (Lab): I am sure that my hon. Friend agrees that women need allies among politicians, religious leaders and health professionals. I wonder whether she is aware that later this year the Council of Europe, to which I am a delegate, is to launch a pan-European campaign against violence against women, including domestic violence. The Council is looking for a venue for a conference to launch that campaign. Will she communicate with the Council of Europe to ascertain whether it is possible to offer the United Kingdom Parliament as the venue for such a conference?

**Fiona Mactaggart:** That is the other thing that women do in politics—they use opportunities to make quick bids, and more power to my hon. Friend's elbow. I shall pass that suggestion on to colleagues.

Britain has collaborated very effectively in Europe, such as in the work that we did with Turkey, on people trafficking and related issues. These are significant issues and we are making progress. We have established a proactive and multifaceted strategy on trafficking in human beings, including legislation, prosecution, law enforcement, provision of appropriate care and support for victims and national and international co-operation.

**Jo Swinson** (East Dunbartonshire) (LD): Will the Minister give way?

**Fiona Mactaggart:** I really want hon. Members to have the opportunity to make speeches. I shall give way again, but I shall start to resist interventions.

**Jo Swinson:** On the point about trafficking, what is the Minister's view on the UK's not yet having signed the European convention on action against trafficking in human beings? It is an important step that we should take to give the women in that position the support that they need at a vulnerable time.

**Fiona Mactaggart:** As the hon. Lady knows, there are some minor technical difficulties about the consequences of the period of rest and reflection. However, we believe absolutely in leadership on a cross-Europe basis. We led on the recently adopted European Union action plan, which will enable us, with our international partners in source countries, transit countries and other destination countries like ours to intervene effectively at each key stage of the trafficking process, to protect women who are being exploited, and, most importantly, to bring to justice the criminal gangs who do it.

We are already seeing the fruits of those actions in the conviction of several members of organised criminal gangs and their sentencing to lengthy prison terms. We are working directly in partnership with the voluntary sector to support and protect victims who are trafficked for sexual exploitation through prostitution. The Government-funded Poppy scheme has successfully supported more than 100 victims since 2003. We are engaging actively with key non-governmental organisations as we develop our strategy further.

We recently conducted a wide public consultation exercise on another form of violence against women: prostitution. Views were sought from a wide range of individuals and organisations, including women victims of sexual exploitation, as the basis for the development of a co-ordinated strategy on prostitution. That should

lead to a more proactive and comprehensive response from local partnerships to address street prostitution and all forms of commercial sexual exploitation.

The risk of being a victim of violent crime and the barriers to the successful prosecution of those who commit rape and other serious offences are magnified enormously for those who are involved in prostitution. They share with many women the feelings of shame and self-blame, but those feelings are exacerbated by a lack of self-esteem and the common view that it is only what they should expect.

Prostitution is a dangerous occupation and the best way to protect women is to challenge its existence and deal with the factors that cause them to be involved in prostitution in the first place. That is what our strategy does. It establishes effective measures to protect young people from those who would use and abuse them through prostitution. It provides help and support to women involved in prostitution, to enable them to find a way off the street. It also makes it clear that we will not tolerate those who control prostitution—that is why we have imposed 14-year sentences for brothel-keeping and controlling a prostitute—and those who create the demand for it in the first place.

It will take time to end all forms of commercial sexual exploitation and as we work towards that end we have a duty to women in prostitution to keep them as safe as they can be. We cannot make theirs a safe profession, and in some ways that should not be the goal of our policy, but we can reduce the risk of violence. That is why we are planning to redefine a brothel, so that a woman can work with a maid, or two women can work together, rather than alone. It is a matter of helping women to protect themselves from violent and sexual assault. An important part of protecting them is the sharing of information on what they call "dodgy punters" through ugly mugs schemes. We are building on those successful schemes by encouraging the making of reports to Crimestoppers and ensuring that important information is fed back to those on the street.

Many women are, initially at least, reluctant to report violent crime. We funded an initiative to explore ways in which voluntary organisations providing support to women in prostitution can encourage them to report such crime by providing an advocacy service. It is not only women in prostitution who are reluctant to report matters: other women are similarly reluctant, because of the victimising effect of prosecutions in many such cases. We need to use advocacy and victim support as a normal part of the operation of justice.

Violence perpetrated against women often affects silent victims: their children. Witnessing domestic violence can have a profoundly negative effect on a child's emotional and physical well-being, which, in turn, can negatively affect their educational attainment and social interaction. That has a substantial effect on society as a whole. I commend to hon. Members the statement that my right hon. Friend the Home Secretary issued yesterday on the work of the Home Office on international women's day.

Underpinning our concern about violence against women are the consequences for the criminal justice system as a whole. About half of women in prison have experienced violence repeatedly in at least one relationship. That is a stark reminder of why early intervention and prevention is so crucial. It is the first key objective of the national domestic violence strategy.

I know that many hon. Members want to speak and I shall bring my remarks to an end, but I should like to end by saying that what I have outlined is not just about the work of the Government; it is about work in partnership, and not only our partnership with the voluntary sector—the sector that provides refuges, advocacy and support to women. It is about the whole of civil society. Domestic violence costs our economy about £23 billion a year. I have been struck in recent months by the degree to which business, for example, realises that violence against women is a business cost—about £2.3 billion of the overall cost is borne by businesses. Getting businesses to work in collaboration with Government to protect their employees and ensure that their human resources departments deal with the effects of violence is part of providing a civilised society—one in which women can be free from fear. Every citizen, but particularly women, should be free from fear. We are moving down that road, but there is more to do. We should be proud of what we have achieved, but we should be determined to achieve more.

**Several hon. Members** *rose—*

**The Chairman:** Order. I repeat my request for brief speeches. A large number of Members want to speak, and it will be difficult to accommodate everybody. The winding-up speeches will start at about 5 o'clock.

2.50 pm

**Mr. Peter Bone** (Wellingborough) (Con): I shall be brief because many Members want to speak. I shall address one specific aspect of violence against women—the sex slave trade, or as *The Sunday Telegraph* more graphically put it, "The plight of the cellar girls".

The issue is important nationally, but also in my area of Northamptonshire. A prostitute wrote to me not about prostitution—I shall not go down that route—but about the forced slavery of young women, particularly from eastern Europe. Let me read briefly from a BBC report:

"On 31 October 2004, a 16-year-old Lithuanian girl made what was probably the biggest mistake of her young life when she agreed to go on a trip to the UK with a group of new friends.

Instead of the few days of fun she had been promised, she ended up being sold into prostitution in an ordeal that was to last for months."

I should say that this is a success story, because the police broke the ring up. Things are much worse for other girls.

The girl was tricked into leaving home by a young man who she thought was a friend. The article continues:

"He introduced her to a group of his 'friends' in a nightclub, who invited her to join them on an exciting 'sports' trip to London, all expenses paid.

After forging a permission letter from her parents, the men took her to Sheffield and handed her over to a gang who took her ID ... which clearly showed she was only 16 ... They told her she would have to work as a prostitute to cover the money they had paid for her and took her to a house in ... Hounslow—one of a string of brothels in ... London ... Under the working name

*[Mr. Peter Bone]*

'Veronica from Italy', she was forced to sleep with as many as 10 men a day and earning her pimps around £800 a day—of which she received nothing, despite being promised a share."

During the prosecution, the court was told:

"The gang gave the girls little or no money and kept them in the brothels mainly through fear, occasionally selling them on to other traffickers 'like cattle'".

Is it not disgraceful that, 200 years after we abolished slavery, this form of slavery is still going on? The Minister said that there were technical reasons why the Government will not sign the European convention on action against trafficking in human beings. Whatever those reasons are, they should be overcome quickly because this trade is disgraceful.

When such young women are discovered in this country, their fear of having to return home is a real issue, and I hope that the Government will tackle that. I would also like them to consider tougher border controls for young women coming into this country. Action on those two points would at least help to reduce this disgusting and outrageous trade.

2.53 pm

**Chris McCafferty** (Calder Valley) (Lab): Since March 1975, 8 March has been celebrated as international women's day. It is celebrated throughout the world at local and national levels. This year, the theme is "Women in Decision-Making: Meeting Challenges, Creating Changes". As the Beijing declaration tells us:

"Women's empowerment and their full participation on the basis of equality in all spheres of life, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace".

The international community is beginning to understand the fundamental principle that women are just as affected as any man by the challenges facing humanity in the 21st century in terms of economic and social development, peace and security; indeed, women are often more affected by them. It is therefore necessary that women should be engaged in equal strength and equal numbers in all areas of decision making. The world has also begun to realise that the most effective policy to promote development, health and education is the empowerment of women and girls. Furthermore, no policy is more important in preventing conflict or achieving post-conflict reconciliation.

At the 2005 world summit, world leaders declared that

"progress for women is progress for all".

The summit outcome called for universal access to sexual and reproductive health to be integrated into strategies for achieving millennium development goals and as a means to promote gender equality and women's empowerment. Four issues were of particular concern: sexual violence in conflict areas, human trafficking, honour killings and female genital mutilation.

The UN declaration on the elimination of violence against women defines violence against women thus:

"Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women".

Gender-based violence often begins at an early age. Female infanticide is still practised in societies where male children are valued economically and socially above girls. Medical testing for sex selection has become a business in some countries; indeed, it is currently being debated in the United Kingdom. During childhood, preferential allocation of precious family resources to male children might impact negatively on the health of girls. Those resources might include food, medical care and schooling.

Domestic violence is the most common form of gender-based violence. As girls enter marriage, domestic violence might become a problem. They often enter marriage as adolescents and, in some instances, without giving consent. Domestic violence might become a very big problem where the husband is considerably older than his wife and where local custom recognises the husband as the dominant partner.

Violence against women also occurs in situations where women are unable to exercise their right to fair treatment. Such situations include the sexual exploitation of women refugees, use of rape as a weapon of war and the trafficking of women for sex work. As a weapon of war, children and women are sexually assaulted by soldiers, police, militias and others who take advantage of the climate of lawlessness and impunity that often prevails in armed conflicts. Women and girls who have been raped sustain serious injuries and psychological trauma as a result of the violence that they have endured. Usually, they have few means of seeking justice, medical care or social support. According to Human Rights Watch, tens of thousands, if not hundreds of thousands, of women and girls have been raped in the past five years of conflict in the Congo. That rape is increasingly characterised by extremely savage and brutal violence, and includes gang rape, rape with objects and cannibalism.

Recent wars in Bosnia, Croatia and Rwanda have seen the use of forced pregnancy as a form of ethnic cleansing—another weapon of war with long-lasting consequences for women and for the babies that are conceived in that way. Women might be shunned by their husbands and families and be forced to raise on their own the children who have been conceived as a result of rape. The children themselves might be stigmatised and seen as children of the enemy; they might experience neglect, denial of resources or even infanticide.

Many soldiers appear to feel that committing rape or other acts of sexual violence against civilian women and children is acceptable behaviour in a war situation. Numerous international observers have reported a systematic campaign to use rape to spread devastation and humiliation in the Darfur region of Sudan. Women and girls have been raped, gang raped, enslaved and mutilated while their village is burnt or when they leave the displaced persons camp to collect water, food or fuel or to travel to the market. Even those with a mandate to protect and assist children and women commit acts of sexual and gender-based violence. In a six-month period in 2004, 68 allegations were made against UN soldiers in the Democratic Republic of the Congo, including some involving a child prostitution ring and rape of children by soldiers.

Sexual violence is only one of the types of gender-based violence that is exacerbated during armed conflict. Other forms of violence against girls also increase during conflict, such as early or forced marriage, infanticide, enforced sterilisation, domestic

violence and trafficking. Sexual violence is a brutal crime. It is a means of warfare when used to torture, extract information, degrade, intimidate or punish. Rape has also been used to bring about ethnic cleansing of an area by spreading fear and compelling people to leave. Sexual violence committed during armed conflict is prohibited under the Geneva convention and is a war crime under the statute of the International Criminal Court.

Because of the accompanying psychological and physical trauma, rape often threatens livelihoods and economic productivity, as well as spreading fear, disease and injury. Violence against women can reach such proportions that every aspect of life becomes pervaded by its threat or use, and the continuing social and cultural impact can of course inhibit peace building and recovery.

Five years ago, the Security Council resolution on peace, women and security was passed, but the international community has yet to realise fully and respond to causes and consequences of rape for both individual survivors and communities. Perpetrators remain unpunished and survivors go without adequate support. Sexual violence programmes, including the delivery of support services, physical protection measures and action to ensure long-term prevention, are largely absent from humanitarian responses. Underfunding, limited capacity and resources, poor co-ordination among partners and a general lack of organisational commitment hinder many efforts to address sexual violence.

A growing body of evidence indicates the enormity of the problem of gender-based violence among refugees and the internally displaced in post-conflict situations, and the lack of adequate prevention and response. The development of appropriate responses has recently begun under the auspices of the United Nations High Commissioner for Refugees, but it is important that that work gathers apace in all situations where it is required.

Trafficking in women has become a global problem and is one of the world's greatest violations of human rights. Up to 1,500 girls and young women are traded into the UK every year and those affected are getting younger and younger, with many as young as 15. I accept that the Minister has been working hard on the issues, but to eliminate the trafficking of women into the UK we must make progress on the three main areas of prosecution, protection and prevention.

As violence against women is frequently rooted in the unequal balance of power between men and women, the most effective counter-measure over the long term must be continual progress towards the empowerment of women, equal educational opportunities for girls and, for adult women, greater control over their resources and greater decision-making powers. Those are the prerequisites in the drive to eliminate the traffic of human beings.

The most extreme form of gender-based violence is of course honour killing, which is used mainly to control women's sexuality. A woman who is raped or voluntarily engages in sex outside marriage is considered to have defiled the family name. In some cases the woman may be only suspected of dishonourable behaviour, but the allegation is enough to dishonour her family.

In some countries the law allows honour killing, even where it is not explicitly permitted. The crime may not be prosecuted or, as in Iraq, a very lenient sentence will be handed down. The penal code in Jordan exempts from any penalty a man who kills, wounds or injures a female relative who has committed adultery, and a similar law exists in Syria. Hundreds of women are killed every year in Pakistan for crimes such as adultery, breaking an arranged marriage or simply attempting a divorce.

Honour killings are committed worldwide and they must be tackled. They occur whenever a man regards a woman as his property and seeks to uphold that false assumption by cruel and abusive force. The United Nations Population Fund estimates that as many as 5,000 females are killed every year, and Scotland Yard believes that there were 12 honour killings in the UK last year.

Governments need to reform all laws that serve as barriers to women's equality. Women cannot stand alone in their demand for social justice. Other sectors of society must be involved. Women need allies among politicians, religious leaders and health professionals. Since the UN declaration on the elimination of violence against women much progress has been made in establishing sexual and reproductive rights, but there is a lot more to do in translating those rights into policies. Persistent discrimination and violence against women and girls is also a persistent barrier to achievement, a violation of their human rights and a threat to sustainable development.

Gender-based violence causes more death and disability among women between the ages of 15 and 44 than cancer, malaria, traffic accidents and war put together. Gender-based violence is rightly condemned worldwide. The violent abuse of women is a violation of their human rights and must receive persistent and insistent international censure.

3.7 pm

**David Taylor** (North-West Leicestershire) (Lab/Co-op): I am grateful to be called today and, in the light of the large number of hon. Members present, I shall try to keep my remarks brief.

The Minister referred to the co-operation between our Government and European and worldwide Governments. I should like to bring to the Chamber's attention the position in Guatemala, which is a particularly appalling case in terms of the treatment of women. I pay tribute to Megan Anderson, Sophie Barker, Gemma Haywood and James Grant of Ibstock community college in my constituency, who recently wrote to alert me to the appalling crimes that are being committed in that country.

I contacted the two Ministers in the Department for International Development earlier this year, asking what was being done to help the Guatemalan authorities to reduce the incidence of violent crime against Guatemalan women. To put the matter into context, 1,000 Guatemalan women have been murdered in the past two years. That is in a country of about 13 million people—a fifth of the size of this country. One could only imagine the impact of such appalling atrocities if 5,000 women were killed over a two-year period in this country. The Under-Secretary of State for International

*[David Taylor]*

Development reassured me about the contacts that had been made with the Guatemalan presidential commission on human rights and the fact that our country, I am pleased to say, provides 18 per cent. of the funding for European Community programmes to Guatemala in that respect.

The second question that I raised was with the Minister for Europe, asking what contacts he had had with his Guatemalan counterpart about the status and treatment of Guatemalan women. Although that had not been discussed in any detail, on 7 October 2005, officials from the British embassy in Guatemala met a representative from the Guatemalan human rights prosecutors office to discuss the serious rise in violent acts against women in that country. A representative from Guatemala's network for the prevention of violence against women was also present.

I was relieved to hear the Minister talk about the European and international links that have been established by our Government, because the position in Guatemala is extraordinarily depressing and tragic. Many women and girls in Guatemala live with gender-based violence. Violence against women in the family, rape and sexual harassment in the workplace are common, and women and young girls are the victims of commercial trafficking and, as we have heard from two speakers, sexual exploitation. Most appallingly of all, police officers have been implicated in cases of sexual violence in that country. A number of victims of the killings—I have given an indication of the scale—were under 18 years of age.

The United Nations special rapporteur on violence looked into this dreadful example of a country allowing violence against women, and he found that the Guatemalan Government were failing in their international obligation to prevent, investigate and prosecute violence against women. Last year, a special police unit was established to investigate and prevent crimes against women, but it was reportedly insufficiently resourced to deal with the scale of the problem.

It is not all bleak in Guatemala: more women there go out to work than have ever done so before, and they stay in education for longer and express themselves more freely than ever before. However, in much of the country their reward is the perpetual fear of violent, sudden death. Prostitutes and female gang members are at the most serious risk, but the death toll includes women from all walks of life.

Let me conclude with a reference to Amnesty International that links with the remarks of my hon. Friend the Member for Calder Valley (Chris McCafferty). Independent assessors have established the reasons for the dreadful position in Guatemala, where three and a half decades of internal conflict have produced cheap guns and a culture of violence, which has worsened the position. First, there is no respect for the body; people feel that they can treat women however they like—that is almost a cultural expectation. Secondly and finally, there is the idea that women are somebody's property. Those values need to be challenged. In a recent report, Amnesty International called on the Guatemalan Government to improve public education, inject real urgency into criminal investigations and reform outdated laws on rape and sexual violence.

Yesterday was international women's day, and I am delighted with the achievements of our Government. I come from a female-dominated household, with four daughters and lots of sisters and sisters-in-law, so I feel that I have the privilege of being able to contribute to the debate on their behalf. Our Government's natural focus and priority has been within the United Kingdom, but they will reach out to other countries. I urge both Ministers present to see what they can do to establish links with, and improve the appalling position of, women in Guatemala.

3.13 pm

**Jo Swinson** (East Dunbartonshire) (LD): I very much welcome the fact that we are having this important debate to mark international women's day. In January, I was lucky enough to come high in the ballot for Prime Minister's questions, and I used the opportunity to question the Prime Minister about violence against women. In doing my research for that, I came across a frightening statistic. Nearly half the women in the United Kingdom have experienced domestic violence, sexual assault or stalking. That is the kind of statistic that one reads and wonders whether it can really be true. However, I went away and researched it, and there it was in black and white from 45 per cent. of real women talking about their experiences to the British crime survey. That underlines how wide ranging the problem is and how often it occurs behind closed doors. It is happening in every constituency in the country.

I am not sure that I received as full an answer as I wanted from my right hon. Friend the Prime Minister, but time is very short at Prime Minister's questions, so I shall give him the benefit of the doubt. However, I would very much welcome it if the Minister who responds to the debate would comment on the idea of an integrated strategy across Departments to deal with the issue. It is good to have a strategy on domestic violence, but we need to recognise that that is only one aspect of violence against women. There are sex crimes, trafficking, which has been mentioned already and involves the Home Office and the Foreign Office—

**Martin Salter** (Reading, West) (Lab): Does the hon. Lady accept that violent internet pornography of the sort that led to the brutal murder of Jane Longhurst is also a form of violence against women? Will she take this opportunity to praise Jane's mother, Liz Longhurst, who has spearheaded an all-party campaign against violent, exploitative internet images in which women are raped, tortured or murdered in the name of private profit and sexual gratification?

**Jo Swinson:** Certainly. I very much welcome the opportunity to do so, and to congratulate the hon. Gentleman on his hard work on that issue. It is a good example of how violence against women involves all aspects of Government and many Departments, particularly the Department of Health, the Department for Education and Skills and even the Department for Transport where it concerns women travelling home safely, often late at night. It is vital for the issue to be on the agenda and discussed and acted on in every

Department. I hope that the Minister will express support for that strategy, as endorsed by the End Violence Against Women Coalition.

Today, I should particularly like to discuss an issue that was brought to my attention by a women's refuge in my constituency, the Women's Aid refuge in Bishopbriggs, which I visited yesterday. It opened fairly recently, and comprises five flats that provide a great haven for women who are fleeing domestic violence. The issue that they raised with me was not one that I might have expected—it was television licences. That is an issue because when many women take the difficult decision to flee their partners, they do not at first have the confidence to go into the communal area of the refuge. They often want the safety and security of being within their own, self-contained flat with a locked door.

The charity Refuge tells me that women often say that the television is a great source of comfort, perhaps as a way to entertain their children or just to provide background noise, which gives them a feeling of security. The situation that was brought to my attention and which I found shocking concerned the fact that the refuge had been told that it needed one licence to cover the property, but shortly afterwards started receiving angry reminder letters saying that it needed a licence for each flat. What was worse was the fact that the letters went to the women in the individual flats who were fleeing domestic violence.

That was obviously distressing for the women in their vulnerable state. The refuge wrote to the television licensing enforcement people, explained the nature of the property, said that it had been told that it needed only one licence and asked the agency to send any future correspondence to the office instead. What happened then was that one Friday night at 6 o'clock an enforcement officer came round. The staff had left the refuge, but he demanded entry and the 20-year-old mother who answered the door and let him in was bullied into signing forms to make instalments and payments. She was very distressed for the entire weekend. Eventually, the staff who came back on the Monday morning were able to sort out the situation.

Hon. Members will know that the most dangerous thing that a woman suffering domestic violence can do is to leave her partner. That is when she is at the highest risk of homicide. Men often stalk their partners and try to gain access to refuges. One of the most common ways in which they do that is to pose as officials, such as plumbers or council officials. It is unacceptable for television licensing people to force their way into women's refuges. Looking into the issue, I was further appalled to learn that hotels and guest houses require only one licence per 15 rooms. Although they are private enterprises, they do not have to have one licence per room; they have a concession. Residential care homes also have a concessionary rate per room.

Many of the people in women's refuges are staying there temporarily, whether for a few days, a few weeks or even a few months. There is a very strong case—I have written to the Secretary of State for Culture, Media and Sport about it—to extend the concessionary scheme to include women's refuges. I very much hope that that will be done in the upcoming BBC charter review. I should particularly like to know whether the Minister responding to the debate would be prepared to support that initiative on an issue that affects women's refuges throughout the country. It might be a small matter, but it is one that we should take the opportunity to sort out.

3.19 pm

**Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): I welcome this opportunity to speak in the debate following international women's day. I congratulate the two Ministers present and the Parliamentary Private Secretary, my hon. Friend the Member for Stevenage (Barbara Follett), who inevitably cannot speak today, on organising things so well yesterday, when in the rain with our umbrellas we attended at the statue of Emmeline Pankhurst. [HON. MEMBERS: "Hear, hear."] Looking up through the umbrellas, I thought it a very celebratory event. Today's discussion is, inevitably, much more serious, and all the contributions so far have reflected that. I think that the women who paved the way for us to be here today would probably have approved of today's debate not being self-congratulatory, but focusing on the serious issues that still beset us.

In her opening speech, the Minister said that if there is one message to send it should be that violence is not acceptable wherever it occurs, whether in our homes or on the streets, in our country or abroad. The two speeches on trafficking particularly struck home with me. I shall comment briefly on that issue before I refer to local matters of domestic violence.

The Minister made a brave decision to turn around policy relating to prostitution. If anything illustrates the reason why that had to be done, it is the fact that these days trafficking of the sort described by the hon. Member for Wellingborough (Mr. Bone) is tied up with violent crime to such an extent that it is pretty well impossible to think that the path that we were previously considering of having tolerance zones could have served the interests of women or made their lives safer. I greatly welcome the co-ordinated strategy to take policy forward and to consider how we can help women to escape and clamp down on the men who are conniving with these crimes. There is no other way of looking at it: whenever a man uses a prostitute, the chances are that he is ensuring that drug crime and the even more deep-seated—often twin—relationship between trafficking and drug crime can continue. That must be seen to be unacceptable.

I make no apology for turning to domestic matters, now. I greatly welcome the Ministers who are on the Front Bench today. There are so many Members who want to speak, Mr. Illsley, that I hope that you will, if you have the opportunity, tell the House authorities that we need an international women's day debate in the main Chamber. [HON. MEMBERS: "Hear, hear."]

I shall use the rest of my brief contribution to celebrate and to paint the background to what is happening in Plymouth. I make no apology for doing that. We probably all have a catalogue of what is happening in relation to domestic violence in our constituencies, but we in Plymouth have struggled over the years to try to establish adequate services and gain resources for dealing with these matters. Ours is about the 15th largest city in the country, but only in recent years have we managed to establish a Women's Aid service, which has had its ups and downs.

*[Linda Gilroy]*

Research carried out in Devon in 2001 estimated that there are about 175,000 incidents of domestic violence in Plymouth each year, many of which are, of course, repeat incidents. It is also estimated that 10,000 local women are likely to experience domestic violence in any one year. Plymouth's police domestic violence unit receives reports of almost 6,000 incidents a year, and there were three domestic violence-related murders in one month in Plymouth in November 2004. Now that we have an established Plymouth Women's Aid, it supports more than 2,000 women a year, either through face-to-face advice and assistance, or via its telephone helpline. It received more than 650 referrals from the police between July and September of 2005. In addition, the women's refuge supports about 120 women and their children each year at its 11-bedroom unit.

The Minister said that domestic violence costs the state, employers and victims £23 billion a year. Based on the figures that I just quoted, I calculate that the total cost of domestic violence per year in Plymouth alone is £12.4 million for services, £10.8 million in costs to the economy, and £68 million in the costs associated with human and emotional scarring and support services. That is a total cost of about £92 million a year in my city alone. Those are shocking figures.

In June 2003, the Government published "Safety and Justice". At that time, services in Plymouth were really rather down, so I decided that it would be good to bring people together. We held a seminar and produced our own response to the Government consultation process, called "Views from Plymouth on Safety and Justice". At that time, we were talking about prevention, protection, justice, support and what more needed to be done—for example, raising awareness, having better education, and doing something about children and family services and housing services in Plymouth. We were also trying to improve the operation of the courts to reduce the time taken to get cases to court, and to improve how people were treated there. We were also looking closely at the Leeds pilot on how to bring domestic violence cases to special courts as, perhaps, showing the way forward. We very much hope to see that in Plymouth in the near future.

I hope that those actions led, in part, to the coming together of a visioning day in Plymouth a year later. It led to the formation of the Plymouth domestic abuse network in February 2005, which has been working hard on housing. It has a housing domestic abuse working party that is considering how we can improve what were quite dire circumstances for women seeking a way out of damaging marital home set-ups. There is now a 15-point action plan to chart the way ahead. We also have a Signpost Care-supported housing project, and hope to have more safe and secure housing units in the city, which can be used specifically for at-risk women.

My hon. Friend the Member for Bridgend (Mrs. Moon) quoted a shocking statistic about young boys and their attitudes. I was pleased when the partnership in Plymouth had a highly successful week of events during domestic violence awareness week in November 2005. One such event, a musical extravaganza, involved 600 young people from local schools, colleges and youth groups. All of the entertainment was provided by young people. There were dancers, singers, and rap artists, many of whom had written their own material about domestic abuse and its effect on them and their peers. The evening was used to launch the Plymouth young citizens' domestic abuse forum, to which more than 200 young people signed up on the night. Its work is now being taken forward by a young man of 19, who co-ordinated the running of the evening and is now working closely with Plymouth Women's Aid to tackle the issue.

Much still needs to be done. I hope that in charting the way ahead in the forthcoming comprehensive spending review, Ministers will argue for further resources, because funding is still very fragile and partnerships in Plymouth have to spend a lot of time looking for funding. As the partnership in Plymouth said to me,

> "Lack of substantial and sustainable funding for services . . . are a vicious circle—no funding means lack of progress, lack of progress means no funding."

There has been huge progress in the past three years in developing partnership working and more joined-upness at local level, but goodness knows there is a great deal more to do.

Finally, I think that we have all had the briefing from the Equal Opportunities Commission. Others might refer to hopes that the gender equality duty in the Equality Act 2006 will "mainstream" the approach to tackling violence across our public, private and voluntary sectors, and achieve the sort of joined-unless that the hon. Member for East Dunbartonshire (Jo Swinson) seeks. Perhaps my hon. Friend the Minister for Women and Equality will refer to that in her closing remarks.

3.29 pm

**Lynda Waltho** (Stourbridge) (Lab): I am pleased that we are having this debate today. It is important that we discuss the subject in the open, because bringing domestic violence out into the open helps us to combat it. I take domestic violence seriously, and I am delighted to see so many Members attending the debate and intending to speak. It is good to see that so many of us are dedicated to tackling the issues that surround domestic violence and to improving the dire situation suffered by so many adults and children throughout Britain.

I am sure that everybody is already aware of the horrific statistics on domestic violence, but it is always worth remembering that domestic violence costs the lives of more than two women each week and accounts for nearly a quarter of all recorded violent crime in England and Wales. Dire statistics like those prove how vital, how long overdue and how desperately needed Government action to tackle domestic violence is.

I welcome the extensive new measures introduced in the Domestic Violence, Crime and Victims Act 2004 and the important role that the Act has played in raising the profile of domestic violence across Britain. I recently asked the Office of the Deputy Prime Minister for exact figures on how much the Government are investing in improving services for women seeking refuge from domestic violence. I was pleased to hear that more than £30 million is being invested over three years in new refuge provision and refurbishment of existing refuges. As access to information

is also important to domestic violence victims, another £1.4 million is being invested over three years to develop the new national domestic violence helpline, which is supported by UKRefugesOnline—a vital link.

Although I am incredibly pleased that such comprehensive legislation has at long last been introduced to support victims of domestic violence, it is by no means any indication that we can rest on our laurels. As the hon. Member for East Dunbartonshire (Jo Swinson) mentioned, the British crime survey shows that almost half of all women experience domestic violence, sexual assault or stalking in their lifetime. We clearly have a long way to go. To put that statistic into context, if we were to apply it to all the female MPs in this House, 63 would have had their lives affected in some way by those abhorrent crimes.

Legislation to punish offenders and support victims is not enough. The root causes of domestic violence must also be addressed and the general attitudes towards it must be changed. As with so many of the social problems that we in Britain face, legal changes are not sufficient to break the cycle. To my mind, education remains the key way to tackle such problems head on and to change attitudes in the long run. Much education seems not to address sufficiently the attitudes that lead to violence against women, and the different attitudes towards violence held by girls and boys are not addressed in a systematic and consistent way.

**Ms Katy Clark** (North Ayrshire and Arran) (Lab): I am grateful to my hon. Friend for making the point that violence against women affects women of all classes and from all walks of life. I am also grateful to her for talking about children. When we talk to men who perpetrate violence against women, we often find that they experienced a great deal of violence in the home when they were children. Does my hon. Friend agree that tackling the root of the problem involves changing the attitudes of the present generation of young people and ensuring that we target our resources to ensure that we are not perpetuating problems for future generations?

**Lynda Waltho:** I agree with my hon. Friend. In fact, I will address that issue as I go further into my speech.

Like my hon. Friend the Member for Bridgend (Mrs. Moon), I was shocked and disgusted to read the research undertaken by the universities of Warwick, Bristol, Durham and North London, which explored the understanding and attitudes of more than 1,300 children aged between 8 and 16 about domestic violence. It revealed disturbing trends that suggested that work in schools to address the issue must start at an early age. More than 75 per cent. of 11 and 12-year-old boys thought that women get hit if they make men angry, and more boys than girls of all ages believed that some women deserve to be hit.

Such attitudes must be changed if the next generation of children is to grow up in a safer world. The Equal Opportunities Commission argues that addressing violence against women is not simply a matter for criminal justice, but that it requires a more holistic approach. A role needs to be played by social services, the health service, the education system, child care services and other agencies. Everyone, male and female, young and old, must learn that violence is wholly unacceptable in any shape and form and that it will never be tolerated, as it should not be in any civilised society.

Equally disturbing was a recent survey by the National Society for the Prevention of Cruelty to Children, which revealed that far too many of our young people are subjected to relationship abuse in their teenage years. That illustrates that there is still much work to be done if we are to create a culture change that makes domestic violence socially unacceptable for future generations.

As a former teacher and the mother of two teenage boys, I know that the education of young people on the subject is particularly important. One incident of domestic violence is reported to the police every minute across England and Wales. Last year in Dudley, the area that covers Stourbridge, children were present in 1,173 of the 3,400 incidents involving domestic violence to which police were called. We also know that 35 per cent. of households that experience a first assault will experience a second within five weeks. It is vital that those statistics are picked up and acted on, and that they inform our policy.

The effects on children who are present when such attacks take place cannot be underestimated. I remember not too long ago discussing the issue with a dear old gentleman in his 70s. He is a strong, capable man who worked hard all his life and survived bringing up three very opinionated daughters, of whom he is proud. Not much fazes him, but on mention of this topic he began to tell me the story of his childhood. He told me of the cruelty of his father and his feeling of powerlessness to assist his mother when she was being beaten. On one occasion, he was so fearful for his own life that he ran from protecting his mother and hid behind an old washing tub, where he waited with his fingers in his ears until the rage and the sound of the blows had stopped. In his eyes, I could see the fear and shame of a young boy, powerless to come to the aid of his beloved mother. It was as real to him as if it happened only yesterday, not 70 years ago. He wept; I was not far from doing the same.

Such fear and pain rarely leaves victims, so we need to push forward as far as we can with young people. I would like to share an approach that is used in my constituency to raise young people's awareness of domestic violence and the issues that surround it. A few weeks ago I attended a conference on domestic violence with a difference at Redhill school. It was not for women's groups or refuges, but for year 10 and year 11 students. The first part of the conference took the form of a piece of drama, which was extremely powerful and moving. It introduced the pupils to four aspects of domestic violence: emotional, physical, sexual and financial. They met male and female victims of domestic violence as well as professionals, and then they participated in four workshops. The first considered the health implications of domestic violence, the second took the perspective of the police and the child protection service, and the third considered the local safeguarding children board. The fourth workshop was the one that the young people found most effective. It explored the victims' perspectives, and the young people had the opportunity to talk with and question both male and female victims of domestic violence. They also considered the effect that experience of domestic violence has on children.

*[Lynda Waltho]*

The support and education that the young people received did not simply end after the conference ended. The co-ordinator and volunteers from the refuges who organised the conference also had drop-ins at the school for some time afterwards; they worked with the school's child protection co-ordinator, spoke with young people and addressed any issues that might have been raised by the conference. As well as providing vital emotional support for some young people, that approach also meant that young people do not have to disclose private information in front of others.

The young people gave the project positive feedback. They found the drama powerful and learnt a lot though the workshops. Some said that they had not realised the huge extent to which domestic violence is both physically and mentally draining on its victims, and about its effects on children as well as adults. Some commented that they had not realised how hard the police worked. Many expressed outrage that the punishments given to domestic violence offenders often did not fit the seriousness of the crime. They found it particularly enlightening because the majority admitted that they had not considered the perspective of male victims, or even that male victims existed. Bearing in mind that the conference received such positive feedback, I would like to see a similar approach being considered more widely so that children and young people across England and Wales can benefit from the wide range of topics and interactive approaches that children in my constituency are benefiting from.

While I would never dream of claiming that I have any sort of expert knowledge about how to tackle the root cause of domestic violence, I would like to share a few findings from the recent Women Against Violence Europe report of 2005. The report shed an optimistic light on the situation, claiming that violence in our society was neither inevitable nor universal. In a cross-cultural study of 90 societies around the world, anthropologist David Levinson found 16 communities where interpersonal violence was absent or rare.

As we begin the enormous task of trying to lead our society to a less violence place, it is worth bearing in mind the factors that Levinson found predicted low or no family violence, and thinking about what other positive steps we should take to ensure that our society does not foster and breed violence. The factors included stable relationships, economic equality between the sexes, equal access to divorce for men and women, availability of alternative caretakers for children, norms that encourage the non-violent settlement of disputes outside the home, and cultural norms that recognise the dignity of every human being. It is important to remember that the societies studied are not free of the emotions that elsewhere lead to violence; they just deal with them in a non-violent manner.

Domestic violence is not an inevitable part of society and it should never be treated as such, either here or in any other country. It is important that all members of a community realise that it is their responsibility to change attitudes and to make the community one in which domestic violence is recognised and treated as the abhorrent and unacceptable crime it is.

Last November, I attended an exhibition run by Amnesty International in which members of the public were asked to imagine what a world without violence against women would be like. I know that many hon. Members present contributed to the exhibition. Their imaginings were printed on to flags and displayed as one of the exhibits. Reading the contributions was a moving experience, and I was saddened by the number of women who had simply written that in a world without violence against women they could feel safe in their own homes and could bring up their children in an environment where they were not terrified for their safety. It is truly tragic that we live in a society where that is not the case, and where thousands of women still do not feel safe in their own homes. Those imaginings of safety, security and peace should not be just dreams; a life free from domestic violence should be the right of all women of all ages.

3.42 pm

**Mr. Andrew Smith** (Oxford, East) (Lab): Like other speakers, I greatly welcome this debate and the fact that so many Members want to speak in it. I also welcome what the Government are doing to combat violence against women and to help victims to get the support that they need. I support what my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) said about commending the Government on their change of stance on prostitution; that gives an important and welcome signal.

Before this debate, I asked Women's Aid in Oxford what it regarded as the key priorities, because like others here I think that it is crucial that what we say in these debates is informed by experience from the front line. We are all indebted to organisations such as Women's Aid, Refuge, the National Society for the Prevention of Cruelty to Children, Relate and the YWCA, which do such invaluable work and which have campaigned so long and hard on this vital subject.

In terms of priorities, Oxford Women's Aid stressed to me the crucial contribution of effective inter-agency working and the need to sustain resources, notably in the supporting people programme, which is under real pressure in Oxfordshire and elsewhere. It also stressed the importance of outreach work, both in helping women to move from the refuge to a safe home and environment in the community, and in helping to address acute needs, especially those of people exposed to drug and alcohol abuse or suffering from mental health problems.

Women's Aid highlighted particular matters on which more attention was needed, and I shall mention them in no particular order. I heard about difficulties in getting injunctions against abusive partners quickly enough. Cases were cited of support workers and clients having to wait two weeks for an appointment with a solicitor, during a period when the woman—and often her children—are particularly vulnerable. I was told that the police and the Crown Prosecution Service need to initiate more prosecutions for violent behaviour, rather than leaving it up to the woman to press charges, when she is in fear of retribution.

There is a need for more refuge places and move-on support, so that victims' longer-term needs can be properly addressed. Ensuring secure arrangements with

proper risk assessments for fathers meeting their children is also important, as access arrangements are often a means of continuing harassment of women, whether directly or indirectly through the children. There is also a need for more 24-hour support refuges—there are none in the Oxford area—where help can be given to those facing serious drug and alcohol abuse problems. Such people are, if anything, at particular risk of being propelled out of one abusive relationship and into another, and their need for support, counselling and protection are especially acute.

Women's Aid also highlighted the particular problem in Oxford of finding longer-term accommodation, including accommodation for those victims of violence who do not have children. They are often in a very difficult position as regards housing on social priority grounds. That issue needs to be addressed by social housing providers, who should recognise that victims of abuse are usually driven to an even poorer and weaker position in the housing market. Better support for pregnant women experiencing domestic violence is also needed, given the evidence referred to by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Slough (Fiona Mactaggart), which showed that, sadly, pregnancy is often a trigger for aggression by male partners.

As others have said, we as a society need not only to tackle the symptoms, but to address the causes of violence in terms of the attitudes and values underpinning what is considered acceptable behaviour, and the expectations and knowledge of men and women, young and older, as regards their rights and obligations. Both Women's Aid and the YWCA in Oxford have drawn to my attention to a number of important points about raising awareness and understanding, and tackling the behaviour that gives rise to domestic violence. For example, there is a need to ensure that domestic violence issues are discussed in schools in a sensitive way and with an awareness of the extent to which violence is a gender issue.

There is a real and present challenge. Other hon. Members have already cited statistics, but the NSPCC recently found that one in five teenage girls has been hit by a boyfriend and one in three young women says that cheating on a boyfriend could justify him hitting her. As others have said, the problem is in our culture, including in our youth culture, and we all have a responsibility to do what we can to change it. In addition, we need dedicated funding for projects working with young women from ethnic minority communities to ensure that their specific needs are addressed; too often, they are not.

Of course, if we are ever to end violence against women, we need to provide support for projects that challenge and try to change aggressive behaviour in young men and attitudes that accept violence against women. As I have seen at first hand through the work of the Family Nurturing Network in Oxford, schools can be a useful hub for work on family and personal relationships. As my hon. Friend the Member for Stourbridge (Lynda Waltho) said, well directed programmes can make a real difference in enabling children from quite a young age and their parents to learn how better to talk with one another about their emotional needs. Such programmes can also help them to learn how to manage anger, because at the end of the day, the cultural, social and personal circumstances that give rise to coercive relationships and a tolerance of hitting out physically in anger or jealousy are what feed violence against women. As a society, and through all society's social institutions—not only Government—we must say, "Enough is enough." Furthermore, there should be a consistent, determined drive to prevent abusive behaviour, protect its victims and re-educate, as well as prosecute and punish, its perpetrators.

3.49 pm

**Julie Morgan** (Cardiff, North) (Lab): It is good that this debate on domestic abuse has been called to coincide with international women's day, as it gives Members of Parliament the opportunity to highlight issues that are important to women in the UK and internationally, as many hon. Members' contributions have shown. I shall stick to the domestic agenda.

I pay tribute to the Government for the great progress that has been made. The Minister listed some of the great achievements. I also pay tribute to the work that women did in the early days when setting up Women's Aid. I remember Welsh Women's Aid being started up on a shoestring. The women involved were so determined to get domestic violence recognised as a scourge. I pay tribute to those who started the recognition process. When do we hear people saying, "It's only a domestic," nowadays? That used to be so common, and we know that the police thought that. There has been a huge change and a great many advances. There is a long way to go, but we have made a lot of progress.

I shall talk about what is happening in Cardiff. The Women's Safety Unit, which was started four or five years ago as a Home Office-funded project, is now funded by the Welsh Assembly and comes under the auspices of the Cardiff domestic abuse forum, which I chair. That ground-breaking project has significantly increased the number of women who are prepared to go to court, and significantly reduced the number of repeat victimisations. All the statistics show that if there is a really good advocacy project, with people who are prepared to go out on a limb to help the victims, there can be a much fairer justice system.

One unique thing about Cardiff Women's Safety Unit is that there are secondments from the police and the probation service. A serving policewoman is a full member of the team, along with secondments from Women's Aid, the probation service and project workers. The plan to have similar services available to victims throughout the seven south Wales police districts is enthusiastically supported by one of the few women chief constables in England and Wales, Barbara Wilding. We hope that advocacy can be made available in each area, so we can see the statistics improve. The repeat victimisation statistics are the most striking. We have already heard how women are often the victims, time and again, but we have been able to get those numbers down.

A domestic violence court has been developed in Cardiff. The roll-out of the specialist domestic violence court programme by the Home Office is an important development. In Wales we have three such courts in Cardiff, Caerphilly, and Neath Port Talbot. The court in Rhondda Cynon Taf will be starting in May and the one

*[Julie Morgan]*

in Gwent will start at about the same time. However, there is an issue in relation to starting these courts that we have to recognise. The Home Office says that to establish such a court requires the presence of an advocacy service—somebody has to be there to support the women in court and advocate on their behalf. There must also be risk assessments, MARACs—multi-agency risk assessment conferences—and independent domestic violence advisers. That is a real problem in some areas that are trying to start up domestic abuse courts, because funding for the courts does not include funding for those additional services. The areas in Wales where the programme is progressing are finding it difficult to provide the services.

We know that having well trained advocates who will go out on a limb for the women who have been abused produces results—we have seen that in the Cardiff Women's Safety Unit. Although I strongly welcome the roll-out of the specialist domestic violence court programme, it must be acknowledged that advocacy services are not always there to run alongside the courts. Perhaps the Minister will say how we can move the process on.

Where domestic violence courts are operating, the results are good. In Caerphilly since the mainstreaming of the specialist domestic violence court system, in the period from January 2005 to September 2005 the total average of successful outcomes was 73 per cent. Only 19 per cent. of cases were discontinued, in 4 per cent. no evidence was given on the day and in 3 per cent. the accused was found not guilty at trial. Those stunning statistics show what can be done. How are we going to support those courts and make money available to ensure that the advocacy is there?

Cardiff university has studied the Cardiff Women's Safety Unit and the interface between the civil and the criminal courts and its recent report says that the interface in Cardiff is completely dependent on the Women's Safety Unit advocates, who support victims through the legal process. The report by Dr. Amanda Robinson says that without such advocacy arrangements in place there would be no interface at all and decision making by either court would be based on partial information. That study emphasises how important it is to have an holistic multi-agency response to domestic violence.

Civil law is an important part of that holistic approach. In Cardiff, the Women's Safety Unit offers free legal advice for the initial consultation by a core group of specialist solicitors on a rota, who see the women in the safety of the unit and are able to advise them. However, that is only the initial consultation. The survey of women from the Women's Safety Unit expressed a lot of dissatisfaction about the civil courts: they said that they felt unsafe and would like to see a police officer in the civil court so that they felt protected. On a point that has already been made today, the women consulted by Cardiff university felt that the system was designed to keep fathers involved, rather than to keep people safe. Most of the respondents felt that a combined civil-criminal court would be beneficial and would prevent duplication and overlap. The director of the Cardiff Women's Safety Unit, Jan Pickles, who has given inspirational leadership to the project, says:

"In domestic violence cases, there is an artificial divide between civil and criminal courts which is bureaucratically neat, but fails victims and their children. Safety can only be achieved when victims have access to both forms of justice."

I shall be grateful if the Minister tells us whether there are any further proposals to develop more courts in which criminal and civil matters are linked. I do not know what stage of development the courts in Croydon have got to, but I believe that there is an attempt there to link civil and criminal proceedings. To bring the criminal and civil courts together on domestic violence issues would be an important long-term aim. I know that that would be difficult, because solicitors are trained and specialise in one type of law, as I believe judges are, but that would, in the longer term, be a much more satisfactory way of dealing with things.

Finally, I should like to mention the Equality Act 2006, which introduces a duty on public bodies to promote sex equality. Public bodies will have to ensure that their policies reflect the different needs of women and men. All hon. Members have probably had a briefing from the Equal Opportunities Commission, which says that violence against women is one of the biggest forms of gender inequality. The EOC will play a vital role in promoting the gender duty. I should like as much assurance from the Minister as she can give that adequate funding will be available for the EOC to carry out that duty.

As the American writer, Maya Angelou, says,

"Being a woman is hard work",

but we have the power, through the various measures we can bring about through government and being MPs, to make the job of being a woman—especially one suffering from domestic violence—that little bit easier.

3.59 pm

**Mr. Russell Brown** (Dumfries and Galloway) (Lab): Under normal circumstances it is a pleasure to take part in this debate, but the reality is that we are halfway through the first decade of the 21st century and still find ourselves debating a blight on our society. Even if we were to say that this is a modern society, we have to ask whether we are making any progress in eliminating the vile problem of domestic abuse that still hides away in far too many homes. In my contribution, I want to concentrate on domestic violence.

I looked at some of the historical facts on the Women's Aid website. Until the end of the 19th century, the law supported the right of men to control their wives by force; it intervened to restrain violence, not prevent it. In the late 18th century, a certain Judge Butler held that assaults on wives were legal, provided that the husband used a stick no thicker than his thumb. That subsequently led to the saying "the rule of thumb".

Thankfully, legislation has changed a great deal, although there is still a question mark over some decisions that the judiciary come to. During the year we entered the 21st century, there were an estimated 15 million incidents of domestic violence in the UK, more than 85 per cent. of which were committed by men. As hon. Members have said, two women are killed by their current or former partners every week. More than 60 per cent. of reported incidents end in injury, and about 81 per cent. of those victims are women.

Domestic violence is nothing less than a horror—a horror for the direct victims, but also for the tens of thousands of other innocent victims: the young witnesses of violence inflicted by one deeply loved individual on another. Theirs are tortured minds and souls that all too often carry those violent experiences right through childhood and into adulthood. Regrettably, as others have said, such children often later turn to domestic violence themselves.

I shall tell one humorous anecdote, which is not about violence. Late last summer, I was told the story of two three-year-old children who lived next door to one another and were playing together. The mothers had overheard them. The little girl Emily had said to the boy, "Let's play mummies and daddies." The little boy agreed, and then the girl said, "I'll clean the house and you go off to the football." Those children came from loving households, and it was the norm for their fathers to go to the football. However, one can see how things are imprinted on children's minds and how, if there had been violence in those households, it would have carried through the generations.

It is astonishing that so many people think domestic violence is acceptable in certain circumstances and that the victim may well have deserved it. For some reason, some who experience such violence blame themselves: figures show that in recent years almost two thirds of women and more than 90 per cent. of men who had been subject to domestic violence did not even think that they had been a victim of crime.

The crime of domestic violence knows no social barriers. It is not found only in certain households: the full social range, from manual or unskilled workers from low-income households to some of the most educated and professional individuals, witness violence, sometimes in its mental as well as its physical form. Nor is the problem found only in the homes of young or middle-aged couples—in recent years, as women have come forward seeking help, it has come to light how long some people have been prepared to tolerate abuse in their homes.

I deal now with how the matter is being tackled in my constituency of Dumfries and Galloway, a large rural area approximately 120 miles long from east to west. Women's Aid has established two offices there—one in Dumfries and one in Stranraer, some 75 miles apart. Both provide excellent help and support through their refuges. I take this opportunity to pay tribute to the hard work that they do to help people in times of crisis, when individuals are at their most vulnerable.

We are also fortunate in having a multi-agency Dumfries and Galloway domestic abuse group. Yesterday, I was delighted by news that it had been awarded £100,000 over the next two years by the Scottish Executive's violence against women fund. Delna Weston, the chair of that strategy group, has said that the funding will allow it to expand and develop support right across Dumfries and Galloway through public awareness. That is so important.

We all know that funding is vital, and in my area support from the local authority and the Scottish Executive keeps work going. Having said that, there is always a need for additional finance, and I shall come to that issue later. The steady, but on occasions rapid, increase in self-referrals seems to indicate that widespread media advertising is achieving its aim of encouraging women to make contact with Women's Aid in the local area. Older women, who in the past would have tolerated abuse, are now less reluctant to conceal the truth. The refuge run by the Women's Aid office in Stranraer had a resident who was 88 years old; its youngest contact was just 16.

When women eventually leave their abusive partners, that is only the start of a number of other problems. What about money and finance? Potentially, there are about 20 different organisations to contact—to do with housing, doctors, schools, benefits and solicitors, to name but a few. Where can those women's furniture be stored if they have been lucky enough to be able to remove some possessions? There are other agencies, some run by the Government, such as the Child Support Agency, which all too often simply do not appreciate the fear of threats from ex-partners.

Locally, all that can be offered is a communal refuge for women and their children. That means that they are given their own bedroom, but have to share a kitchen, sitting room, dining room and toilets. Women can be turned away if they have a drug or alcohol addiction, a mental health problem, a son older than 16 or a family pet.

**Julie Morgan:** Does my hon. Friend agree that in such circumstances, every effort must be made to ensure that the woman stays in the family home and that the perpetrator of the violence is put out?

**Mr. Brown:** I agree fully with my hon. Friend. Yes, it is important to try to keep the woman in the home, possibly with her children.

I was taken aback by the notion that family pets can be an obstacle to a woman's fleeing her home, despite the violence that may be going on. However, I am delighted to say that the Women's Aid refuge in Dumfries has secured funding from the local authority, and that that has enabled a number of people to come with their family pet, which is dear and precious to them. I shall not read out a letter that I have from a certain lady, but what she went through to put her family pet into a kennel for a short time was heart-rending. However, it enabled her to get away from something that she had experienced for 30 years.

The local offices have recognised that improvements to the service could be made with secure funding that would cover the employment of more staff and training costs. There is a need to move away from the present refuge-type accommodation to cluster flats. Women and children fleeing domestic abuse could be given their own secure flats in which they could have their pets, visitors and, most importantly, a life.

Current office premises are bursting at the seams and more appropriate facilities are becoming necessary in both Dumfries and Stranraer. Raising the profile of the service is essential, but that can happen only with additional staffing. At the same time, it is important to educate all people that domestic abuse is wrong. Ideally, that should be done from an early age, perhaps through the school curriculum, possibly with input from Women's Aid.

*[Mr. Brown]*

Given that mine is a rural area, it would greatly assist if the service were developed to provide further drop-in sessions in other towns in the region. The service delivery offered by two Women's Aid offices 75 miles apart is far too sparse.

The domestic abuse strategy group recognised that domestic abuse was an issue for everyone, including such service providers as Women's Aid, the police, health and medical services, housing services, Jobcentre Plus, education services, social workers, the Crown Office, the Procurator Fiscal Service, the judiciary and solicitors, as well as many voluntary sector organisations. The issue is important for politicians and decision makers, as it is for all members of the community. All those organisations and individuals have a role in establishing how domestic abuse is viewed. Everyone has a part to play in eliminating it and in providing support to those who experience it.

The group, in formulating its strategy which will cover the period until 2008, established five main aims: working to prevent domestic abuse in the future, making it clear that such abuse is never acceptable; ensuring that there is appropriate protection in place through legislation and policy for those who experience domestic abuse; ensuring that adequate, appropriate and relevant services are provided to address the needs of those who experience domestic abuse; ensuring that all those with a role in tackling domestic abuse work together, recognising their own and others' responsibilities in this matter; and making progress to ensure that those involved carry out appropriate data collection, monitoring, evaluation and reviewing of the work to address domestic abuse.

I am encouraged by the fact that such action is being taken in my own area. I am sure colleagues will share my view that we would much prefer it if such activity were not required in our communities and neighbourhoods. That will happen only when we eliminate domestic violence.

My plea to the Minister is simply for additional funding to support such projects, especially early-intervention work for young people. It is a sad indictment of modern society, which is driven all too often by other agendas, that partners continue to abuse one another both mentally and physically. I suspect that we all have a major job to do for many years to come to change the attitudes of all concerned. I am thinking of those who turn a blind eye to the problem and fail to recognise it and, more importantly, those who are directly involved: the direct victims of abuse, the perpetrators and the even greater innocents, children.

4.12 pm

**Anne Snelgrove** (South Swindon) (Lab): This is an important debate. Almost a year ago today, the former Member for South Swindon, Julia Drown, secured a similar debate. She raised the disturbing case of a mother and son who were murdered, and brought to the attention of the House the crimes of Alan Pemberton. In November 2003, after shooting his wife Julia and his 17-year-old son William, he took his own life. Those events took place in the neighbouring constituency to mine, Newbury, but the surviving family members live in my constituency. The deaths followed a history of domestic violence, to which the police were alerted 15 months before the tragedy. Sadly, Thames Valley police failed to act on Alan Pemberton's death threats until it was too late.

Defence lawyers and judges often claim that wife-killers are just ordinary men who snap in a moment of extreme provocation, but such circumstances are quite unusual. Only a small number of men murder their partners without having previously used domestic violence against them. Far more common in murder cases is a history of violence by the offender against the victim, as happened in the case of Julia Pemberton. It was a horrifying case, partly because it was so avoidable. Lessons had to be learned about the protection, prevention and provision that we afford to victims.

My predecessor raised the case and I am proud to have continued her work in supporting Frank Mullane, the brother of Julia Pemberton and a constituent of mine, by keeping the House's attention on it. I am pleased that I have been joined in that work by the new hon. Member for Newbury (Mr. Benyon). I also give thanks to the work of Baroness Scotland and Refuge, among others. As a consequence of their work, the results in improving the situation for families such as Julia's have been outstanding.

Refuge brought Frank and his family to see my right hon. and learned Friend the Minister of State, Department for Constitutional Affairs. The family told her:

> "We know this is supposed to be an inquisitorial system, but we felt it was an adversarial system, and we felt that it was against us."

They were talking about the system that examines the reasons why Julia's murder occurred. Any system that makes bereaved relatives feel that the whole system is weighted against them is unsatisfactory. I therefore welcome the proposed changes to the coroner system that were announced recently.

Julia Pemberton's persistent pleas for help to the police during 14 months were not enough evidence, at that time, for the coroner to say that anything could have been done to prevent her murder. It cannot be acceptable for judges, coroners and magistrates to be ignorant of the complex dynamics of domestic violence, when they conduct trials and inquests based on domestic violence. They should all engage with Refuge, Women's Aid, the End Violence Against Women Coalition and local authority domestic violence co-ordinators. They should seek out training, for which they will not have to look far. Each of those organisations has a programme and is waiting to be asked to provide it for the people whom I mentioned.

Much more can be achieved in future if the efforts of judges, magistrates and coroners are informed better by the work of organisations fighting violence against women. Julia Pemberton's family have fought extremely hard, and I pay tribute to them. They have been awarded a homicide review and they are now fighting to ensure that it will be fair. It is only by examining what went wrong in cases such as Julia's that we will learn what to do next and how we can improve the protection, prevention and provision afforded to victims. That is why the homicide review is so important and why I mention it in this debate.

Things have changed for the better. My hon. Friend the Member for Stourbridge (Lynda Waltho) referred to the considerable investment in refuges that this Government have made. We have also invested in helplines, training and support. It is only right to do so.

Locally, Wiltshire constabulary has a good track record. In 1997, the Swindon refuge worked with that constabulary to revise its domestic violence policy. It is generally the lead statutory agency in the county and the force is excellent compared with many, including Thames Valley. Wiltshire constabulary welcomes multi-agency working and other forces would do well to emulate its work.

Given what we have learned, can we really say that Julia Pemberton would have been safe from her husband if she was living in today's 21st century world? I do not know the answer to that. The reason why I say that is because today I was contacted by Swindon's family centre. I will not go into the details of the case, because it is a delicate one, but it involves threats, a violent man, and a mother and son in fear; it is history repeated and is too close a reminder of the early days of the Pemberton case. The woman under threat just wants something simple: the protection offered by a new lock on her door. That is not much to ask. Unfortunately, Swindon borough council will not fit one, because she cannot be sure whether or not the violent partner has a key. I find that extraordinary and I mention it so that it will be changed.

That is one specific case that I have taken up, but there are more general issues, some of which hon. Members have mentioned. Cost is one of them. Ironically, the Government's success in raising the profile of domestic violence has brought many more victims forward. That is a good thing, but it puts strain on existing resources. Every new measure that we introduce has a cost attached. Sometimes the additional funding is not easy for statutory or voluntary agencies to find.

I have a bad example to relate from my constituency. The local refuge in Swindon, whose work is recognised nationally, is another victim of our Conservative council's cuts. I hear the words and the commitment of the Opposition party, but words in this place and fine feelings are not enough. We want actions on the ground to support refuges. I hope that the hon. Member for Epping Forest (Mrs. Laing) will take that message to the Conservatives on Swindon borough council. It has supported the refuge since 1977, but under the current administration, proposed funding cuts mean that it might lose a member of staff.

There are also problems relating to financial support for the victim. Applications for benefits for domestic violence victims need to be fast-tracked. They are taking up to two months, but women need financial independence when they have to leave the partner who is abusing them. Then there are problems in the civil courts. The manager of the Swindon refuge says that there are huge difficulties for women trying to get injunctions. That happens in Swindon, and as far as I know the situation is the same around the country. Fewer and fewer solicitors are doing family work and doing what was legal aid, which makes it difficult for victims to access civil law procedures for protection.

Frank Mullane, Julia Pemberton's brother, is calling for a much wider review of Government policy to create a comprehensive integrated strategy to end violence against women. Frank has made that call alongside the campaign to end violence against women, and he was not a campaigner before that happened to his sister.

I agree that we should continue to reinforce the long-term work aimed at preventing violence against women by challenging attitudes that tolerate it, as hon. Members have said. That is why I was glad to see Sarah Brown, the wife of the Chancellor, calling on Valentine's day for an end to the taboo surrounding violence in the home against women and children with Women's Aid. It is also why I am glad to see so many of us in my party and Opposition colleagues speaking today against that taboo.

It was only in 1971 that the first women's refuge opened. Swindon women's refuge opened in 1975. It was only in 1981 that it was made illegal for a man to rape his wife. We are part of one of the first generations to break the domestic violence taboo and I hope that through these debates we can push the Government and local councils even further to provide adequate resources and give priority to the three core areas of protection, prevention and provision so that we can see enduring change.

**Several hon. Members** *rose—*

**Mr Eric Illsley (in the Chair):** Order. Before I call the next speaker, let me say that if hon. Members keep contributions as brief as they can, I will be able to call everyone to speak in the debate.

4.22 pm

**Ms Dawn Butler** (Brent, South) (Lab): I want to talk about violence against women at stations. I have been running a safer stations campaign for about the past four weeks and I have been campaigning for all stations to be staffed from the first service to the last. That has been picked up by local press in my constituency, such as the *Willesden and Brent Times* and the *Wembley Observer*, which have ensured that people are directed to my website so that they can sign a petition. The campaign has also been picked up by the *Evening Standard*, and I have gathered about 4,000 signatures. Other London MPs have also taken the issue on board and I hope to present to Parliament a petition of about 10,000 signatures.

We need to see movement on the issue. Ken Livingstone has ensured that an extra 30 British Transport police officers will be on the rail lines to ensure that the stations have a police presence, but it is still up to the rail operators to make sure that stations are staffed and that they use their profits to do that. It is a known fact that women feel not only more vulnerable at stations but that they are more likely to be attacked. In north London alone in 2003–04, five men reported some kind of sexual attack, compared with 90 women. In 2004–05, seven men reported an attack, compared with 98 women. They are just sexual attacks; there are many more attacks of other kinds.

When the hon. Member for East Dunbartonshire (Jo Swinson) said that one in two women has suffered from some kind of stalking or attack, I wondered whether I had ever been stalked and the answer came to me—yes. It was about 10 years ago. I came out of the tube station and was followed, and I had to wait in my local shop

*[Ms Dawn Butler]*

until we were sure that the person had disappeared before I proceeded to go home. That makes it even more relevant to me that we ensure that rail operators make their stations safer. I started getting off the train one station further along, where there was a cab station outside, and then taking a cab to go back to my home. I did that for my own safety, but not every person will be in a position to do something like that.

Silverlink has been hiding its inadequacies under its Tory franchise agreement, saying that it signed the agreement years ago so it is still valid. It is not. That is unacceptable and it is not good enough. Time has moved on; women travel later at night, and stations open later at night. They deserve to be staffed. It is important that we press all major companies, although they are not covered under the Equality Act 2006, to take seriously the safety and protection of their passengers, especially women.

Safer stations are the right of everyone, and a right of women especially. They pay to travel on the tubes and trains and they deserve safety.

4.25 pm

**Vera Baird** (Redcar) (Lab): I am very glad to follow, albeit at one remove, my hon. Friend the Member for South Swindon (Anne Snelgrove), who talked about murder and killing under provocation. I had intended to talk about that this afternoon. Homicide law currently favours men who commit murder, usually after a long history of committing domestic violence, as opposed to women who strike back once. Frequently the latter are convicted of murder, while the former are convicted only of manslaughter by means of a defence of provocation, and have their sentence at large. A homicide review is currently going on, and there is a long and detailed argument as to exactly how the situation should be changed, but I invite everyone present to look at that review. Indeed, I might circulate it to people, because it has put forward proposals that would rectify this sexist prejudice in our law.

Instead of talking about that rather wig-and-gowny area, however, I shall go for a quick romp around a document produced recently by the Women's National Commission: an independent analysis of Government initiatives on violence against women called "Making the Grade". Although the last speaker was a notable exception, many people have talked about domestic violence. Violence against women, of course, is not only that. It is forced marriage, crimes in the name of honour, rape, sexual assault, murder, trafficking, sexual exploitation, female genital mutilation, sexual harassment and stalking, and only when we set the great list out in that way do we appreciate the broad sweep of what we are talking about.

We know from a number of contributors that almost half of adult women in England have suffered domestic violence, sexual assault or stalking. One in four women suffers from domestic violence, and it has the highest rate of repeat victimisation of any crime in the UK. Every minute of every day of every week of every month of every year, a police station somewhere is phoned by someone asking for help in a case of domestic violence, and that is just from the people who report it. They are still a minority.

The rate of rape convictions has fallen from one in three cases reported in 1977 to one in 16 at present, which is a 5.3 per cent. conviction rate for rape. Again, that is the case among those who report it. If we compare the figures of those who ring up rape helplines for help with the number of those who report being raped, we can see that probably only about 10 per cent. of women who are raped report it. The rape conviction rate is therefore absolutely negligible.

Moreover, when we consider that women between the ages of 20 and 45 who experience rape or sexual assault are most commonly assaulted by a current or ex-partner and that two of the locations where sexual assaults more frequently occur are the victim's or the perpetrator's own home—and if we bear in mind that domestic violence is violence exactly in a domestic context—we can appreciate how deeply steeped in the very fabric of our society violence against women really is.

This Government have taken a great many positive steps and the list is too long to go through; the Minister mentioned many of them. However, I shall quote "Making the Grade" on this, rather than suggest that it is my own fresh idea, as it says that

> "attitudes that tolerate or justify violence are not changing, incidence rates are not falling, conviction rates are not increasing and women and children still fall through the gaps."

I would say that conviction rates are starting to increase in relation to domestic violence because of the domestic violence specialist courts to which my hon. Friend the Member for Cardiff, North (Julie Morgan) referred, but they are just one or two courts, and conviction rates are generally not increasing.

"Making the Grade" makes the very powerful point that there is a glaring lack of any overall strategic direction from the Government about violence against women. For instance, in England three inter-ministerial groups are operating in parallel: one on domestic violence, one on rape and one on trafficking. There is also work on forced marriage and on female genital mutilation, and separate work on prostitution. Do strategic approaches help? The Greater London domestic violence strategy has led to a fall in domestic homicides against females of one third during the five years for which it has been going, so there is a little suggestion that strategic approaches most certainly do help.

It is not all that surprising that there is no strategic approach, because awareness in the political as opposed to the campaigning field and the demand for action have risen quite quickly. Although we are into and appreciate the subject now, during the 18 years of Tory rule, domestic violence did not raise its head at all. Before 1997, the last time domestic violence was a significant factor in the House of Commons was when Jo Richardson introduced the Domestic Violence and Matrimonial Proceedings Bill as a private Member's Bill in 1976. As there has been so much to do, and because we have done so much and campaign groups, campaigners, Ministers and MPs are all individually interested in dealing with rape, domestic violence or prostitution, development has been piecemeal.

The trouble is that unless the issue of violence against women and its ending is integrated into each Department and its public service agreement, it may easily be chopped away when finances are difficult,

cutbacks are needed or the nature of the Government changes so that they are not so supportive of such issues, or when the piecemeal growth with which we are now so pleased stops. In such circumstances, it will be easy to chop off the issue, remove domestic violence specialist courts, which are that little bit more expensive to run than ordinary courts, and remove sexual assault referral centres, which are more expensive than examining people at the police station. It will be very easy for that to occur if there is no integration.

More immediately, women and children fall through the gaps anyway. For example, the domestic violence specialist courts are a great asset. They are built on experience. The magistrates deal with little other than domestic violence, and they become specialists. The prosecutors are specialists in domestic violence, and the police are specialist investigators of domestic violence. Specialism ousts all the old-fashioned and inappropriate attitudes that militated against a good hearing for a domestic violence victim—saying that it was six of one and a half a dozen of the other, or a domestic issue that was so integrated in a relationship that outsiders should not intervene. Specialism is working in domestic violence specialist courts.

With rape, we have not even started that process. There is a nod in the direction of specialist prosecutors and to some extent there are specialist police, but there are no specialist judges. In recent weeks, we have heard extraordinary remarks from judges. There seems to be an incapacity to implement the Sexual Offences Act 2003. The message that specialism ousts prejudice, which has got through in domestic violence, has not got through in rape courts, because there is no overall strategy.

Domestic violence advocates push through the case for the complainant in a domestic violence court, but they also befriend her. The advocate is her friend from start to finish, so if she needs to move house because of the split or threat from her partner, the advocate will help her to find a new home. The advocate will help with child care if the partner's mother used to look after the children and the couple have now split. If benefits need to change, they will help with that. All those things are imperative if a woman who has been violently abused by her loved one is to drive a case through the court. Rape complainants have just as great a need for just as much befriending, but there are no rape advocates, because we put those victims in separate compartments. That is particularly odd, because it is a rare case of domestic violence in which rape is not involved as well.

The "Making the Grade" survey went around all Departments to find out what they were doing to address violence against women, and its report shows up the lack of an integrated strategy. The Home Office—the Department with which I am most closely related—did quite well, getting three out of 10. It undertakes all activities, but it does not do so in an integrated way. The Department for Constitutional Affairs, which is in charge of many of the justice aspects of those issues, got two and a half out of 10. It undertakes the activities, but not in an integrated way. As for the Ministry of Defence, even though it is well known that in the military, where there is a premium on masculinity and male strength, there is more domestic violence, and owing to the clannishness of military culture, it is harder for a forces wife to complain about domestic violence than for an ordinary woman. The MOD scored exactly one out of 10 in the survey.

What about the Department for the Environment, Food and Rural Affairs? Well, one might say, "Look here, Vera. DEFRA is about badgers and windmills. What has that got to do with domestic violence?" However, there are special problems with domestic violence and its victims in rural areas. There will be no sexual assault referral centre and no refuge. To whom should victims complain? Their partner's GP will be their GP, and they can hardly get any confidential counselling. There are special difficulties for rural people who are victims of such violence, yet DEFRA scored zero out of 10.

Scariest of all, the Department for Education and Skills scored zero out of 10. The statistic I know best is that 30 per cent. of 15 and 16-year-old boys think that in certain circumstances, it is all right to hit a woman; and 17 per cent. of 15 and 16-year-old girls think so, too. However, the DFES has no strategy for educating about violence against women. I used to assert that violence against women was on the citizenship course, but I am not sure that it is at all.

To cut matters down to a manageable size, the issue that the hon. Member for East Dunbartonshire (Jo Swinson) raised about needing a television licence for each room in a refuge is also due to a lack of integrated thinking. It is not due to a lack of political will to make it easy for people in refuges to enjoy that comfort and amuse their children while they are in that unfortunate situation; it has happened because nobody has thought about it and the Home Office has not liaised with the Department that deals with television licences, the Department for Culture, Media and Sport, to ensure that that knotty corner is knocked off.

Without a systematic and strategic plan throughout all Departments to deal with violence against women, many other factors will not be taken into consideration in exactly the same way. The WNC is going to conduct its survey of Departments annually, so Departments will know what is coming and they must be ready to improve and integrate.

It is good to see a lot of women present for the debate, but it is excellent to see a lot of men present to support it; I compliment them on the insightfulness of their contributions. I join my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) in saying that we must strive to have this debate reinstated in the main Chamber. It looks like special pleading coming from the women; it looks like generous advocacy coming from the men. So may we ask for their support in that as well?

"Making the Grade" is an important report. The WNC was led by Margaret Prosser, the very woman who only recently led the women and work commission, which reported so emphatically and importantly about other aspects of women's inequality. What a great woman she is. She should keep up the good work.

4.37 pm

**Helen Goodman** (Bishop Auckland) (Lab): Many Members have given horrific examples of violence against women. They have also commented that it takes place within a general culture. I should like to make a few remarks about that second point.

*[Helen Goodman]*

I find the sexualisation of our culture and the normalisation of the sex industry most alarming. The growth of pornography and anti-female lyrics in the pop music industry is a major influence on young people. Its impact on male attitudes towards women and on women's internalisation of negativity is serious. Men are believing that there is a connection between sex and violence, and academic research has shown that they are acting out those fantasies in private. At the same time, women are being encouraged to believe that it is appropriate.

I do not want to detain the Chamber, so I shall provide just one example to illustrate my point. On the internet, one can buy a talking dartboard, shaped like a naked woman's torso, which will "squeal with delight" when hit. Object, a campaign group that analyses pornography, has received legal advice stating that the courts are highly unlikely to consider the product indecent under the Indecent Displays (Control) Act 1981.

The Home Office is working to deal with extreme pornography, but the constant proliferation of what is coyly called soft pornography is also a problem. I am extremely unwilling to allow my daughter, who is nine, to do the things that her brother was able to do 10 years ago. I do not want her to go to the local newsagent to buy sweets or to collect the Sunday newspaper, because she will be bombarded with such images. I am sure that mothers and fathers throughout the country are similarly concerned about the impact of certain images on their children. Children internalise the images at a very early age, and girls are made to feel that the world is an unsafe place in which to live.

I hope very much that hon. Members will consider signing early-day motion 1622, which was tabled by my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) and addresses the need to restore the top shelf to what it was. Some of us had a useful meeting yesterday afternoon in an all-party group that included men and women—Members of this and the other place. I hope that we can take early steps on that issue.

We need to think more deeply not only about the practical things but about more radical measures. We need to think about introducing a legal definition of pornography, which we do not have currently, and about the possibility of introducing gender-hatred legislation, because the language that is used about women and the images that are produced of women would be ruled to be totally unacceptable if they related to people of different races or different religions. We should extend the respect agenda to women.

4.41 pm

**Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): I apologise for not being present at the beginning of this very important debate: I was serving on a Standing Committee just along the Corridor. Luckily, it finished early, so I can take part in this debate, which is, sadly, vital.

As other hon. Members have said, domestic violence kills two women a week. In the view of Women's Aid, domestic violence is physical, sexual, psychological or financial violence that takes place within an intimate or family-type relationship and that forms a pattern of coercive and controlling behaviour. That can include forced marriage and so-called honour crimes, as other hon. Members have mentioned. Crime statistics and research show that domestic violence is gender-specific—it is most commonly experienced by women and perpetrated by men—and that any woman can experience domestic violence, regardless of race, ethnic or religious group, class, disability or lifestyle.

Domestic violence is repetitive and life-threatening; it can destroy the lives of women and children. We have heard horrific examples today. Domestic violence can also take place in lesbian, gay, bisexual and transgender relationships and can involve other family members, including children. It is very common: research shows that it can affect one in four women in their lifetime, regardless of age, social class, race, disability or lifestyle. All forms of domestic violence—psychological, economic, emotional and physical—come from the abuser's desire for power and control over other family members or intimate partners.

British crime survey research found that women are most commonly sexually assaulted by men who they know. The researchers asked women about the last incident of rape that they had experienced since the age of 16. They found that 45 per cent. had been raped by current partners, 11 per cent. by former partners, 11 per cent. on dates, 16 per cent. by acquaintances and 10 per cent. by other intimates. Only 8 per cent. had been raped by strangers.

That brings me to a case raised with me by one of my constituents. She was raped by her then husband. I will not name her for obvious reasons, but she is a professional woman—a teacher. Her relationship with her husband was tumultuous. He was extremely jealous and domineering. I do not know the full history of the relationship and whether there had previously been domestic violence, but I feel that there must have been. The incident that she brought to me was the final straw. One night, her husband came home and she was asleep in bed. She awoke to find that she was being raped. There had been no prior argument or anything else that led to that—not that anything could give someone the right to rape another person.

My constituent chucked her husband out, started divorce proceedings and is now divorced. The police were involved. The Crown Prosecution Service said that she had a very good case and that it would probably result in a conviction. Unfortunately, about six months later, the CPS wrote to tell her that the case was being dropped because it would not result in a conviction. I am pursuing the case now, although obviously I cannot have the case tried. Various reasons were cited for dropping the case. One was that the woman was drunk on the night. Another was that she would not make a good witness, for whatever reason. Yet another was that there was a discrepancy between the date on which my constituent claimed the rape happened and the date that the police had written down. The police have said that they made a mistake in their notes. I am not a legal expert, but I am following that up with the police and the CPS. We will probably receive only an apology; the case will not go to court.

As I said, my constituent is a professional woman. She did not want to let the case drop and felt that she was capable of pursuing it. She took out a private prosecution. When she got to court, her barrister said to her, "This judge won't be sympathetic. Don't take the matter any further. Don't put yourself through this ordeal. The best we can go for is an injunction." The man lived nearby and was starting to intimidate her. She has obtained about three or four injunctions. They started at about 500 yd or metres, but the figure went down to 250 yd. The man keeps appealing and the decision keeps going in his favour. At that point, my constituent could go within about 250 yd of her house comfortably. I think that the judge overruled the injunction because the man claimed that his mum lived within the 500 yd and he wanted to be able to go and see her. The area was therefore reduced.

There is one working men's club—it is the only pub—within the 250 yd, and the man claimed that he wanted to have access to his mam and to be able to go to that pub because all his friends go there. That is totally not true; it is where all my constituent's friends and family go. However, the judge allowed him to go and see his mam and go to that club. Now, my constituent basically cannot go out for a drink at night and does not feel safe anywhere, because that was her safe zone. Her case raises big issues.

I have other interesting statistics. In the "Routes to Safety" study, 76 per cent. of separated women reported suffering post-separation violence. That is what my constituent now fears. I asked her whether she was still frightened of her ex-husband and what she felt he was after. I have never been raped, but obviously I appreciate why she would not want to be in the same room as him. She said, "No, it's more than that." She feels that he wants to see her dead—that the situation is as black and white as that.

The figures that I have back up such fears. Seventy-six per cent. of the women I was referring to were subjected to continued verbal and emotional abuse; 41 per cent. were subjected to serious threats towards themselves or their children; 23 per cent. were subjected to physical violence; 6 per cent. were subjected to sexual violence; and 36 per cent. stated that that violence was ongoing. That is after they have stopped living with the abusive partners; it is ongoing domestic abuse.

What is the cause of domestic violence? Abusers choose to behave violently to get what they want and to gain control. Their behaviour often originates from a sense of entitlement that is supported by sexist, racist, homophobic and other discriminatory attitudes. Domestic violence against women by men is caused by the misuse of power and control within a context of male privilege. Male privilege operates on an individual and societal level to maintain a situation of male dominance in which men have power over women and children. Other hon. Members touched on that, and it was fantastic to hear some men make that very point.

Domestic violence by men against women can be seen as a consequence of the inequalities that still exist in our society between men and women. Such inequalities are rooted in patriarchal traditions that encourage men to believe that they are entitled to power and control over their partners. Domestic violence is learned, intentional behaviour rather than the consequence of stress, individual pathology, substance use or a dysfunctional relationship. Perpetrators of domestic violence frequently avoid taking responsibility for their behaviour by blaming it on someone or something else, by denying it took place or by minimising it.

Research shows that violent men are most likely to perpetrate violence because of their own sexual jealousy and possessiveness. which were the factors in my constituent's case, because they demand domestic services, or to demonstrate male authority. Some men believe that sex is another type of domestic service that they can demand. Violent men will typically justify or ignore their behaviour by minimising the violence—by saying that it was just a slap or that it was not that bad—by justifying their behaviour to themselves and blaming the victim, by denying that the violence happened or even by refusing to talk about it.

Can alcohol or drugs cause domestic violence? Many people who drink too much or take drugs do not abuse their partners or family members. Likewise, abuse does not occur exclusively when an abuser is drunk or under the influence of drugs. The use of alcohol or drugs is therefore not the underlying cause of domestic violence.

Abusers who use alcohol or drugs may use them as an excuse for their behaviour, saying that they were drunk or do not remember. However, even if they generally do not remember what they did, it does not remove responsibility for their behaviour. There is never an excuse for domestic violence, and the causes of domestic violence are far more deep-rooted than simply being the effect of intoxication or alcohol or drug dependency. If an abuser is alcohol or drug dependent, it is important that the dependency is treated in tandem with the violent behaviour. Addressing one without the other is unlikely to prove successful.

Women who experience domestic violence may turn to alcohol or drugs as a form of escape from the violence. Sometimes, abusers will then use their partner's addiction as an excuse for their violent behaviour, saying that they have been provoked into using violence. Excuses such as these are used by the perpetrator to deflect responsibility from themselves and to put the focus or blame for their violence on to the victim. In such situations, it is vital that women receive the support they need, but also that the perpetrator is held accountable for their actions and not excused because of the woman's behaviour.

A study of 336 offenders convicted of domestic violence found that alcohol was a feature in 62 per cent. of offences and that 48 per cent. of offenders were alcohol dependent. Some say that domestic violence is caused by a lack of control. That is just not true. Domestic violence is about gaining control, not a lack of it. If an abuser is careful about when, where and to whom they are abusive, they show sufficient awareness and knowledge of their actions to indicate that they are not out of control.

So who is responsible for the violence? The abuser is, always. There is no excuse for domestic violence. The abuser has a choice whether to use violence, for which he is responsible and for which he should be held accountable, but he does not have to exercise that choice—he could choose instead to behave non-violently and foster a relationship built on trust, honesty, fairness and respect. The victim is never responsible for the abuser's behaviour.

*[Mrs. Sharon Hodgson]*

It is important that any intervention to address domestic violence prioritises the safety of survivors and holds the perpetrators accountable. Couple counselling or mediation is often seen as a way of addressing the problem. However, there are two significant problems with such an approach. First, there is a risk to the woman's safety, as asking her to discuss the violence with the perpetrator present may lead to later reprisal. Secondly, the approach assumes that the woman is in some way responsible or capable of altering the perpetrator's behaviour. Women's Aid therefore does not support the use of couple counselling or mediation in situations where domestic violence has occurred.

In addition to the individual costs associated with a loss of quality of life—and the loss of life itself, in some cases—domestic violence costs our society as a whole. The estimated total cost of domestic violence to society in monetary terms is £23 billion per annum. That figure includes an estimated £3.1 billion as the cost to the state, £1.3 billion as the cost to employers and £17 billion as the cost of individual human suffering.

I end by thanking Women's Aid, whose website I found most useful in researching my speech. I quote from that website:

"Everyone has the right to live free from abuse and fear."

We all know only too well that there will be women in this country and around the world tonight for whom that statement is just that—a statement, words—as they are living lives of abuse and fear. It is for those women that debates such as this one are vital. As all right hon. and hon. Members have shown by taking part in this debate, we shall all feel that we have not really made a difference until the statement I quoted becomes a reality.

4.56 pm

**Sandra Gidley** (Romsey) (LD): I am pleased that the debate around international women's day has become something of a fixture. My first reaction on seeing the topic this year was slight disappointment, as I thought that it would be nice to celebrate the achievements of women for a change. That is something that we do not do very often, but then I thought a bit more and realised that this debate is important, as all aspects of it come up often in various Bills and Committees, but the reality in the daily lives of many women is that such subjects are difficult to talk about and still very much taboo.

We have had a wide-ranging discussion covering domestic violence, honour crimes, which we have not dealt with much, rape and trafficking. There was a mention in dispatches of female genital mutilation, which goes to show that not all violence against women is perpetrated by men. I shall start by speaking about domestic violence. The statistics have already been given. Every minute, somewhere in the UK the police receive a domestic assistance call. It is only when one starts to think about that that one realises that domestic violence is prevalent in many women's lives. Every year, 500,000 women are victims of domestic violence, and according to a Home Office report published in March 2005, "Domestic Violence: A National Report", only 7,000 of those 500,000 cases—1.4 per cent.—result in prosecution. It is clear that we still have a long way to go.

As this will probably be my last debate speaking on these matters for my party, I was tempted to have a go, but then I thought that that would be churlish. In fact, if one looks back eight years, progress has been made. The hon. and learned Member for Redcar (Vera Baird) has pointed out some of the problems, so I shall leave my adversarial comments at that and simply say that I echo some of her concerns that things are not as joined up as they could be.

It is interesting to note that domestic violence has a higher rate of repeat victimisation than any other crime When one talks to the police about this issue, they state clearly that many of the perpetrators of domestic violence are not only violent in the home. Sorting out domestic violence problems can result in some of the wider problems in society being sorted out as well.

One of the concerns that I have about a current changes in Government budgets is around the supporting people programme. Between April and September 2005, 82,000 people accessed services that were paid for by supporting people grants, and just over 10,000 of them—13 per cent.—had either a primary or secondary link to domestic violence. However, in the financial year 2006–07, the supporting people budget will be cut for the fourth year in a row, by approximately £30 million. The Office of the Deputy Prime Minister is on record stating that councils could expect cuts of up to 5 per cent. in 2007 and 2008. That is especially important, because Women's Aid has pointed out that since 2003 supporting people has been the main funding source for the provision of refuge-based domestic violence services and community-based domestic violence floating support services.

As various speakers have hinted, when local councils are faced with decisions on which services to cut domestic violence is, sadly, not very high on the list of priorities. It can appear to be a relatively easy target, because the victims are not the sort of people who generally want to make a fuss, because of the taboo. Also the nature of domestic violence is such that it starts with a psychological element and the women somehow think that it is their fault.

The hon. and learned Member for Redcar picked up the concerns expressed in "Making the Grade", which was compiled by the End Violence Against Women Coalition. The only quotation from the report that I shall repeat is about the

"picture of disarray and non-co-ordination"

within Departments, so I am delighted to see that we have made a start on co-ordination with the two Ministers here today.

One of the areas of most concern has been the low conviction rates for rape. Some hon. Members present here today served on the Committee that considered the Sexual Offences Act 2003. There were some good things in that Act, which, we all thought, changed the law for the better. It is therefore of some concern to learn of a case in December last year that received quite a lot of publicity, in which a judge halted a rape trial before the jury had heard all the evidence, because, he said:

"drunken consent is still consent".

That shows how difficult it is for women to see justice being done. The problem is that the judge did not seem to be aware of the change in the law. He did not seem to

realise the implications of the 2003 Act, which lays down that if a woman says that she was raped while unconscious or stupefied, including through drink, the responsibility shifts to the man to explain why he thought she consented. That clearly did not happen in that case.

It has often occurred to me while pondering the wisdom of our judiciary that in many other areas of public life—particularly in the health service, where the consequences of a lack of professional development can be dire—there is a strong emphasis on continuing professional development. I wonder whether it would be a good idea to ensure that people trying cases are up to date and up to speed. I do not think that there is any mechanism to ensure that that happens and it might be worth considering, because such incidents send the wrong message to all women.

What has not been mentioned in the comments on rape is the phenomenon of drink spiking, which, according to one survey, 25 per cent. of younger women claimed to have experienced. Such incidents are often dismissed by saying, "No, it was the drink, it wasn't the drug," but someone very close to me had it happen to her. She was sensible enough to realise that something had happened, so she called her boyfriend in front of the people she was with and managed to get home. They did not know that her boyfriend would take an hour to get home, but she managed to get home and nothing happened. She cannot remember very much about the event; the drugs used often have that effect.

The problem has received scant attention from the Home Office—indeed, one of the initial studies on the subject was later found to have been highly influenced by somebody who was in the pay of the drugs company that produces one of the drugs that is most commonly used. If there is any work being done on the problem, it would be useful to have an update.

**Linda Gilroy:** The hon. Lady may be interested to know that the students' union at Plymouth university has done some pioneering work on the issue, raising awareness in the clubs and pubs in Plymouth. I would certainly commend such work to the Under-Secretary of State for the Home Department, my hon. Friend the Member for Slough (Fiona Mactaggart). I shall send her details if she is not already aware of it, because it is an interesting initiative. I agree with the hon. Lady that more work is needed on the issue.

**Sandra Gidley:** Certainly more awareness is needed, particularly in the period leading up to Christmas, with office parties and people going out with people who they do not know. Young women should perhaps be more alert, looking after each other and recognising the signs when such incidents occur.

**Vera Baird:** The Home Office made GHB, which is the drug the hon. Lady is talking about, unlawful. It was not unlawful before, but it is hard to control because it can be made out of things that can be bought in a shop and the recipe is on the internet.

**Sandra Gidley:** GHB is one of the drugs in question, but that was not the drug to which I was referring.

Many hon. Members raised the issue of trafficking. During the passage of the 2003 Act, Opposition Members tabled amendments on trafficking to support both the provision of safe houses—there was an experiment on that and I wonder whether there are any plans to expand it—and the cooling-off period, which has been introduced in countries such as Sweden. During a cooling-off period victims can stay in the country for a while before being deported—they are not returned immediately to their home town. There is evidence to show that such measures lead to an increase in convictions.

It is still not clear to me why the opportunity was not taken then to tie up the loose ends, so that the European convention on action against trafficking in human beings could have been ratified at an early stage. I would urge the Government not to be afraid of ratification, because Italy, which has a huge immigration problem, seems to be able to distinguish between immigration and trafficking quite successfully. There is a lot of work being done, even with users of prostitutes. That may seem odd, but users often build up relationships with trafficked girls and can be the ones who blow the whistle to the police.

I am glad that the general influence of pornography has been mentioned. Pornography is pervasive in our society, which as a liberal causes me great conflicts. The media and the press have greatly influenced our attitudes towards women. The increase in pornography is a puzzling trend, but what puzzles me even more is the number of women who appear to be willing participants, which, as an older feminist, I struggle to get my head round. Often they are bright young women who have other options but choose for some bizarre reason to go into jobs that are loosely associated—I use the word "loosely" advisedly—with the sex trade.

I was interested as a Member of Parliament to receive a flier addressed to my office for Spearmint Rhino—I did not take much notice; it might have been peppermint rhino. It was quite excited to be opening in Southampton, but I was amazed that it thought it appropriate to send me that flier and wondered how many male MPs had been lobbied in similar ways.

We have to change attitudes in schools. A lot of that is about assertiveness skills for women, as well as the attitudes of young men and young women. Waiting until the age of 11 is probably too late. We need to start on such work much earlier.

Finally, I was quite amused by the some of the anti-female comments that we have heard about. I do not know how many hon. Members have been in receipt of an e-mail from someone who seems to think that there is a terrible anti-men lobby out there. The belief seems to be based on a knife-holder, which is actually anti-gender—it is not possible to tell what sex it is. The e-mail also complained about a website where people can buy "boys are smelly" wristbands. All I would say is that if that were the worst thing that such men had to contend with, they should get a life, start supporting some of the initiatives and projects, and start campaigning against violence against women.

5.9 pm

**Mrs. Eleanor Laing** (Epping Forest) (Con): It is a great pleasure to speak after the hon. Member for Romsey (Sandra Gidley). I did not know until she mentioned it at the beginning of her speech that this might be one of the last occasions on which she speaks

*[Mrs. Eleanor Laing]*

for her party on this subject. In the absence of anybody else from her party to pay tribute to her—*[Interruption.]* I do apologise; the hon. Member for East Dunbartonshire (Jo Swinson) is, of course, here. Even though somebody else from her party is present to pay tribute to her, may I, on behalf of everybody in the Chamber, congratulate her on all the work that she has done on matters relating to women and equality during the past year or so? There has been much legislation on which many of us have worked together—I do mean together, rather than against one another. I hope that she will not be as successful in her next post as she has been in this one, but only because I might not agree with her on so many issues in future. She has certainly been very successful in this role, and we wish her well.

The very fact that we are having this debate is a big step forward; it is a positive way for the House to mark international women's day. Let me begin by apologising for the fact that while the Government have two Ministers on the Front Bench, I am alone. I should have been joined by my hon. and learned Friend the Member for Harborough (Mr. Garnier) but, unfortunately, he has been detained on jury service. That is pretty hard for a learned member of the Bar, so he has my sympathy. I particularly wanted to mention that, because while I am grateful for the support of my hon. Friend the Member for Wellingborough (Mr. Bone), I want to point out that I am not the only member of the Conservative Front Bench who is concerned about the issue, it is just that we are spread rather thinly, so I am the only one here.

There are many kinds of violence against women. Hon. Members have touched on several subjects this afternoon—and very eloquently. However, I want to use most of my time to speak about domestic violence. The very fact that we are talking about the subject openly and emphatically is a step towards eradicating it, because we are getting rid of the taboo about domestic violence, which has been considered a private matter between a man and women or other domestic partners in which others should not interfere. That attitude has prevailed for far too long and I am sure that that is why the statistics are so shocking.

Since I began to be involved in the subject, I have told many people that they can assume that between one in four and one in three women in any room they care to go into has been affected by domestic violence. When people stop and think about that they are truly shocked, and so they should be. For generations, if not since the beginning of time, women have put up with certain situations because they have had no way of dealing with them or getting out of them. They were, and still are, conditioned to think that being treated badly is just part of a woman's lot. It is not and it should not be, and the fact that we are discussing the subject now is an important step in the right direction.

Domestic violence is not just caused—as many have said this afternoon—by a quick burst of temper on the part of a man who is a bit annoyed about something. That is how people would have us believe that it happens. It is just as bad—worse in many cases—if the violence is the result of years of control through bullying, as several hon. Members have said, because mental and emotional abuse is often worse than straight physical abuse. Of course, there is usually a combination of all of those things.

Worst of all, women who are victims are usually made to feel that it is their fault, that they have to take responsibility for it, that they deserve it and that there is nothing that they can do about it. Of course, because respectability is so precious, women do not want to talk about it. They do not even tell their best friends or their families, because they feel responsible and ashamed. That is how men get away with domestic violence. I have to say that a small but significant amount of domestic violence is perpetrated by women against men. However, for the most part it is women who are abused.

At a meeting in Essex about domestic violence, I met the sister-in-law of a woman who had been murdered by her husband. That woman had known that she was going to die one day at the hands of her husband. She was trapped, and there was nothing that she could do about it. That was not because she had no money, or because she did not know what to do, but because she could not travel to work from a refuge, or go on earning money and keep her respectability and her position as a professional woman. If she had left home, she would have had to move her children out of school. There was too much to get over for her to get away, so she just kept taking the risk of staying with her husband, and eventually he killed her.

Most people who are in refuges are children, because children suffer even more from domestic violence than women do. Of course, as other hon. Members have said, a child's whole life can be affected. When I was a child, a little boy called Clifford lived down the road from us. He used to come and play with my younger brother. One day, Clifford was not there any more. Years later, I discovered that he had had to go and live with his grandparents because his father had murdered his mother—but of course we did not talk about it then; it was all hushed up. Nobody knew that behind the respectable façade of the lovely house in which they lived, such dreadful things were happening. Such things are still happening to one in four women in Britain today.

While mentioning children, I should say that the NSPCC's full stop campaign is relevant to the issue, because children learn that if it is acceptable to hit them when they have apparently done something wrong, then hitting is acceptable. Hitting is never acceptable in any circumstances, and that includes smacking.

**Linda Gilroy:** Does the hon. Lady agree that, as well as children, perhaps the most vulnerable group is older people? Those of us who are active in the all-party group are concerned that that should be discussed.

**Mrs. Laing:** I certainly do, and I am glad that I gave way to the hon. Lady. I was going to make that point later, and she is absolutely correct. When one looks into the subject it becomes more and more frightening.

Women's Aid and Refuge, to which I pay tribute, are doing a brilliant job, but I must ask the Minister for Women and Equality whether the Government have any plans to provide financial support for the work of those two organisations. Last year they received 250,000 calls to their helpline, and they simply do not have the

funds to enable them to keep the service going, although we know how vital it is. Last Christmas, I organised a poster campaign to publicise the refuge helpline number, so I hope that a few of those 250,000 calls came as a result of my little posters. That was a small effort, but I said at the time that if just one life is saved, or one child does not have to see his father beating up his mother, it will have been worth while.

The hon. and learned Member for Redcar (Vera Baird) mentioned domestic violence courts. For the sake of brevity, all I will say is that I hope that they work.

Practical points were made by the hon. Member for East Dunbartonshire and others, about television licences, for example, and such matters as local authorities classifying women who have fled domestic violence as deliberately homeless. That is ridiculous, but many local authority housing departments still do not re-house women in that position, because they consider them to be deliberately homeless. I hope that the message will go out across the country that that appalling attitude is not acceptable.

My hon. Friend the Member for Wellingborough mentioned trafficking, slavery, prostitution and other such tragic cases, as did other hon. Members who spoke about the international situation. In many countries, violence against women is acceptable and normal and it is not easy for us to make a difference there. However, the fact that it is not easy does not mean that we should not continue to try.

Recently, in one of those big surveys of women in public life, a magazine asked me, "What do women want?", to which my immediate answer was, "To be treated with respect." The interviewer said, "Oh, what a very unusual answer. Everyone else said, 'Shoes and handbags and diamonds.'"

**Meg Munn:** We want those too.

**Mrs. Laing:** Yes, I agree. We want the shoes, handbags and diamonds as well, but I would happily give up those things to ensure being treated with respect. All the women in the Chamber are usually treated with respect, but every woman deserves that.

Violence against women is not a joking matter, and I am pleased that international women's day has provided a focus for this important issue. We have won many battles, but there are many more to go. I am pleased to see a general consensus across the political divide this afternoon.

5.20 pm

**The Minister for Women and Equality (Meg Munn):** I shall not take interventions, because hon. Members have given me a great deal to think about and I want to respond to everybody's comments. If anybody thinks that I am not about to respond to their points, they should please hang on, and if I have not responded by the final 30 seconds, I shall do so then if I can.

This debate is extremely important, and it has been excellent. To have 14 Back-Bench speakers as well as the Front-Bench speakers is a tribute to hon. Members and the interest that has rightly been paid to this issue.

The Government have a comprehensive body of work that is being undertaken across government, and we are joining up our approach. We recently launched a media campaign to raise awareness about the issues, and policy work is properly joined up at the centre. Part of preparing for international women's day and the decision to focus on violence against women, which chosen by the Ministers as the focus for this year, has led to a significant amount of work being done to pull together exactly what is going on.

That is the volume of work going on across government; there is quite a thick book of it. I draw hon. Members attention to some of the issues that have been taken up in the past few years. My hon. Friend the Under-Secretary referred to significant milestones; there are almost two pages of significant milestones, although those achieved before 1999 take up only a third of a page. As the rest of the two pages covers milestones since then, hon. Members can see that that work is picking up, and rightly so, because we will have to concentrate a great deal more on this area.

I should like to convey my best wishes to the hon. Member for Romsey (Sandra Gidley). She and I have been involved together in many debates on many issues. I am pleased that there has been cross-party working on this matter and that real progress has been made in the work that we do together on women's issues.

Looking to the future, the Home Office will publish later this month a new comprehensive and transparent domestic violence report that will include greater detail on the national delivery plan and other cross-governmental work. Significant steps have been taken in relation to domestic violence, such as the production in 2003 of "Safety and Justice", the Government's proposals on domestic violence, which led to a range of work.

The work of specialist domestic violence courts was mentioned by several hon. Members. Some 25 such courts will be in place by April 2006 as part of a national programme, and there will be at least one such court area in every region. I believe that Plymouth is being supported to gain such a court by the national programme, which will please my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy).

We are seeing the benefits of those measures. Recent data show that during the Caerphilly domestic violence court pilot, guilty pleas went up from 21 per cent. to 27 per cent., and they averaged 61 per cent. by September 2005. Convictions also went up from 8 per cent. to 19 per cent., and they have now reached 32 per cent. Victim withdrawals fell from 53 per cent. to 27 per cent., and then down to 17 per cent. in the further phase, so we are recognising the value of such measures. Several hon. Members mentioned advocacy, which we value and want to see more of.

The Government have put in place a best value performance indicator for local authorities in relation to domestic violence. That is important, because we are trying to ensure that there are services throughout the country. My hon. Friend the Member for Plymouth, Sutton noted that, at times, there have been few services in certain areas. We want this issue to be given priority, because as many hon. Members have emphasised, this issue is not on one side; it is a huge part of violent crime, and it should be central to the safety plans in each area. There are important indicators. I do not have time to go into all of them, but I can say that local authorities have to consider domestic violence issues such as having a

*[Meg Munn]*

minimum of one refuge place per 10,000 population. They must also have a multi-agency strategy to tackle domestic violence, which is developed in partnership with other areas.

In relation to the future of refuges, I am happy to make the commitment to the hon. Member for East Dunbartonshire (Jo Swinson) that I will ask my right hon. Friend the Secretary of State for Culture, Media and Sport to consider changing the rules. I shall write to the hon. Lady about that.

I am pleased to say that the issues relating to the courts are being given serious consideration not only by my hon. Friend the Under-Secretary, but by Baroness Scotland, who is today visiting the Cardiff specialist domestic violence court and women's safety unit. I am sure that she will be lobbied on the issues raised by the hon. Member for Cardiff, North (Julie Morgan). The Croydon pilot focused particularly on matters of criminal and civil domestic violence courts, which has been raised today. I hope that the pilot will give us more evidence on which we can take these matters forward.

My hon. Friend the Member for South Swindon (Anne Snelgrove) referred to homicide reviews, which are an enormously important aspect of the Domestic Violence, Crime and Victims Act 2004. Domestic violence and homicide reviews will come into force across the country from April.

My hon. Friend the Member for Dumfries and Galloway (Mr. Brown) raised the important matter of encouraging strategies to ensure that victims can stay in the family home wherever possible. Several projects are being taken forward in relation to that, such as sanctuary schemes involving heightened security and co-ordinated support from police and the wider population. Guidelines on establishing such schemes are being drafted by the Office of the Deputy Prime Minister. We plan to publish a brief, targeted consultation document on those issues.

The funding of the national 24-hour freephone domestic violence helpline, which is delivered in partnership with Women's Aid and Refuge, is enormously important. I am pleased to confirm that there will be £1 million of Government funding for the helpline over three years, which will lever in £1 million in match funding from Comic Relief.

I shall deal briefly with issues of sexual offending and rape. Obviously, a great deal is being done through the Sexual Offences Act 2003, and the Government are committed to improving the legal system by tackling low conviction rates in rape and sexual assault cases and through the rape action plan 2002. There was a stock-take of the plan in the summer of last year, whose results will be made known soon so that we can ensure that lessons are learned from it. My hon. and learned Friend the Member for Redcar (Vera Baird) made some important points about how the lessons that are learnt in some situations, such as in the domestic violence courts, can be applied to rape. We need to do more such joining up.

On finance, the women and equality unit has had discussions with the Treasury about the 2007 comprehensive spending review to ensure that gender and equality form a cross-cutting theme throughout the review and to ensure that bids from other Departments are gender sensitive.

On human trafficking, a public consultation is ongoing. We are anticipating developing an action plan. Again, I want to stress the UK's work, particularly during our presidency, in forming the EU action plan on trafficking and ensuring that the issue is highlighted. Indeed, the range of legislation that we have to deal with the matter is really important.

I want my final words to be about respect. A lot was said, quite rightly, about attitudes. We should take this matter forward as part of the respect agenda. It is about what we do in schools, about changing attitudes and about ensuring that there is proper respect for women and for girls. Only when that respect is in place will we finally be able to put behind us these dreadful crimes of violence against women.

*Question put and agreed to.*

*Adjourned accordingly at half-past Five o'clock.*

# Westminster Hall

*Tuesday 14 March 2006*

[MR. DAVID AMESS *in the Chair*]

## NHS Finances

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Claire Ward.]*

9.30 am

**Andrew George** (St. Ives) (LD): I am pleased to have secured this Adjournment debate. It is pertinent, particularly as it comes after what I describe as the sacking of the chief executive of the NHS, and after the announcement only last week that the Royal Cornwall Hospitals NHS trust faces an £8.1 million deficit this year and is engaged in a financial recovery programme that will involve the sacking of 300 staff and the loss of vital services to the trust at three hospitals that cover Cornwall, two of which are in my constituency. I also raised the issue of acute hospital funding on 6 April last year—the debate can be found in columns 1545 to 1554 of *Hansard.*

I should declare an interest, as my wife is a nurse in the local trust. I should also say by way of background that I welcome the increase in NHS resources. I am not mealy-mouthed about the substantial resources that the Government have put into the NHS since 1999. However, many of us are asking what those resources have achieved. There have been cuts in some of the headline figures in respect of waiting lists, but serious questions must be asked about the effectiveness of the use of resources in the NHS.

The sacking of Sir Nigel Crisp last week demonstrated the seriousness of the situation that many hundreds of trusts will face towards the end of this financial year. Arguably, Ministers are more exposed now that he is gone than they were before, and his departure raises questions about why so many primary care trusts, and acute trusts in particular, are facing such high deficits.

**Mr. Andrew Turner** (Isle of Wight) (Con): I apologise for arriving after the hon. Gentleman began his speech. Will he speculate on whether the Government hold any responsibility for what happens at the local level in the health service? They have a propensity to say that it is all a matter for the trusts and PCTs, but they appoint every member of the executive boards of those trusts and PCTs.

**Andrew George:** Given the hon. Gentleman's last remark, one could say that his question is rhetorical. The fact is that the Secretary of State appoints all the boards and sets the targets, guidelines and parameters in which each trust operates. I entirely agree with the hon. Gentleman that trusts are, in effect, agents of the Government—they are not separate from the Government in any way. The Government cannot pretend that trusts are remote bodies over which they have little control, or simply pass the buck and not accept responsibility. I shall further embellish that point later. I do not take the view of those who would like to secure a ministerial scalp before lunch that somehow Ministers must be accountable for the loss of a paper clip in some distant outpost, but they must be accountable for important matters such as the fundamental management of NHS finance. The chief executive lost his job over that issue, and, as Ministers are now exposed, it is the Minister's duty to be accountable.

**John Hemming** (Birmingham, Yardley) (LD): Does my hon. Friend agree that the Government's swerve at the last minute, which involved top-slicing the budgets of primary care trusts by between 1.5 per cent. and, at one stage, 6 per cent., and the withdrawal over three years of the purchaser protection adjustment caused financial chaos across the country for which Ministers are directly responsible?

**Andrew George:** The Minister will have heard that question, so there is no need for me to embellish it. I am sure that she will take it on board and address it when she replies to the debate.

The fundamental question is, where has all the money gone? We know that about half of it has gone on general practitioner, consultant and "Agenda for Change" salary increases, but one must ask where all the rest of it has gone. We also must ask whether the culture of target setting improves performance and patient care or simply adds to administrative complexity.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): As the husband of a nurse, does not the hon. Gentleman welcome what the Government have done, particularly since 1999, in addressing the low pay that bedevilled nursing in particular and, to a certain extent, other clinical disciplines in the NHS? Surely that was long overdue and welcome.

**Andrew George:** Of course it was welcome, but one could set a benchmark against which pay increases would be assessed. GPs work nine-to-five, five days a week yet get five times as much as hospital nurses, who deal with stressful situations and work antisocial hours—weekends, nights and so on. Whether they should receive one fifth of what GPs do is a matter of parity within the NHS, which obviously needs to be sorted out. There is also the question of regrading, which happens whenever pay increases come along. Nurses are often downgraded rather than given a salary increase. The picture is not quite as rosy as the hon. Gentleman describes, although I agree that the general increase—the general trend—is welcome. I thought that I had welcomed it earlier.

The situation is dire indeed in Cornwall, which I mentioned earlier. Right hon. and hon. Members would be surprised if I did not mention it a few times. There are significant overspends this year, but that is not new: the PCTs inherited deficits from their predecessor organisations. The question is whether the services provided in Cornwall as a result of all this extra money being spent—more than the Government had in fact budgeted for—are better than in other parts of the country, or whether there is some other explanation. Also, what future opportunities will there be to review the appropriateness of the Government's funding formula for NHS trusts?

*[Andrew George]*

The situation in Cornwall is serious. There are concerns about how things are being managed, and there is a lack of confidence in the local NHS. Last year, I was at Helston protesting with the local community about the cutting of 10 of 34 beds in that vital community hospital, which serves the remote Lizard peninsula. On Tuesday last week, I was complaining to the chief executive of the Royal Cornwall Hospitals Trust that there were 14 ambulances, nearly the whole provision for Cornwall, queued up outside the front door of accident and emergency at Treliske in Truro, and there were no beds available within the trust to admit patients, yet a day later the trust was talking about a deficit and the need to sack staff.

It is clear that the situation is untenable. It demonstrates that the service is in crisis. Managers go through an admirable coping process and say that everything is under control, but it is not. There are some very serious questions about the future financing of hospital services in places such as Cornwall which need to be addressed. I do not bear any criticism of front-line clinical staff, who are clearly hard-working, dedicated professionals, but local people worry that their service is not being run in the best interest of patients. What is the problem? Is it a failure of staff, of management, of funding or of the Government? We need to understand how funds are allocated to PCTs, and I know that for many this is a rather turgid subject.

Since the national health service was established in 1948, a variety of formulae have been employed to attempt to achieve fair and equitable funding. The present system can be traced back to the resource allocation working party created by the then Department of Health and Social Security in 1976. The working party introduced the concept of weighted capitation, and current allocations in England are weighted in respect of four separate components in NHS funding: hospital and community health services, drugs and prescriptions, general practice infrastructure and HIV/AIDS.

Hospital and community health services account for 82 per cent. of the overall spend, and a population head count is weighted for each PCT, according to age, emergency ambulance cost adjustment, need and market forces. Some, like the emergency ambulance cost adjustment, account for just 0.5 per cent. of the overall allocation. Need indices are not favourable to rural areas. For example, Cornwall, which is the poorest objective 1 area in the country, has significantly less funds according to its need index than the two other, wealthier objective 1 areas—Merseyside and South Yorkshire—and those regions are far more urban than Cornwall.

I will not go into detail about all the factors that go into weighing the matter up, but rural matters tend to lose out on the need index. The biggest impact is the higher weighting given to the market forces factor. The three Cornwall PCTs collectively tend to be at the bottom of the market forces factor league table, which contains 303 PCTs across the country. At present, Torbay is at the bottom, with the West of Cornwall PCT in my constituency second to bottom. However, the table is supposed to reflect local wage rates and other market factors.

I fully accept that all Members engage in a certain amount of special pleading with the Minister for the formula to be skewed in a direction that would benefit their own constituency, and I suppose that I am guilty of that. However, there is a fundamental issue of parity in this case. The market forces factor has a heavy influence on the overall funding allocation and it seems bizarre that the consideration that seems to have the greatest impact on the overall allocation of the market forces factor applies in circumstances where, as the hon. Member for North-West Leicestershire (David Taylor) said, the majority of the funds are spent according to national pay structures.

In any case, there is a lower staff turnover in areas such as Cornwall. The National Audit Office report in 2004, which examined the cause of deficits in Cornwall's PCTs, said:

"There is low staff turnover, with many staff at the top of their payscale."

In fact, in circumstances where Cornwall is at the bottom of the earnings league table for both the public and the private sector, those employed in the NHS tend to be found at the upper end of their pay scale. If anything, we should be getting more money to reflect that, rather than less.

Of course, that still does not justify the abnormality of the heavy weight placed on the market forces factor at the expense of all other factors. For example, the geography of Cornwall means that it cannot call on emergency services from the north, west or south at times of crisis, and that should be factored into its emergency service planning, its ambulance service, its accident and emergency services and the vital casualty service at West Cornwall hospital in Penzance. Regarding access to services, Cornwall's geography means that it is bordered by only one authority to the east, so the capacity to share resources and achieve economies of scale in that way is very limited. The acute trust's provision of services has to operate at 13 different sites, as well as running the three other services.

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): Does the hon. Gentleman share a concern about the new arrangements for out-of-hours services in Cornwall? He will know about the matter better than me, but when I was in Truro just over a year ago, one of the integrated factors there was that the call services for NHS Direct, the ambulance service and the out-of-hours service could operate together. The letting of a contract for out-of-hours services away from KernowDoc will run the risk of further disintegration of emergency services, when we should be moving in the opposite direction by trying to achieve greater integration, at least in terms of commissioning. That seems not to be happening in Cornwall.

**Andrew George:** It is certainly true that there has been enormous surprise and concern about the loss of the contract from KernowDoc. Serco, a company that does not have a tremendous track record so far—I understand it has just started running an out-of-hours service in the Cardiff area—has successfully bid for the out-of-hours contract. I understand the concerns regarding how streamlining or joint working with other out-of-hours services, such as NHS Direct, will be co-ordinated under the new regime, but many GPs who will

be called on to support that service have yet to be convinced that the new arrangements are adequate. In fact, they may add further to the administrative complexity of the service.

To return to the issue of the market forces factor, the King's Fund report in 2004 cites its chief economist John Appleby, who, in issue 114 of the *Health Service Journal*, said:

"While the principle of adjusting purchasers' allocations and providers' prices to take account of unavoidable differences in cost is clearly sound, there is a question of how to do it."

He went on to say that the market forces factor

"is not the perfect solution to the issue of unavoidable cost variations".

That is why I am rather surprised that the Government have not taken into account other geographical factors of the type that I described. There are issues of economies of scale because it is clear that in areas such as Cornwall which have problems of remote rurality one cannot sacrifice accessibility by putting all services into one major centre. The unit costs are inevitably going to be higher if there are more smaller community hospitals and other services of the type that I described. There are bound to be higher travel costs. Research has shown that rural staff tend to travel two and a half times further than urban-based staff—that seems rather a low figure—and higher levels of unproductive time as well as cost prevail as a result. Therefore, staff-to-patient ratios need to be higher.

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Does the hon. Gentleman agree that, without recognition of his point about rurality and the additional costs of having centres in rural areas, where inevitably the unit cost per treatment will be higher, payment by results could have a devastating effect on rural services, such as community hospitals?

**Andrew George:** I accept what the hon. Gentleman says, and I shall come on to my concerns about that particular approach taken by the Government.

When we take into account all those concerns and the need for a skills mix in smaller centres, it is no wonder that the service is struggling financially. Is Cornwall receiving better treatment than the rest of the country because of the benefits of overspend, and are managers being over-generous with their resources? At the same time, ambulance response times in Cornwall, particularly for category A calls, are not very good. In fact, they are among the lowest in the country. Sub-specialties tend to be further away. Often they are in Bristol or elsewhere, 200 or 300 miles away. The accident and emergency service often involves queues outside the hospital. It is not working properly, and there are fewer diagnostic facilities in Cornwall. Often patients have to travel for them, and there is still only one CT scanner.

**Mr. Turner:** The hon. Gentleman is being very generous in allowing so many interventions.

**Andrew George:** Possibly too generous.

**Mr. Turner:** I certainly should not agree with that.

Is the hon. Gentleman aware that in response to my question a few days ago, the Minister conceded that the funding to provide patients with a choice of five hospitals should recognise the cost of travel, otherwise it would benefit the rich and not the poor? Does the hon. Gentleman think that it ought to be taken into account in Cornwall as the Minister said it ought in the Isle of Wight?

**Andrew George:** I am grateful to the hon. Gentleman for that intervention. I was not going to cover the frankly diversionary issue of choose and book, and the expensive computer and administrative system that will need to be put in place for what is a fatuous choice for people in remote areas. It is quite absurd. Most people in my area want to be treated, and treated well, in their local hospital, for which they have enormous loyalty and respect. Instead of the resources going into administrative procedures, they want them to be spent in their local hospital, which is often struggling because of the lack of those resources.

What numerical impact does the market forces factor have on a place such as Cornwall? According to the table I mentioned earlier, on which Cornwall is 11 per cent. below the national average as far as the market forces factor is concerned, the calculation made by the Royal Cornwall Hospitals NHS Trust showed that if Cornwall were just 4 per cent. below the national average, the trust would earn an extra £10 million and the primary care trust would earn £4 million. At a stroke, it would remove the deficit and put the NHS trust into credit. It demonstrates just how important the market forces factor is.

In a debate last year, the then Under-Secretary of State for Health with responsibility for community, the hon. Member for South Thanet (Dr. Ladyman), said in response to me that

"if it is clear that the formula allocation is not working for some reason, it will be reviewed."—[*Official Report*, 6 April 2005; Vol. 432, c. 1554.]

I hope that the Minister accepts that there are serious concerns today about how the allocation operates.

In the national context, we must consider more widely why funding crises affect a quarter or more of NHS trusts. There is bureaucracy, and there is a large number of chief executives. Even allowing for Sir Nigel Crisp's intervention last summer, when he sought to amalgamate many PCTs, 13 chief executives still need to come together to obtain a strategic view of health services in Cornwall. That includes social services, all PCTs and the various trusts that serve the Isles of Scilly and Cornwall. At the end of the PCT amalgamation process, all we have ended up with is too few chief executives—not a big change at all.

**David Taylor:** I am grateful to the hon. Gentleman for giving way yet again. Is not he struggling to make a case for a national funding crisis? We are dealing with perhaps £800 million, which is approximately what the Chancellor of the Exchequer raises from taxation every 12 hours. If a large public service such as the NHS is within 1 per cent. of the framework set for it, it is evidence of a service in neither meltdown nor acute

*[David Taylor]*

crisis. Some tuning is needed, however, particularly at local level in the quartile of PCTs that have the greater problems.

**Andrew George:** That is very brave. I have already said that I welcome the money; the question is, how is it being spent? According to the Department's own figures, the number of managers since 1997 has increased by 68 per cent., while the number of nurses—welcome, indeed—has increased by 23 per cent. We have to identify where the money is going, and it appears to be going to management to feed the complex bureaucratic system that the Government have set up.

**David Taylor:** Will the hon. Gentleman give way?

**Andrew George:** No, I will not.

On top of the complex funding mechanisms and the ball and chain of the market forces factor, Cornwall faces another factor: owing to the way that resource accounting and budgeting works, when Cornwall goes into deficit, it receives less money in the following year by the same amount as its current deficit, meaning that it must then run forward weighed down by two balls and two chains. The whole system is bizarre.

**Mr. Lansley:** The hon. Gentleman has been generous in giving way. Does he share with me the view that, contrary to the contention of the hon. Member for North-West Leicestershire (David Taylor), the nature of the financial problem is the sheer volatility and uncertainty experienced by trusts? Last year, the Royal Cornwall Hospitals NHS Trust had £26 million of planned and unplanned support; this year, the strategic health authority has put in further support. The authority's own report shows that the forecast deficit deteriorated from £11.9 million for the whole SHA from month nine, the end of December, to £23.5 million at the end of month 10. The situation is deteriorating seriously. The hon. Member for North-West Leicestershire may call it tinkering or trimming, but the reduction of 300 jobs at that trust is serious.

**Andrew George:** I hope that right hon. and hon. Members will not mind that, having taken so many interventions, I have taken so long. It is important to tease out the issues.

It is true that as the Government, through the Secretary of State, appoint the Royal Cornwall Hospitals NHS Trust board and chief executive, they are responsible for the climate in which the board operates and the decisions that it takes. The Secretary of State should face those 300 people to explain to them that they are losing their jobs because of the direct relationship between that extremely bad news and the decisions that she takes.

If I had time, I could explain why payment by results has a distorting effect, adds to trusts' administrative costs and does not help with greater efficiencies. The target culture also has a distorting impact. I understand that we must seek incentives to meet the need for desirable outcomes, but hitting targets often means missing the point. Although performance against targets seems okay, actions taken have been at variance with the intention of those goals. Ambulance waiting times outside accident and emergency units show that patients are not brought inside because of the fear that they will reach the four-hour waiting time limit. An admissions netherworld has been created in which people are taken out of accident and emergency units and put into clinical decisions units before they are eventually admitted. I am not sure that those situations are entirely clinically acceptable.

The target culture also distorts clinical priorities and patient safety. Ambulance response time targets are met by co-responders and volunteers. That is fine, and we appreciate the efforts of those volunteers, but often that is simply a ploy by which to address the need to meet ambulance response time targets. Targets also encourage a culture of cynicism and manipulation of data, as shown in the article by Gwyn Bevan and Christopher Hood in the *British Medical Journal* on 18 February this year. The target culture creates additional bureaucracy, as shown by a consultant in my constituency, Alastair Paterson. He treated all his serious cancer patients immediately, without a waiting list, but he was told last year that he had to create a waiting list—more unnecessary bureaucracy.

All that raises questions, and I have given the Minister notice of some of the issues that I shall raise. In my view, local authorities, because of the budgetary constraints and strictures on them, are, in effect, agents of Government. If that is true, certainly primary care trusts and acute trusts are agents of Government.

How can we explain the overspend in Cornwall? What assessment have the Government and the Minister made of the appropriateness of the funding formula for places such as Cornwall? What opportunity will there be to vary the formula? If the problem is management incompetence, the Secretary of State should step in, but if the problem is not incompetence or bad management, there must be another explanation, which must include questions of formula funding. Does the Minister accept that some of the largest proportionate deficits are experienced in the poorest regions? Does she accept that targets in respect of the new so-called private sector disciplines have an impact in terms of increased management costs?

The situation in Cornwall is extremely serious. I am sure that the Minister understands that 300 people will lose their jobs. Patients in Cornwall, who need better services and better access to services, need proper answers. The mayor's parlour campaign team in Cornwall is asking for a review of health spending in Cornwall. I hope that the Minister will consider these questions seriously. The problem is not only national; in some areas, there is a particular focus and a particular acute need. The acute need in Cornwall needs to be addressed by the Government undertaking a review of funding and spending and of the provision of hospital and acute services.

**Several hon. Members** *rose—*

**Mr. David Amess (in the Chair):** Order. I shall begin to call Opposition spokesmen at 10.30 am. Many hon. Members are seeking to catch my eye, so unless speeches are extremely short, there will be widespread disappointment. I call Tony Baldry.

10.3 am

**Tony Baldry** (Banbury) (Con): The hon. Member for St. Ives (Andrew George) has done us all a great service today. The Minister will go through her Division Lobby and talk to her colleagues, but she needs to note the fact that, on the Labour Benches generally, there is not enormous concern about the NHS, as is evidenced by the fact that there are very few Labour Members in this Chamber today. That is not because they are uninterested in the subject, but because of the way in which the Government have skewed the formulas and the fact that we now live in two Englands. That so many colleagues are present from the south, the centre, the west and the east of England shows that the NHS, in parts of the country, is in serious difficulties. In Oxfordshire, for example, we received only 85 per cent. of the average of national spending on the NHS.

I shall ask the Minister specific questions. The Oxford Radcliffe Hospitals NHS trust faces a £15 million deficit for this financial year. The strategic health authority, at the behest of the Secretary of State, sent in the accountants, the turnaround team. That team concluded that there was no financial mismanagement at the trust—indeed, no incompetence whatever—but that the deficit arose because of "over-trading". The deficit did not become apparent until halfway through the financial year. If it was caused by over-trading, that over-trading did not become apparent until halfway through the financial year. Who is responsible for that? Is it the PCTs, which are the commissioners? Is it the Oxford Radcliffe Hospitals NHS Trust? Should it have known that it was over-trading, should the Thames Valley strategic health authority have had mechanisms in place to see what was going on in a key trust, or should the Department itself have known that something untoward was going on?

What do Ministers and their financial advisers mean by "over-trading"? Surely it means simply that GPs have been referring patients on the waiting list to the Oxford Radcliffe Hospitals NHS Trust list for perfectly legitimate treatment and operations. How will Ministers deal with such "over-trading"? We have seen that, in part, they are dealing with it through the rather bizarre system called the clinical liaison advisory service, which is, in effect, second-guessing GPs' referrals. That means that the system is trying to limit the number of people who can have access to hospital treatment in Oxfordshire.

Today is Tuesday 14 March. The end of the financial year is only days away, but we still do not know how the Oxford Radcliffe Hospitals NHS Trust will save £15 million—we have absolutely no idea. I wrote to the chief executive, Trevor Campbell Davis, some two weeks ago, asking whether he could give some indication as to how, between now and the end of the financial year, he intended to save that money. As of yet, I do not have a response. I think that that indicates that the sum is so significant that the savings can be made only through large-scale closure of wards, large-scale reductions in services and very considerable postponement of operations. Whose responsibility is it to ensure that the books of the Oxford Radcliffe Hospitals NHS trust are brought back into balance? Is it the responsibility of the chief executive of the trust or is it the responsibility of the chief executive of the Thames Valley strategic health authority?

**Mr. Paul Truswell** (Pudsey) (Lab): Will the hon. Gentleman give way?

**Tony Baldry:** I will not give way because quite a lot of colleagues want to speak.

We experience hit after hit in Oxfordshire. Only this week we were told that, under the purchasing parity formula in the NHS, we will lose £4.5 million. That presumably means that the single PCT that will emerge in Oxfordshire in the summer will have £4.5 million less to spend next year. Some Labour Members consider such sums to be trivial. Actually, for a trust that is having to save £15 million of unplanned spending, these slash-and-burn cuts always happen not in the most rational way but in such a way that the largest amount of money can be saved in the shortest time, and that often damages health care considerably.

We have yet to see the worst in Oxfordshire, because we have yet to know where the cuts will fall. My real concern is that, in a sense, this issue has nothing to do with the total sum of money going into the NHS. The Minister should reflect on this. The failures that occurred in Oxfordshire were failures of mechanisms. How was it that it took until halfway through the financial year for anyone to realise that anything untoward was happening? What was happening was not really untoward. The Oxford Radcliffe Hospitals NHS trust was simply doing what it was meant to be doing: treating lots of patients. It is a major teaching hospital and research centre of excellence and it will always treat a large number of people. We all need to know from the Minister what mechanisms will be put in place to stop the type of crisis that I have described recurring year after year.

My final point is that the Thames Valley strategic health authority this year had to find, quite justifiably, an extra £15 million for Milton Keynes because the census did not take account of the fact that Milton Keynes had grown so fast. If the authority had had that extra £15 million, it would not have had to raid its reserves and borrowings to bail out Milton Keynes. It would have had some money that it could legitimately have used to help the Oxfordshire health economy to get back into balance this year. Of course, it must get back into balance, but perhaps it could have done so from a position of stability, rather than going into next year with £15 million of cuts from this year to sort out, as well as having to make substantial reductions in activity next year to avoid the "over-trading" position that we are in this year. I should be grateful if the Minister could answer those points today or write to me.

10.11 am

**Mr. Graham Stuart** (Beverley and Holderness) (Con): Like other hon. Members, I welcome the debate and congratulate the hon. Member for St. Ives (Andrew George) on securing it.

The background to the deficits in the NHS is Britain's transformation as an economic power. The previous Conservative Administration took this country from its status as the sick man of Europe and an economic

*[Mr. Graham Stuart]*

basket case to, in 1997, the status of the most powerful economy in Europe—more powerful than any other in the area. That provided an unprecedented opportunity to transform not only health outcomes but outcomes in a welter of policy areas that would affect the most vulnerable and the weakest in society.

The health opportunity—the opportunity to transform our health care—was, I think, particularly great. To give the Government credit, as other hon. Members have, it could be said that perhaps it has taken a Labour Government to make the record investments in the NHS that have been made, notwithstanding the large increases in spending above inflation that took place under the Conservative Government; but how has the opportunity been used? How has the transformation of the British economy that was brought about by the previous Conservative Government and inherited by the present Government been used to improve health outcomes? Unfortunately, despite their being one of the Government's key targets, health inequalities have in many cases widened and worsened despite the record sums that have been available thanks to the transformation of the economy.

The Government's report, "Tackling Health Inequalities", said that the gap in life expectancy between the bottom fifth and the population as a whole widened by 2 per cent. for males and by 5 per cent. for females between 1997–99 and 2001–03. It goes on to deal with the gap in the infant mortality rate between the poorest and the general population, which was 19 per cent. higher for the poorest in 2001–03 compared to 13 per cent. in 1997–99.

The NHS, which is now going into crisis, has had record spending put into it, but the very group for which one would have thought the Labour Government would most make a difference—and indeed they promised that they would make a difference to that group—has been let down. In fact, Danny Dorling, professor of human geography at the university of Sheffield, has said:

"This is the first Labour government that has failed to narrow the gap. It is astonishing after eight years and making reducing health inequality a key target that we are in this position."

Not only is the health service now in financial crisis, with the chief executive forced out ahead of his own timetable, and not only is it recognised that there are hundreds of job losses around the country, but we actually have wider health inequalities at a time of record spending.

This is a true financial crisis. Arguments that it is less than 1 per cent. of the spend are not matched by the reality on the ground, or by the top-slicing that hon. Members have already referred to, which has effectively punished those who have managed to balance their books. That is a direct result of the way in which the Government have interfered, using target culture and central interference in the NHS.

**David Taylor:** Will the hon. Gentleman give way?

**Mr. Stuart:** I am always delighted to give way to the hon. Gentleman, but just before I do perhaps I may quote the chairman of the British Medical Association's consultants committee. The Minister may find it harder to dismiss his comments than she does to suggest that Opposition Members are trying to score points for no purpose. The chairman, Dr. Paul Miller, said:

"It is hard to understand why at a time when the government has invested unprecedented funding in the health service, trusts may have to lay off staff and close wards . . . Something is going terribly wrong"—

I can understand why the Minister does not want to listen when she hears this from the chairman of the consultants committee—

"when patients pay the price for these financial problems and the government's lack of joined-up thinking".

That is what the professionals think, and I am interested now to hear from the ever-loyal hon. Gentleman.

**David Taylor:** I did not recognise that description, but I am grateful to the hon. Gentleman for giving way. I want to challenge the suggestion by his Front-Bench colleague that I described the current position as trivial for the trusts involved. The key point that the hon. Gentleman and other hon. Members are bringing out is not the burgeoning of an NHS bureaucracy, which is often the butt of attacks by Opposition Members, but the chronic under-management, over many years, of parts of the NHS and, indeed, the dire need for talented public sector accountants and others involved in information and communications technology. I declare an interest as a member of both professions. Is that not the issue, rather than the construct that the hon. Gentleman is trying to sell to the House at the moment?

**Mr. Stuart:** I apologise to the hon. Gentleman for suggesting that he is ever loyal, which, as some of my colleagues have pointed out, is not true. None the less, he is doing a very loyal job today and putting a brave face on a situation that is almost impossible to defend. We have had a 68 per cent. increase in the number of managers in the NHS, dwarfing the number of clinical front-line staff. It is only in a target-driven, centrally directed and bureaucratic NHS that we need such huge numbers of managers. People want decent local hospitals in which the local management, who are appreciated, do not fill in endless forms and reports-back to meet artificial Government targets, but focus on their local population.

That is the answer. Because of the central controls driven by the centralist state, we have cricked-neck policing and cricked-neck health care. Managers are unable to look down and provide answers to the needs of the local population. Instead, they are for ever turning their necks to look up as they feel their chains being pulled by Ministers; and as the panic increases in the Department in question, the yanks on the chain increase too. It may be hard for some hon. Members to imagine—at least not without pleasure—the Minister playing with a chain in that way. *[Interruption.]* I am getting into dangerous territory and will rapidly move away from it. If the Minister wants to intervene, I should be grateful. In fact, I should be grateful if anyone would.

There is a growth in inequalities. There is a financial crisis, and we have seen the departure of the chief executive, a senior civil servant in the Department of Health. The Government's response is to blame others. We will not look to the Minister today to play the game of dubious statistics and pretending that all is well despite what is happening in our constituencies. In my

constituency, the Hornsea minor injuries unit has been saved. We are grateful for that. Its hours have been slashed, although it can take seven hours to get by public transport from the Hornsea area into Hull and back again. That is the reality for rural areas. The same hospital has lost 10 beds and there is a waiting list. One old lady—the hospital can be seen from her home—was on a waiting list while she was in Hull and unable to return and be supported by friends and family. That was because of cuts made purely on the basis of the trust's financial position.

In the same trust, in Withernsea, which is also in my constituency, the minor injuries unit that used to operate 24 hours a day has had its opening times halved. That, again, is the result of financial chaos and crisis in this Government's NHS. Perhaps it is inevitable that the statistics will be rolled out in an attempt to show that all is well, but I hope that the Minister will recognise the real issues right across Members' constituencies. As a Member representing a constituency in the north of England, I can tell my hon. Friend the Member for Banbury (Tony Baldry) that the north is not unaffected.

**Mr. Truswell:** Will the hon. Gentleman give way?

**Mr. Stuart:** I am going to finish, so I apologise to the hon. Gentleman.

I hope that the Minister will be honest with us, admit the problems and suggest how they might be tackled, so that areas such as mine, and the poorest, most vulnerable people in them, cease to be let down by a Government who have spent fortunes but delivered too little.

10.20 am

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I realise that time is marching on, so I shall keep my contribution as brief as possible. I simply want to put on record some of the specific challenges facing my primary care trust in Milton Keynes, and I am grateful to my hon. Friend the Member for Banbury (Tony Baldry) for setting out some of the special problems that we face.

I start by paying tribute to the primary care trusts' hard-working staff. All too often, the focus is on doctors and nurses, and little credit seems to be given to the support staff, so I would like to sort that out today.

Like virtually every trust in the country, Milton Keynes primary care trust faces a difficult financial year in 2006-07. I can, however, praise the Government—this is one thing I can praise them for—because, for first time in many years, due recognition will be given to the fact that the population of my city has increased rapidly. That has helped to relieve some of the pressure, because the old funding formula was based on out-of-date population figures, which made life difficult for trusts such as Milton Keynes.

Although I am always happy to give the Government credit where credit is due, I would probably struggle to go any further, and I apologise for that. One of the principal problems facing the trust is that although it has extra cash to take the population increase into account it feels that it has much less control over that cash. Given the current NHS crisis, it does not understand why the Government are retreating into centralised control, rather than allowing it to have total control over its cash.

With that issue to one side, it is clear that this will be yet another difficult year for the health service in Milton Keynes. However, one of the things that impresses me most about Milton Keynes PCT is that it has a clear strategy, despite the financial constraints, of developing services. It is not simply retreating. At the heart of that strategy is the start of a major change, with the trust moving from being an illness service to a health service, and I am sure that all of us would support that. Two key priorities will be to start moving more services closer to where people live and to change the pattern of emergency care. The hope is that that will be achieved by experimenting with emergency care practitioners visiting people at home, opening a walk-in centre and reducing the need for emergency care.

That, however, is where I begin to have a problem. Although those are innovative ideas, which should be applauded, the primary care trust admits that part of its motivation comes from the fact that emergency care costs are spiralling and that reducing emergency admissions is a key target in the trust's effort to contain costs.

Other factors also mean that the trust's scope for manoeuvre in the next financial year will be extremely restricted. First, the strategic health authority has charged the trust a one-off levy of £5.5 million to pay off debts from the current financial year across the region and meet the cost of reorganising the health service—an issue to which my hon. Friend the Member for Banbury referred. The idea is that some of that money will be returned to the trust at an unknown date in the future, but that is the key point—the date is unknown. My question is whether the financial crisis in the NHS has reached such a point that we now have to rob Peter to pay Paul. When will that money be returned? How can people plan?

Secondly, virtually all the £2.5 million that the trust has been told that it can use to provide extra services is already committed to the running of the new walk-in centre and paying for the new electronic care records system—there is simply no room for manoeuvre. An added problem is that the tariff and rules associated with payment by results are still being revised, and the final figures have not been released. Combined with the fact that the trust simply does not know when the money that it has to pay to meet the one-off levy will be returned to it, such problems make budgeting for the future very difficult.

I have a message for the Minister. As she may be aware, Milton Keynes is an unusual city in that it has a Labour MP, a Conservative MP and a Liberal Democrat council. However, all three political parties are united in their belief that the only future for Milton Keynes primary care trust is for its boundaries to be coterminous with those of a unitary authority. We have a great history of working closely with our great council, and not a single person believes that we should move to a wider primary care trust, which would share the north of Buckinghamshire.

My final point is about the Two Shires Ambulance NHS trust, which is an excellent three-star trust based in Northamptonshire and Buckinghamshire. It has a

*[Mr. Mark Lancaster]*

budget of just £30 million, and although there might be financial incentives for creating a larger trust, there is great unease locally that a super-trust that stretched all the way down to the Isle of Wight would be too large and that much local knowledge would be lost. There is great cynicism locally when the Government say that they are consulting on the reorganisation of the Two Shires trust. Will the Minister explain why, if the consultation period is still open, the jobs of chief executive and chairman in the proposed new super-trust were advertised in *The Times* on 19 January? Is that really what consultation is all about, with decisions being made long before consultation periods are closed?

10.26 am

**John Hemming** (Birmingham, Yardley) (LD): I thank my hon. Friend the Member for St. Ives (Andrew George) for arranging this debate. I also thank you, Mr. Amess, for calling me to speak, and I know that I have to end at half-past 10. I had not intended to speak, but when I saw how few Members were intending to participate, I thought that I could perhaps get in.

I particularly congratulate the hon. Member for North-East Milton Keynes (Mr. Lancaster) on identifying all the key points that are causing a major crisis in the finances of the health service. The hon. Member for Banbury (Tony Baldry) mentioned purchaser protection adjustment, and there is also the top-slicing of primary care trusts and the fact that we do not yet know what the tariffs will be. It is important to understand what impact that can have on hospitals.

There are certain ways in which trusts can press a button and get money from their PCTs. Some PCTs are finding that unusual things are being diagnosed and that that benefits the trusts. We cannot complain when trusts do that—they are simply using the processes that exist—but it puts other PCTs under financial pressure.

The top-slicing varies. The initial figures were between 2 and 6 per cent. and will perhaps end up at 1.5 or 2 per cent. The purchaser protection adjustment may be 2 per cent. For my trust, it is 2 per cent. this year, 3 per cent. the year after and 4 per cent.—compared with the current financial year, of course—in the subsequent year.

The big problem is that things are done at the last minute. Anyone who does financial planning in the public sector needs time to plan. In that respect, Ministers have responsibility for the shambles that they are creating in the health service because they are signing off last-minute changes to the finances. A large part of those finances are difficult to change, so those parts that can be changed suffer greater changes, and emergency care is one of them. Obviously, certain people put a greater demand on emergency resources, so a lot of effort will go into them.

It has recently been argued that managers should be sacked without compensation if they fail to manage finances—that is, they will not get a peerage. However, we really have to ask whether Ministers should be sacked without compensation for putting us in the current situation, because this is the calm before the storm. It is no good the Government saying, "It's all about local decisions," because it is not. The Government claim credit for putting lots of money into health services and say, "Isn't it brilliant?" They then cut the amount available and say, "It's nothing to do with us, guv—it's all to do with local decisions. You've closed the hospital. You've got to balance the books." However, the fact is that last-minute changes are causing the crisis.

Payment by results is turning into a massive shambles across the country. There are last-minute changes, there is no co-ordination and people have no time to plan. Frankly, we have to look very carefully at top-slicing and payment by activity, which is about £320 million across the country. If we reverse that, there is a better chance of doing something over the next year. Otherwise, everything will be a total mess.

10.29 am

**Steve Webb** (Northavon) (LD): May I begin by joining others in congratulating my hon. Friend the Member for St. Ives (Andrew George) on securing the debate? He is known across the House as a doughty fighter for Cornwall, and he has demonstrated that again this morning.

Let me pick up from where my hon. Friend the Member for Birmingham, Yardley (John Hemming) left off. In a typically terse and effective contribution, he highlighted the kernel of the problem, namely that nobody objects to financial discipline and rigour when huge amounts of taxpayers' money are being spent, but that those on the front line and the people who manage our hospital finances are faced with permanent revolution. As many colleagues know, there is an attempt in local government to give longer-term stability through two or three-year budgets. The way things are going, the NHS would like three-week budgets.

To expand on the example given by my hon. Friend the Member for Birmingham, Yardley, a letter went out to PCT finance directors on 1 February to say that the purchaser parity adjustment—the adjustment made in cases in which the amount paid is different from the tariff—will be halved next year. So at six or seven weeks' notice, trusts suddenly have millions of pounds more or less than they expected. To pick two cases at random, at about six weeks' notice, South Gloucestershire PCT will lose £3.8 million and Oxford City PCT will lose nearly £10 million. How is the front line, which is accused of being causing the deficits by mismanagement, expected to manage against a backdrop of permanent change? We are told that the system is designed to reward well managed trusts—those that get their deficits under control—yet those that have done so now find that their budgets are to be top-sliced to try to bail out other parts of the system.

In the midst of all that, the kernel of a good idea is trying to get out. That is to say that, given that the NHS has been shockingly unaware of its costs under Governments of both of the two larger parties for a protracted period, the move to sort out the situation, identify what the costs are and reflect them more accurately is a move in the right direction. However, we should not try to sort out in 10 weeks structural imbalances that have been built up over 10 years or more. What have the Government done? Instead of recognising that there are imbalances and developing a

long-term strategy to sort them out, they are hastening the process of reform by bringing in and standardising the tariff prices more quickly. That is a strange reaction to the imbalances.

The hon. Member for North-West Leicestershire (David Taylor), in an unusual display of loyalty, said, essentially, "What is £800 million among friends? It is not a big percentage." However, it is a mistake to net off the surpluses against the deficits, because the fact that there is a surplus somewhere in the country does not make life any better for the place that has the deficit. The gross deficit is therefore bigger than the figure that he cited. We have heard from my hon. Friend the Member for St. Ives about the front-line impact of the imbalances.

It is possible to get hysterical about all this, and I accept that it is important to keep the issue in context. However, we have to accept that there is a serious problem if front-line services have to be cut, and local people cannot plan because they do not know from one week to the next what their budget is going to be next year.

The hon. Member for Banbury (Tony Baldry), who is no longer in his place, mentioned over-trading. The situation is surreal: the NHS is being driven to be more efficient, do more operations and get waiting lists down, but when it does so, it is told that it is working too hard, doing too much and causing problems and needs to slow down. We have all heard of examples. Through the Liberal Democrat website, libdemnhswatch.com, we have heard of instances that occurred earlier in the year of sessions being cancelled and people being told that they could not run their clinics. Waiting time maximums are turning into waiting time minimums. In other words, people who could be seen quicker because there is capacity in the system are being turned away and NHS facilities are lying idle because the money has gone and more cannot be spent until 1 April. That is mismanagement on a grand scale. However, it is not happening at a local level predominantly; it is happening at central level.

**David Taylor:** Predominantly?

**Steve Webb:** Yes, predominantly. Nobody is suggesting that everything is perfect at local level, but I think that, on reflection, the hon. Gentleman will agree that the serious mismanagement comes from the top. The trusts are acting within a framework that is determined at the top. We welcome decent pay for nurses—we have all campaigned for that—but the environment within which trusts operate is centrally determined contracts for staff, centrally determined contracts for consultants, and central arrangements for practically everything that trusts do. However, when there is a shortfall in paying for overpriced PFI contracts—perhaps the hon. Gentleman will be more sympathetic to this point—and the sums do not add up because central Government have set the tariff, it is said that the fault is local.

**Mr. Lansley:** Does the hon. Gentleman take the view that the flexibilities that should be offered to trusts should include an ability to price at the margin for their additional capacity? If they have available capacity, they should be able to offer it to PCTs at a marginal price in order to use it more effectively.

**Steve Webb:** I certainly think that that is worth considering. Anything that enables existing capacity to be used, instead of sitting idle, must be worth considering, so I am sympathetic to the idea.

**David Taylor:** Is the hon. Gentleman announcing a Liberal Democrat regional pay policy for NHS workers? In relation to PFI, did he pick up in today's paper the fact that the midwife of many an expensive PFI project, Laings, saw its profits jump by 43 per cent. this year? Did not his heart sink, as mine did, when that figure emerged into the public arena?

**Steve Webb:** I knew that I could get the hon. Gentleman off the path of loyalty if I tried. Yes, my heart would, indeed, have sunk had I read that article. That is another example of national Government policy, driven from the top, causing local NHS bodies to spend money less effectively than they might. Of course one can always spend more money, but that is not always the answer. The answer is to spend the huge amount of money that has been provided more effectively. In many of the examples of which we have heard, that is not being done.

That is a classic Government response. Take the example of winter pressures. When there is a problem in winter, money is suddenly found. If that money had been in the budget at the start of the year, it could have been carefully planned and carefully spent. What tends to happen is that central Government panic and throw money at a problem. That is a much more expensive way of doing things. One has to hire people at short notice and drag in extra capacity. Yes, waiting lists have come down, but at great cost. The Government have bought in extra capacity at a high price, when the NHS has capacity at a lower price. However, because of dogma, the Government are determined to spend the money and they have not got the bang for their buck. That is the problem.

People keep asking, "How can they have spent all that money but ended up in this situation?" Part of the answer is that a lot of the spending has been unsustainable. Money has been spent on one-off gimmicks and long-term expensive financial contracts. We need long-term financial stability, so that local trusts have freedom, local accountability and the ability to plan. Any rational business would run on that basis. Central Government must take a share of the responsibility.

The hon. Member for Beverley and Holderness (Mr. Stuart), who makes thoughtful contributions to debates such as this and has campaigned effectively on community hospitals, raised the interesting question of how we can have spent all that money but see health inequalities growing. The problem is that deficits tend to be in places where life expectancy is, on average, better—central London is a different issue. Unfortunately, it would not necessarily help health inequalities if one were to equalise the financing and if money were to go to the deficit areas and away from the surplus areas; we are trying to tackle a double problem.

*[Steve Webb]*

I have one further point. We have heard about the deficits that roll over to the following year. That is not well understood—meaning that I did not understand it until relatively recently when I went to see a PCT and was told that the problem was like a double ball and chain. The PCT was going to be £20 million in deficit at the end of the financial year, and that money was going to be knocked off its income for the following year. Therefore, if it has a structural deficit of £20 million and if it does exactly the same next year as it did this year, it will be £20 million down next year. However, because its income has been cut by £20 million to pay back last year's debt, it will be as though it is £40 million down. How is it expected to recover from that? There needs to be a more measured transition to sorting out the underlying structural deficits and imbalances. However, the Government engage in constant revolution and helter-skelter reform. They do not give a chance to phased, managed transition, which has to be the best way of using taxpayers' money.

My hon. Friend the Member for St. Ives has done the House a great service in bringing the topic before us. I hope that the Minister will tell us that she is going to put in place structures that will allow local managers to manage and to plan, and not to be subject to constant meddling.

10.39 am

**Mr. Andrew Lansley** (South Cambridgeshire) (Con): I agree with the hon. Member for Northavon (Steve Webb) that the hon. Member for St. Ives (Andrew George) has found a timely opportunity to debate these important issues. It is timely not least in relation to his own health economy, where the pain of these issues is being felt considerably.

I note from the South West Peninsula strategic health authority's report at the end of January that it was looking not only at a sharp deterioration between months nine and 10, but at significant additional risks: £31 million of high risks were identified, illustrating the nature of the range of challenges that the authority has to deal with. All of those challenges are increasing the financial turbulence, whether it is the likelihood of emergency referrals being faster than was planned, which has been mentioned by a number of Members, or the implementation of "Agenda for Change".

One thing that has not been mentioned, except by the hon. Member for Northavon, is the range of costs imposed on the NHS by central Government. It does not mean that the improved remuneration for NHS staff is wrong. What is wrong is to have gone down the path of contracts, whether with GP consultants or "Agenda for Change", and for central Government to have underestimated the cost impacts of those changes, which they are imposing on trusts, and brought them all to bear at the same time, even though increases for the NHS are rising fast.

I shall respond to several points that were raised in the debate. Time does not permit a full discussion of NHS finances, but we will have an opportunity to discuss that again on Monday, on the Floor of the House, courtesy of the Liaison Committee.

The hon. Member for St. Ives raised an important point about resource allocation. No doubt the Minister will want to repeat something that she said on "Newsnight" the other night—that Liverpool has been subsidising the rest of the country for years. That is an interesting approach to finances. She may well say that Central Liverpool primary care trust has a weighted capitation of £1,100, but South Cambridgeshire PCT, which I have the honour of representing, has one of £1,300; ergo, her conclusion is that Central Liverpool is underfunded relative to South Cambridgeshire and is subsidising it. On that argument, Scotland is subsidising the rest of the UK dramatically in relation to NHS resources. West of Cornwall PCT has a weighted capitation of only £1,139, but that is in excess of Central Liverpool, so no doubt Liverpool is subsidising West of Cornwall.

Let us consider how much real money—cash—is going into those PCTs: in terms of the weighted capitation, it is £1,161 to West of Cornwall, £960 to South Cambridgeshire and £1,491 to Central Liverpool. I do not dispute that Central Liverpool should have more money than South Cambridgeshire, but I do dispute that a £530 difference—more than a 60 per cent. increase in resources in Central Liverpool—is necessarily justified by the levels of morbidity. That is happening across the country, and it is partly geographical.

The Secretary of State admitted to the Health Committee that the healthiest and wealthiest parts of the country were suffering those impacts. Where do we end up? We end up standing in a hospital, as I did recently at the Luton and Dunstable hospital, where I talked to the stroke board about patient discharge arrangements. The hospital deals with two PCTs: Luton PCT, which is relatively deprived—for every patient that the hospital sends out to that PCT discharge arrangements are in place—and Bedfordshire Heartlands PCT, which is relatively well off. However, many of the patients discharged to that PCT have no rehabilitation facilities available to them.

We need to do a number of things on PCT allocation. The hon. Member for St. Ives is right to say that we need to consider carefully the market forces factor. Somewhere written on my heart is "area cost adjustment". Those who know about local government finance will know that we had a long and tortuous debate about these things. One clear lesson of that debate was that where there is centrally determined pay in the public sector, it is not right simply to adjust resource allocation in line with local labour market conditions, and there is an interaction between central pay arrangements and local pay which hits somewhere between the two. That relationship must be observed; the real costs of employing staff in that area must be understood, bearing in mind the local labour market and national pay arrangements; and a proper adjustment must be found.

The Advisory Committee on Resource Allocation is reviewing PCT resource allocation this year, and it is right that it should do so. As we have stressed to the Government before, they should be looking increasingly to move from demographic assumptions based on Office for National Statistics data to GP practice lists. If the quality and outcomes framework tells us anything, it is that, increasingly, we know how many people in a

community have asthma or diabetes or live with chronic conditions. Those considerations are a major component of overall costs.

**Steve Webb:** This is the first time that I have heard the hon. Gentleman say that, but is there not an issue about GP lists being incomplete in urban areas? Is it not the case that the middle classes always register, but the urban poor do not? Might not funding be skewed away from those who are most in need?

**Mr. Lansley:** Of course. I do not pretend that that is the only measure, but it is clear that some aspects of morbidity in communities are not being captured by the demographic figures presented by the ONS. In so far as there are mismatches between GP practice lists and what ONS data tell us about the number of people and the nature of the population, that must, of course, be adjusted for. As we have discovered with local government and health financing, getting allocations right is never a simple matter, but it is perfectly clear that it is wrong at the moment and needs to be changed.

The hon. Member for Northavon seems to be saying that the only way to deal with the current situation is to stop reform and hold everything up. In truth, there are two considerations. The first is that the Government have put a great deal of additional money into the NHS in the absence of reform, and are now in a hurry because they did not sort many of those things out earlier. The NHS plan in 2000 should have been just that, an NHS plan that began in 2000, but many of the changes, such as PBR, or payment by results, and the tariff, are being introduced in 2006 and 2007—that is how far behind the plan is.

The second consideration is, frankly, incompetence. At the end of the last financial year, the Government did not know what the deficit was. Three months after the end of the financial year, the Secretary of State was telling the House that it was a net £140 million; it turned out to be £250 million. As the hon. Member for Northavon said, that £250 million disguised the fact that there were gross deficits of over £600 million. In the debate that we had on the Floor of the House in November, we told the Government that it looked as though net deficits would be in the order of £700 million and that gross deficits would be £1 billion. The Secretary of State said, "Oh, it will be fine. We are actually planning. All the recovery plans are in place and the net deficit this year will be lower than it was last year." However, we know from what the late, lamented Sir Nigel Crisp told the Health Committee a week or so later that a £200 million net deficit was being targeted for this year.

**John Hemming:** Does the hon. Gentleman share my concern that frequently in NHS organisations, but not always, recovery plans involve getting additional funds from other NHS organisations, which, obviously, on a net basis, does not really help much?

**Mr. Lansley:** Sometimes, that is how the recovery plans are put together. In some instances, that is an acceptable way of dealing with things in a local health economy. What is unacceptable—I was going to come to this—is to go to the point at which the whole direction of reform in the NHS is being perverted. Taking one third of the addition to PCT allocations next year, which is what a 3 per cent. top-slicing on PCT allocations is, effectively says to PCTs across the country, "You can't plan on the basis of the cash increases you were anticipating for next year. All the growth money that might have been available for you next year is going to be taken away from you." In effect, all the decisions about system improvement and growth in the NHS next year will be determined by strategic health authorities, and probably taken away in order to use deficits, so there will be no growth next year as a consequence.

The incompetence has, I am afraid, extended to the tariff. On 22 February, the Department of Health told PCTs and trusts across the country that there is a severe and deteriorating position, while also telling them that the underlying errors in the tariff mean that they have no basis on which to calculate their business plans for the forthcoming year. It is a sorry tale of incompetence on the part of the Government, for which Ministers are accountable. Lord Warner at least had the grace to say, in another place, last Thursday, that he was responsible, and to apologise unreservedly. I hope that the Minister will do the same today.

10.49 am

**The Minister of State, Department of Health (Jane Kennedy):** This has been an interesting debate. I hope that you will allow, Mr. Amess, that it has been combative, and I intend to respond in true style and take no prisoners.

I congratulate the hon. Member for St. Ives (Andrew George) on this timely debate. It is a matter of great public debate. I particularly commend the contribution of the hon. Member for Beverley and Holderness (Mr. Stuart), whose style I will emulate in my response.

In my firmly held view, having known the party for such a long time, hypocrisy on the subject abounds among the Liberal Democrats. With no credible policy on the future of the health service, they hide behind "The Orange Book" in which the hon. Member for Yeovil (Mr. Laws) discusses the central proposals of the break-up of the NHS and a move to a system of social insurance. There was not one word about any of that in today's important debate. It is interesting that all those who espoused and were involved in drawing up "The Orange Book" have been promoted.

The hon. Member for Yeovil went on to argue for a switch from a monopoly NHS system to a national health insurance system, with the heath service remaining in place but as only one of the options available to all citizens. He went on to say:

"Additional charges could be paid by those people willing to pay for higher quality non-clinical services, such as private rooms. Such 'enhancement' charges would be set by each health insurance provider."

If it is argued that "The Orange Book" was pre-general election, at the party's September conference the hon. Member for Winchester (Mr. Oaten)—

**Andrew George:** Will the Minister give way?

**Jane Kennedy:** The hon. Gentleman will have to listen to me for a moment, as I sat and listened quietly. I shall come to Cornwall all too quickly, and he will hear my response.

*[Jane Kennedy]*

In September, the hon. Member for Winchester said:

"Some already question the idea that the NHS can provide everything free at the point of delivery. Is it time to start making a charge for some non-essential NHS procedures?"

Liberal Democrat Members should invite their constituents to consider what exactly their party is proposing.

The Labour Government inherited a national health service that was on its knees. In 1997 patients were corralled and managed through a waiting list system that was organised to fit the chronically poor level of resources that the Conservative Government provided. In Cornwall in 1997, in the Royal Cornwall Hospitals NHS Trust, 1,172 patients waited longer than six months for in-patient treatment, including day care surgery. Now, no patients wait for more than six months. That is thanks to the hard work and dedication of the staff at the hospitals, including their managers. As has been acknowledged, it is also partly due to the receipt of record resources as a result of our policy on funding the NHS. Funding has increased, as everybody knows, from £34.7 billion in 1997 to £69.7 billion in 2004–05. By 2007–08, spending on the health service will have increased to more than £92 billion. The Conservative party utterly rejected that policy when we put it forward.

The South West Peninsula strategic health authority has seen year-on-year increases in real terms of more than 6 per cent. In 2005–06, the increase was 6.1 per cent. Next year will see a 6.2 per cent. increase in overall resources, and 2007–08 will see a 7 per cent. increase.

**Mr. Truswell:** Will my right hon. Friend give way?

**Jane Kennedy:** I will give way in one moment. Neither of the Opposition parties—I am sure that my hon. Friend will agree—deserve any credence for their crocodile tears about so-called painful decisions. I shall come to the point about Liverpool in a moment.

**Mr. Truswell:** I thank my right hon. Friend. If the hon. Members for Banbury (Tony Baldry) and for Beverley and Holderness (Mr. Stuart) had permitted me to intervene, I would have perhaps told them a story that was different from what they were trying to say. For example, in Leeds we have a deficit, which is a problem, but in cash and percentage terms it is certainly lower than the one that was inherited. *[Interruption.]* The hon. Member for Beverley and Holderness, who is making a comment from a sedentary position, is the great champion of community hospitals, but when his party was in office we saw the closure of St. George's hospital in Leeds, Marguerite Hepton hospital, Roundhay maternity hospital, Woodlands orthopaedic hospital and The Grove convalescent hospital. That was the product of the economic miracle that his party tried to deceive the House into believing existed.

**Jane Kennedy:** I am grateful to my hon. Friend. He makes a valid and proper point. The health service has made huge steps in providing faster, more convenient access to care. There is so much that we can say about how the health service has improved: improved services, reduced waiting times at their lowest in nearly a generation, big reductions in mortality rates, and accident and emergency departments that have been transformed from the dreadful memories that Labour Members have of the state of the health service in the run-up to 1997. In the Royal Cornwall Hospitals NHS Trust, more than 96 per cent. of patients consistently wait no longer than four hours in accident and emergency.

**Andrew George:** I forgive the Minister for the rather bizarre way in which she opened her speech, as attack is the best form of defence. She must accept that I have acknowledged the improvements and the fact that the money is going in. We voted for those improvements. However, will the Minister please address the kernel of the questions that have been asked about the mismanagement of that money?

**Jane Kennedy:** If the hon. Gentleman will allow me, I will come to that.

The truth is that we have made enormous strides in the quality and quantity of services that are provided to the general public and to patients of the health service. We have thousands of extra clinicians throughout the country. We are replacing old buildings with new hospitals or surgeries, and providing new ambulance stations and ambulances, some through the PFI route. My hon. Friend the Member for North-West Leicestershire (David Taylor), who is not here, might quarrel with me about that but he would acknowledge the role that private finance initiatives are playing.

In 1997, the Royal Cornwall trust had 102 consultants. Now there are 184. The hon. Member for St. Ives spoke about the concerns about budgeting at the trust, but the plans that it has in place involve improving efficiency in management and administration. It will also, as it says in its press release,

"be fundamentally reviewing how we deliver patient care services, through"

service redesign. In particular, it will be

"concentrating on improving day surgery rates, theatre utilisation,"

improving

"length of stay and reducing the numbers of patients who fail to turn up for appointments."

All those steps will result in improved patient services to those patients who use the trust.

Instead of being criticised for making sensible proposals about how to manage their resources more effectively to deliver improvements in services for local people, which is what the hon. Gentleman is engaging in with his local campaign, management in the area should be commended for their actions and supported in their proposals. We are working with those organisations that face the biggest problems, and sending in the expertise to help them address their problems of poor financial management.

The hon. Member for Banbury (Tony Baldry) asked whether health service organisations were over-trading. To some degree, I agree with his proposition. Waiting lists have virtually gone. Patients are managed in a different way and the pressures on services are changing. Top-slicing has been raised by a number of hon.

Members. Strategic health authorities are agreeing locally what arrangements should be put in place to help all the organisations in an area to organise their finances so that they continue to deliver improving services. The hon. Gentleman might say that we are dictating the way forward, but that is actually arranged locally through systems that have been used in the past. Deficits might traditionally have been managed by one part of a SHA area helping another out—that continues to be done in Liverpool, although Liverpool did not always have the extra resources that it now has. I remember the days when there were serious inequalities in areas such as the one that I have the privilege to represent and the struggle that the health service had to deliver even decent services to the local community.

The overspending in the NHS and the over-performing remain a relatively small proportion of the overall budget. All areas of the country—

**Mr. David Amess (in the Chair):** Order. The next subject of debate has been withdrawn, so the sitting stands suspended until 12.30.

11.00 am

*Sitting suspended until half-past Twelve.*

## NHS Reconfigurations

12.30 pm

**Dr. Richard Taylor** (Wyre Forest) (Ind): It is a delight to serve under your informal, friendly chairmanship, Mr. Bayley. I am pleased to see the Minister here, and I applied for a 30-minute debate rather than a 90-minute one because I wanted her all to myself. That is not because I want to score political points, but because I want to help tackle the appallingly difficult subject of acute hospital reconfigurations. The debate gives us a splendid opportunity to reflect on that issue.

Given NHS deficits, the European working time directive and ever-increasing demands for better and more expensive treatments, the NHS must make economies. On an entirely separate issue, I would love to have an open, wide-ranging debate about health care rationing. On this subject, however, there is pretty much agreement across the country that there will have to be further reconfigurations of acute hospital services. Given the changes in practice and the Government White Paper, many of those services are probably not affordable or necessary.

On 9 February, Nick Timmins, an excellent reporter with the *Financial Times*, wrote an article headed "Financial mayhem exposes structural problems that beset the NHS". In it, he says that

> "the changing nature of medicine means bigger reconfigurations are needed that will see more towns lose their accident and emergency departments and some other services."

NHS managers are crying out for the politics to be taken out of such decisions. Fairly recently, in the *Health Service Journal*, the Prime Minister was reported as saying that the Government would back managers over difficult decisions.

It might appear odd that someone who stood on the platform of saving a hospital should be speaking in that way, but I am uniquely qualified to tell the Minister, and thus the Secretary of State, exactly how not to carry out a reconfiguration exercise and how the Government have already put in place several mechanisms to take the politics out of the issue. If the Government used those mechanisms, they would have a good chance of success.

As I am sure that the Minister is aware, the Kidderminster effect has been spoken of with bated breath in certain quarters since my election and it actually achieved the honour of a cartoon in this week's *Health Service Journal*. People now refer not to the Kidderminster effect, but to being Kidderminstered. The cartoon compared that to being Scunthorped, although I really cannot imagine what is happening in Scunthorpe. None the less, we have achieved cartoon status.

I should make it clear that I am talking purely and simply about acute general hospitals, not community hospitals, which are entirely different. Community hospitals can be seen as absolutely in line with the White Paper and necessary for keeping work away from acute hospitals. With few exceptions, they deserve to be retained and used more and more.

What, then, happened in Kidderminster and why was it a disaster? A drastic downgrading took away the accident and emergency department and all acute in-patient services. People could no longer go to the

*[Dr. Richard Taylor]*

hospital with a heart attack, acute appendicitis or a broken leg. Everything that makes an acute hospital an acute hospital was taken away. It was a total robbery, which was carried out simply to benefit two other hospitals and two other communities. How was that possible?

The health authority at the time used the marvellous divide-and-rule tactic and gave the other communities benefits so that they would support the change. It gave the project the euphemistic title "Investing in Excellence", and other reconfigurations have titles such as "Making Things Better". Everybody can see through those titles and they know that the reconfigurations are probably not making things better for them.

I wrote a saga on spin, although I shall not give hon. Members the whole thing. Here, however, are two examples. In Kidderminster, the health authority at the time said:

"Under the preferred proposal, a comprehensive hospital will remain (in Kidderminster), dealing with the majority of both elective and emergency services, for the people in its catchment area."

How could the hospital deal with the majority of elective and emergency services when it does not have an A and E or any acute beds? Then, there is a classic misuse of statistics:

"Out of 3.5 million contacts between Worcestershire patients and the NHS each year, less than 1 per cent. (around 12,000) would have to travel further in future for in-patient treatment."

Every one of the patients from the Kidderminster area had to travel further for in-patient treatment. We must avoid euphemistic titles and spin because people are sensible and can see through them—they are not fools.

Responses to consultation must also be used sensibly. In the case of Kidderminster hospital, the responses from three community health councils, two county councils, four district councils and 11 parish and town councils were completely disregarded, as were innumerable responses from churches, medical groups and patient groups. To make matters worse, the outcome was decided on the basis of a weird pseudo-statistical option appraisal in which people had to give weightings and scores to the options. Twenty weighting sheets were sent out, but only 16 were returned, although that, at least, is understandable. However, 24 score sheets were also returned, even though there were only 21 scorers. One can therefore see why there was absolute resistance at the time to this total robbery, which was carried out with no fairness and as a result of a classic non-consultation.

What have the Government done since my election? Several things. First, health overview and scrutiny committees were established at county council level with the right to refer contested decisions to the Secretary of State for Health. With the demise of community health councils, primary care trust patient forums were given the right to refer issues to overview and scrutiny committees. In April 2002, a report in the *Health Service Journal*, headed "Powers of observation", stated that

"it is interesting to speculate whether some major NHS changes would have been handled differently if the new arrangements for local authority scrutiny had been in place. Would the reconfiguration of acute services in Worcestershire, or the strategic changes in Manchester, have gone ahead in the same way? Almost certainly, the NHS organisations involved would have been forced to tackle the process of consultation differently—and the resulting changes might well have been different, too."

Overview and scrutiny committees are therefore incredibly valuable.

Next, there is the independent reconfiguration panel, which was established in 2003 to advise the Secretary of State independently and with no political input about the merits of contested reconfiguration decisions. The panel contains clinicians, managers and members of the public and draws in other groups to review particular reconfiguration decisions. The advice will be made public; there for all to see and understand, so that there is no chance of political influence, spin or obfuscation. The organisation has tremendous potential.

What has happened to the panel? We asked another Minister at a Health Committee meeting a few weeks ago. The answer was that eight cases had been referred by overview and scrutiny committees to the Secretary of State, and at that time only one of them had been passed on to the panel. One had been withdrawn, one awaited decision and five had been decided by the Secretary of State without reference to the advice of the panel. The situation was brought into sharp relief in a recent debate in the main Chamber, when a Labour Back Bench Member was very pleased that the Secretary of State had decided to site a new hospital in her constituency and an Opposition Member was livid that it had not been placed in his. The process had obviously led to political bias and a huge opportunity had been lost. The decision should have been made not by the Secretary of State but by the independent, non-political panel, which is sitting there waiting for referrals.

I spoke to the independent reconfiguration panel's chief executive today, just to ensure that I was up to date. The panel has received two more referrals, so the total is now 10. To my amazement and pleasure, the one that was waiting to be decided or referred has been referred by the Secretary of State to the IRP with the extremely sensible suggestion that the panel get round the table with the overview and scrutiny committee and the health trusts involved and thrash out the way forward. I hope that that means that the Secretary of State has received the message that the IRP is there and that if it makes its decisions openly and independently, without political bias, MPs might argue, but they will not have a case to make because the decision will not ultimately be made by a political party in the interests of that political party.

The annex to the letter that I received following the Health Committee meeting contained at least one inaccuracy—I shall come back to inaccuracies later. It said of one referral that the Secretary of State had decided to support the local NHS decision. In fact, exactly the opposite was true; she had decided to go against the local NHS recommendation in favour of the Labour-held constituency.

I have mentioned overview and scrutiny committees and the independent reconfiguration panel. In February 2003, the document "Keeping the NHS local: a new direction of travel" came out, and it was followed by a further paper in July 2004. Since the downgrading of Kidderminster, no hospital or community has been treated as unfairly, severely or badly, but several have been downgraded successfully. Consider Hexham,

which has a tiny hospital, serving only 70,000 patients. That has been changed, but it has retained cover for medical emergencies, a lot of surgery and an urgent care centre. The hospital at Bishop Auckland is also smaller than Kidderminster was. It has lost emergency surgery but has retained medical admissions, elective surgery and an urgent care centre. Those changes have met with acceptance.

A great deal of work has gone on in various organisations to work out how to maintain local access for straightforward emergencies. That is the critical thing that communities want. I draw the Minister's attention to the acute hospitals review in Northern Ireland, which took place as long ago as June 2001. For the first time, that split accident and emergency departments into three groups: the major, all-singing, all-dancing ones where patients could go with head and chest injuries, an intermediate group and a level three, which it envisaged would be

"a centre serving a smaller catchment population, operating in a managed clinical network with a level two service. The range of services available in each centre will vary according to local circumstances. They would have physicians, surgeons and anaesthetists available during the day and a full A&E service."

That sort of compromise would be much more acceptable than losing an A and E and ending up with a minor injuries unit without a doctor on site.

I shall conclude by listing the lessons that I should like the Minister to take on board. First, proper consultation means honesty, no euphemisms, no spin, no pseudo-statistics and, finally, a vote by local people. Obviously, one must comply with section 11 of the Health and Social Care Act 2001, and the mandatory referral to overview and scrutiny committees. As an aside, I am rather worried about the PCT merger consultations that are not going through section 11. They could be challenged.

Secondly, there must be total accuracy. A rather distressing example of inaccuracy came to my attention last week. The Health Committee is undertaking an inquiry into independent sector treatment centres. A large submission was received from the Department of Health about the existing ones, so I looked up my own centre. The information is not right. It says that we have a local emergency centre. We have not; we have a minor injuries unit. It says that we have back-up in the form of telemedicine links between us and A and E departments. Those links were taken out some years ago, because nobody used them because there was nobody to answer them. It says that we have a midwifery-led maternity unit. That was closed in 2003. The bed numbers do not tally with my understanding. All those inaccuracies throw a dubious light on the entire submission. I do not know the details of other treatment centres so I cannot check whether they are correct, but it is crucial for a Minister to have the right information. If the Department were right in saying that we in Kidderminster have a local emergency centre, what would we be making the fuss about? It is because we have not that we have made a fuss. The third lesson, which I shall not labour now, is that we should use the independent reconfiguration panel that was set up to do just what it says.

The Kidderminster consultation failed and became political because it was a robbery and unfair. People saw through the spin and all the pain was borne by one community. Changes have to come in many parts of the country, including Yorkshire, the north-east, Shropshire and Gloucestershire. To succeed, they have to be seen to be fair, based on networking and sharing. The disadvantages have to be shared as well. We cannot send everybody from one area to another; people have to go both ways. Services must be built up in one place if they are removed from the other so that it can be seen that the disadvantages are being borne by both places. We all want all-singing, all-dancing acute hospitals, but we cannot have them; that is not possible. Therefore, there must be sharing and when decisions are contested, the IRP must be used.

I shall leave the Minister with three proverbs, because fairness is a part of our way of life: from the 14th century, "Fair and softly goes far in a day"; one we all know from the 16th century, "A fair exchange is no robbery"; and from the 19th century, "Fair play is a jewel." The independent reconfiguration panel could be a referee and take things out of the political equation to see fair play for all concerned.

12.50 pm

**The Minister of State, Department of Health (Jane Kennedy):** It is a pleasure to be here this afternoon with you in the Chair, Mr. Bayley.

I congratulate the hon. Member for Wyre Forest (Dr. Taylor) on securing the debate on NHS reconfiguration, and thank him for his contribution to the recent Select Committee on Health report on changes to primary care trusts. The report has provided a helpful contribution to the debate. We carefully considered the Committee's recommendations, and published our response last week. He argued cogently, and I do not disagree with a lot of what he said; in fact, I strongly agree with much of it. There are some suggestions to take on board.

It is fair to say that all the changes being made in the national health service are designed to achieve even better NHS services for patients. That is the goal, and the test, of everything that we do, including our asking the health service to engage in increasing financial transparency, which is causing the current high level of public debate about the future of health services. PCTs need to become the focal point for planning, designing and shaping local health services, but in a way that best meets the needs of local communities and delivers value for money from allocated resources.

The hon. Gentleman rightly says that there is agreement across England that there will have to be reconfiguration of acute hospital services. Waiting lists are at their lowest level for generations. Under previous Governments, patients were corralled into waiting lists. Patients were managed to suit the chronic shortage of available resources, or, in some circumstances, the way in which the health service was configured in any locality. The Government have addressed that problem by providing extra resources and better pay to health service staff, which has encouraged more flexibility in the way in which services are delivered. The consequence of that is that the backlog of people waiting for urgent, acute in-patient treatment is clearing.

The hon. Gentleman is right to say that we must ask our acute hospitals what their future role should be. We are providing more support for people with long-term conditions and are managing their conditions

*[Jane Kennedy]*

differently. Even cancer is becoming considered more as a long-term condition and less as the absolutely appalling critical and acute illness that it used to be seen as. Therefore, it is managed differently. The improvement of screening services and the better monitoring of people's general health mean that we can intervene at an earlier stage to prevent people from getting to the stage of having the acute health needs that require the acute response that we have traditionally built into the NHS.

The management of a range of acute conditions has changed. The provision of cardiology services is an example of that. A strong debate is going on in the west of Cheshire, where Halton hospital is facing its services being moved to Warrington hospital. The strong local debate there has been couched very much in the terms described by the hon. Gentleman when he talked about the strong attachment that local communities have to their local hospitals, their fears about services being changed and their need to be reassured that changes are being made for the sake of providing better services that are clinically safer and that will provide better outcomes for patients.

Cardiology is one area in which treatment is being transformed by advancements and innovations. It is being delivered by the better management of people with heart conditions, so that open-heart surgery is performed much less often than it was. Management of patients is organised differently. Indeed, the kind of patient is changing, so the pressures faced by acute services is also changing.

The hon. Gentleman invites us to take politics out of service configuration. Would that it were possible. He rightly advocates the structures that we have put in place to do that. He uses the example of Wyre Forest and his constituents' experiences, and describes the consultation as being not the best-handled consultation ever.

The hon. Gentleman may not know that I cut my parliamentary political teeth in Liverpool, Broadgreen, where the then Government, or the then local NHS, sought to close the accident and emergency unit in the local district general hospital that served the constituency that I sought to represent. The then Liberal Democrat candidate—she is now a Labour Member, my hon. Friend the Member for West Lancashire (Rosie Cooper)—and I fought a vigorous local campaign against each other to see who could save the hospital the quickest. The problem in that case was that, although there were anxieties about the A and E, I believed that a coherent argument was being presented that the A and E services there were clinically less sound than the services that would be provided in the proposed bigger A and E department, which would be only three or four miles away, and which would have 24-hour consultant provision. That campaign was in the context of wholesale hospital closures across Merseyside, and local communities genuinely feared that they would lose the whole hospital, not just the A and E.

I know only too well how deeply attached people are to their hospitals. If people were to visit my constituency today and see the hospital that has been retained on the site, they would see a unit that provides some of the best cardiology services in the north-west of England through the cardiothoracic centre. Other services on that site are continually being developed and invested in, and local people can have confidence that those developments are genuinely being made in the interests of better local services.

The hon. Gentleman strongly recommends that we support the oversight and scrutiny process, which we do. As he rightly says, the consultations must be genuine and open, and command ongoing public support. He expressed his concern that the consultation on the primary care trust and strategic health authority configuration is not a section 11 consultation. He is right to say that, because reconfiguration proposals amount to managerial and administrative change only, there is no duty to consult under section 11. However, it is a full public consultation involving a wide variety of local stakeholders, including patient and public representative bodies. I know that in his area, the west midlands, the SHA has gone beyond the regulations to consult with a wider variety of people, including local MPs, professional executive committee chairs, the police and fire services and the general public.

We have made it clear in guidance and correspondence to all SHAs that the consultation must be conducted fairly and properly. I came to the debate prepared for discussion about the "Commissioning a patient-led NHS" consultation. I have given an open and honest response, taking on board the hon. Gentleman's helpful contribution. I know that I can look to him for support and encouragement as I take forward some of these difficult configuration issues and as we develop the health service further, always to the benefit of our patients.

## Wild Birds (Dark Peak)

12.59 pm

**Ms Angela C. Smith** (Sheffield, Hillsborough) (Lab): I am pleased to have secured this debate with your good self in the Chair, Mr. Bayley, and on such an important issue. I am pleased also have my hon. Friend the Minister here to give his response. I acknowledge his commitment to his brief. I worked with him on the Standing Committee that considered the Natural Environment and Rural Communities Bill and know that he believes in the importance of protecting areas of special interest and the biodiversity of our natural environment. I look forward to his response, which will, I am sure, be up to his usual high standard.

I shall start by briefly describing the area to illustrate its diversity. That is important to make it understood why I can argue that birds of prey are in decline in this area of the Peak district. I want to discuss the north-eastern corner of my constituency, which is also the north-eastern aspect of the Dark Peak. Its northern boundary is defined by the Woodhead pass, while its southern boundary is represented by the equally famous Snake pass. It is sometimes difficult to access cross-Pennine routes, as we have seen today with the closure of the Snake pass, but both roads are key for traffic between Manchester and Sheffield. The eastern boundary of the area connects the two passes via the A6102, a road that runs parallel to the river Don and is the main route through the upper Don valley.

Stocksbridge and Deepcar were the principal settlements in the area, right on the eastern edge, and are towns to this day. Their residents live in homes that cling to the side of the Don valley as it climbs to the Peak district boundary on the other side of Bolsterstone village.

The area possesses many reservoirs. Everybody has heard of Ladybower, but lesser known are the truly beautiful reservoirs of the north-east moors, which is not to denigrate in the least the lovely Ladybower. Agden, Dale Dyke and Strines reservoirs, for example, are well-known to Sheffield people. The latter was until recently known to local birdwatchers as a prime area for goshawk displays. Broomhead, Langsett and Midhope are small reservoirs with populations of crossbills, curlews and skylarks.

The other communities in the area stand in great contrast to the steel towns, as they are small and close-knit; Upper Midhope, Midhopestones and Bolsterstone are all small hamlets. The area is characterised by isolated farms and cottages, such as the cottage at Wigtwizzle, an area teaming with songbirds, and Hungerhill farm, which is impressive in early spring because of the large number of swallows returning to the area. The area has its crags, too. Wharncliffe crags, for example, are locally recognised for their nightjars as well as their iron age quernstones. Rocher Edge, near Bradfield, has been known as a nesting site for raptors.

The area's woodlands are typified perhaps most impressively by the wonderful Broomhead wood, known locally as the "Secret Wood" although everybody knows where it is. A broad-leaved bluebell wood with a healthy population of songbirds, it contrasts superbly with the numerous conifer plantations that climb up the slopes of the valleys from the reservoirs.

Finally, alongside the woodlands and lovely isolated hamlets run vast and forbidding expanses of moorland. Broomhead moor, Midhope moor and Bradfield moor have all recently been closed to members of the general public. They are places adjacent to civilisation, but walking over them one feels as though civilisation has been left well behind. The only companions in those places are the red grouse and the golden plover. I love that area. When I am in London, amid the noise and the heat of the city and dealing with the pressures of parliamentary life, I keep calm by imagining that I am walking through Broomhead valley, heading for the trig point, or that I am crossing the north-east moors from Langsett to Howden in Derwentdale. I occasionally go into the constituency of my hon. Friend the Member for High Peak (Tom Levitt).

It is a wonderful walk, particularly in spring, when the meadow pipits return to upland areas. However, I have never in recent years seen the birds of prey that might be expected in such a diverse and heavily protected landscape. My personal experience mirrors the trends analysed in the report of the Royal Society for the Protection of Birds, "Peak Malpractice". The report, published last week, details the alarming declines in the populations of some protected bird species on the Dark Peak. The evidence that it presents suggests that those declines cannot be explained by any natural phenomenon and that illegal persecution of such birds is to blame.

I want to describe in more detail what is happening on the Dark Peak, and to describe what needs to be done to stop the Dark Peak from becoming a no-go zone for some of Britain's most cherished wildlife.

**Mr. Peter Atkinson** (Hexham) (Con): The hon. Lady will be aware of a report by the "Moors for the Future" project, which covered the entire Peak district. It was carried out in conjunction with many organisations, including English Nature, the National Trust and so on. They found that the overall population of birds of prey over the peak district were at record high levels. For instance, populations of peregrine falcons and others had increased by more than 200 per cent. How does she think that the Dark Peak, where she claims there has been a fall in population, is different from the rest of the Peak district? The area and shooting interests are precisely the same in both cases.

**Ms Smith:** That is precisely my point. The populations are increasing both nationally and across the Peak District national park, but not in the north-east moors and in Derwentdale. The key problem is that if the RSPB is wrong in assuming that illegal killing of birds is the reason for that, someone must come up with another reason.

The moors of the Dark Peak, particularly the moors of its north-eastern corner, are largely managed for driven grouse shooting, a practice that has over a long period helped to shape the landscape. That management has helped the moors to become an important area for many ground-nesting birds. However, some species are absent or rarer than they should be.

*[Ms Smith]*

A particular concern is the decline in the breeding population of birds of prey in the past decade, which has occurred at a time when there has been no significant change in the nesting habitat. Indeed, increases in the number of curlews, lapwings, snipe and red grouse suggest that the heather, blanket bog and grassland that characterises the moors are sustaining healthy populations of those special birds. The prey necessary to sustain populations of raptors is obviously there in abundance.

The decline has also occurred in the context of a slow recovery of raptor populations across the country, which was the point made by the hon. Member for Hexham (Mr. Atkinson). To take the goshawk as an example, over the past nine years a stable population in south Wales has produced more than twice as many young goshawks from each nest than the north-east peak.

There are documented instances of deliberate targeting of birds of prey, which are highlighted in the report and are worth referring to in this debate. In January 2004, a gamekeeper from Derwentdale, Reg Cripps, was convicted of recklessly disturbing a goshawk and destroying its eggs. He was given a suspended three-month prison sentence.

In January 2005, a pigeon lure was found in use on open moorland in the north-east peak. Lures are normally used by arable farmers to entice pigeons for shooting. There is no obvious reason why pigeons should be lured for shooting on a heather moor. Birds of prey, however, can be attracted to such lures, where they are vulnerable to shooting.

**Mr. Atkinson:** There was a Land Rover parked near the lure. What explanation did the owner of the Land Rover give for the lure being there?

I also want to tell the hon. Lady that gamekeepers often shoot pigeons on moors. Pigeons compete for the foodstuffs and berries that the grouse live on. It could be perfectly sensible game management to lure and shoot pigeons, which is a legal activity.

**Ms Smith:** The Land Rover and the people in question had gone by the time that the RSPB had been called to the site. Bilberries, which are the berries that I believe the hon. Gentleman refers to, are often garnered and gathered by the people of Bolsterstone and Midhope before any game birds get to them. Many a breakfast table in the Bolsterstone area is graced with a jar of jam very soon after the bilberries have ripened. I find it hard to believe that bilberries are in need of protection with pigeon lures.

At the end of 2002, a member of the public watched two men dressed in camouflage gear and carrying shotguns emerge from a wood known to be a goshawk roost site. They had been playing a tape of goshawk calls. There is an ongoing problem with the deliberate and illegal targeting of birds of prey. I am sure that all responsible landowners would deplore that. The problem is magnified by the fact that there are also many examples of goshawk and peregrine nests having inexplicably failed.

In the 1990s, there was a well-established nesting population of seven to 11 pairs of goshawks in the north-east Peak, but the species was lost as a breeding bird from the woodlands in that area by 2002. It is important to point out that the area is a wonderful mix of woodland and moor, and that goshawks find such areas attractive for breeding. In the 1970s and 1980s, the moors and woodlands between Sheffield and Holmfirth were well known as the place to see goshawks, but no young have been raised on the north-east moors since 2000, when just one chick was reared from four occupied territories. The suitability of nest sites and the food supply for this bird has not changed. Red grouse and songbirds are on the increase. Therefore, why has the goshawk disappeared from the north-east moors of the Dark Peak?

There has been a similar decline in peregrine falcons. There were three pairs on the north-east moors as recently as 1996, but they have not even appeared at breeding sites since 2000. There is no indication that there is less food or that fewer nest sites are available, which might prevent the peregrine from being more successful. I am familiar with one of the nesting sites, a remote crag that is not particularly popular with the hordes of weekend walkers who tend to stick to the grander landscapes of the Hope and Edale valleys. I know that nothing has changed in relation to that nesting site; it is still there, as forbidding and secretive as it ever was, a vegetated cliff edge located amid a plentiful food supply.

These declines are of great concern. They have happened despite the high degree of protection enjoyed by the north-east Peak. The moors are a special protection area, a special area of conservation and a site of special scientific interest. Although it is important to stress that the RSPB report does not lay the blame for the declines in these birds at the door of any individual, it is true that there are numerous examples of deliberate destruction of birds of prey on grouse-shooting estates throughout Scotland and England. I hope that the Minister agrees that it is up to the landowners in the Dark Peak to work with the statutory nature conservation organisations and enforcement authorities to ensure that the area does not become a no-go zone for protected wildlife.

Government action is needed too. The Government's record so far is not to be dismissed. They introduced the Countryside and Rights of Way Act 2000, and the Natural Environment and Rural Communities Bill is going through Parliament. My constituents have embraced the right to roam; they now enjoy access to the moors of the north-east Peak for the first time, and they celebrate that. The NERC Bill includes some important new measures to protect vulnerable wildlife, such as further restrictions on the possession of pesticides that are harmful to wildlife and further protection of nests of certain birds which re-use those nests. However, given the ongoing concerns about the illegal use of pesticides to poison protected wildlife, the Government should make sure that the list of proscribed pesticides under the NERC Bill is as long as possible. I look forward to hearing the Minister's comments on that.

The Government should also consult as soon as possible on adding species to the list of those whose nests will be given year-round protection. "Peak Malpractice" highlights the problem of the nests of

peregrines and ravens being disturbed or destroyed. They are species that re-use their nests, and they could benefit from being added to the list. In answer to a parliamentary written question of mine, the Minister denied that there was a need to list those birds for year-round nest protection, but the events taking place in the north-east Peak suggest that there is a need to take proactive action to prevent decline elsewhere, and to help in the process of re-establishing healthy populations of these raptors in the areas under discussion in our debate.

The Government's announcement two weeks ago of £250,000 of funding for a national wildlife crime unit is welcome. That unit will have a key role to play in ensuring that the police are given support and advice when they investigate wildlife crime. However, it is vital that other Departments, including the Home Office and the Treasury, recognise the key part that they have to play, both in supporting long-term funding, and in giving a steer that wildlife crime must be a key priority for the enforcement agencies.

I look forward to hearing the Minister's comments and hope to receive a positive response for the sake of wildlife, of the north-east Peak, and of all the individuals and communities inhabiting the area; I speak as one such individual. We cannot afford to lose permanently the raptor populations that traditionally have helped characterise the Dark Peak. I ask the Minister to recognise that the Dark Peak environment is losing one of its richest and most thrilling ingredients—the sight of a goshawk exhibiting its sky-dance display.

**Hugh Bayley (in the Chair):** I call the Minister.

**Tom Levitt** (High Peak) (Lab) *rose—*

**Hugh Bayley (in the Chair):** Is the hon. Gentleman intervening?

**Tom Levitt:** I sought the permission of my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) to make a short contribution, and I have informed the Minister of that. I regret not having informed you, Mr. Bayley.

**Hugh Bayley (in the Chair):** If the Minister is content, I call Mr. Tom Levitt.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight)** *indicated assent.*

1.16 pm

**Tom Levitt** (High Peak) (Lab): I rise to support my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith). My constituency also covers the Dark Peak and shares similar characteristics to those that my hon. Friend has described. Indeed, the north-east moors, which are the subject of her debate, are immediately adjacent to the High Peak boundary, and it is therefore possible to compare the wildlife characteristics of the two areas. On reading the report of the Royal Society for the Protection of Birds, I was delighted to discover that the problem that has been mentioned does not exist within the area of High Peak that is immediately adjacent to the north-east moors. The problem is confined to a relatively small area of my hon. Friend's constituency, where there is a track record of disturbance of birds of prey.

Last weekend, in preparation for this debate, I had a conversation with a Peak district farmer in my constituency whose area shares the Dark Peak characteristics and on whose farm grouse shooting regularly takes place. He was very proud that there were birds of prey on his farm and enhancing his environment, and he believed that it was perfectly possible for grouse-shooting interests and birds of prey to exist side by side. That makes it all the more odd that these things appear to be happening just outside High Peak, on land with similar characteristics.

**Mr. Atkinson:** Will the hon. Gentleman give way?

**Tom Levitt:** I am about to resume my place, and I want to give the Minister plenty of time to respond. I hope that he will respond positively to the questions of my hon. Friend the Member for Sheffield, Hillsborough.

1.18 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight):** I congratulate my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) on securing this important debate and on making such a fine contribution. In the relatively brief period since she was elected to this House, she has already distinguished herself as a trenchant champion not only for her constituents and for Sheffield, but for biodiversity. She has a good understanding of the issues under discussion, as we would expect of the chair of the all-party conservation and wildlife group.

Debates such as these provide a valuable opportunity for Members to ensure that Ministers are fully briefed and aware of concerns. In preparing for this debate, I read this morning the recent Royal Society for the Protection of Birds report, "Peak Malpractice", which my hon. Friend referred to, and the response from the Countryside Alliance, which the hon. Member for Hexham (Mr. Atkinson) was perhaps referring to. I am grateful to my hon. Friend for drawing these matters to my attention.

The report raises a subject that is of concern to me, the Government and, I am sure, most landowners, as well as the many people who live in the Peak district and those who enjoy visiting its stunning landscape. I was lucky enough to visit the area this January, and I was impressed by the work being carried out there, in particular by the "Moors for the Future" project, but also by the project that my hon. Friend the Member for High Peak (Tom Levitt) made sure I went to see.

In responding to the debate, I will comment on the report and the overall state of the bird population in the Peak district, on the measures we are taking to tackle the threats to birds, and on efforts to improve enforcement in respect of wildlife crime. As we have heard, the RSPB report highlights the decline of some species of birds of prey and discusses evidence of illegal activities, such as the persecution of birds and their nests and the trapping and poisoning of birds. My hon. Friend the Member for Sheffield, Hillsborough went into some detail on the examples given in the report.

*[Jim Knight]*

When I read the report, I was struck by the effort being put in by a range of organisations and volunteers, who obviously care a great deal about the wild bird populations of the Dark Peak, and who are doing their utmost to ensure the long-term survival of birds of prey. For that, I thank them. Although the figures in the RSPB report suggest a worrying pattern, issues relating to birds of prey in the Dark Peak need to be placed in the context of the Peak district as a whole and the overall situation in respect of bird populations. There has not been a decline in numbers of all wild birds; populations of many species are increasing, as we have heard. Declines in peregrine numbers have been restricted geographically to the Dark Peak area. The last national census of peregrine falcons in 2002 showed an overall increase in numbers, and I can certainly report that that is the case for my constituency in Dorset, too.

I agree with my hon. Friend that declines in goshawk numbers are worrying, and have been most pronounced in the Dark Peak area, but populations of many other species of moorland bird are stable or increasing in the Peak district. The moorlands of the Peak district support populations of European importance of golden plover, merlin, peregrine falcon and short-eared owl. The numbers of all those species have increased since 1990. A number of other species of upland bird have also declined in recent years, although those declines are not restricted to the Dark Peak area of the Peak district. The species concerned include the twite, the wheatear and the dunlin. That is obviously of concern.

The illegal activity, both proven and suspected, which has adversely affected the goshawk and the peregrine could have been committed by a small number of individuals in the immediate vicinity of the north-east moors. I would not want anyone present, or anyone reading this debate subsequently, to think that many people were involved and were affecting those bird numbers. The vast majority of people want such species protected.

**Mr. Atkinson:** I am grateful to the Minister for making that clear; I would have made that point to the hon. Member for High Peak (Tom Levitt), had he given way, because he implied that shooting interests were somehow responsible for a decline in the localised area that we are discussing. As we know, shooting interests cover the whole Peak district, where there has been a substantial increase in numbers of birds of prey. That shows that good grouse moor management is a benefit to, not an enemy of, wildlife.

**Jim Knight:** I certainly agree that good grouse moor management is important for protecting and enhancing our moorland habitats if we are to achieve our tough targets. On sites of special scientific interest, for example, we have to work well with managers of the moorlands. The heather-burning consultation, which we are currently assessing, is an example of how we are trying to listen to such managers while making sure that we also listen to those with a biodiversity interest.

**Ms Smith:** I accept entirely the point that those responsible for the illegal poisoning or killing of birds in Dark Peak are in a tiny minority. Nevertheless, at the eyrie on the west side of Derwent Dale, there was complete breeding failure from 1999 to 2004, but as soon as the National Trust put a public viewing area in place peregrine falcons starting breeding there again. Does that not suggest that something illegal is going on, regardless of the numbers involved?

**Jim Knight:** My hon. Friend makes a useful point. Certainly, we are not complacent about the possible activity of those few individuals and its effect on important species.

For many years now, all wild birds have been afforded strict protection under UK legislation. That protection refers to illegal activities such as killing or poisoning. Section 1 of the Wildlife and Countryside Act 1981 gives wild birds protection from being killed, injured or taken, and their nests and eggs are protected from being taken, damaged or destroyed.

As my hon. Friend pointed out, through the Natural Environment and Rural Communities Bill we seek to enhance protection of our native wildlife and to address some of the issues that the RSPB has rightly raised. Two clauses in that Bill introduce greater protection for birds of prey. They provide for the protection, at any time of year, of the nests of certain birds that reuse their nests, and deal with the possession of pesticides that are harmful to wildlife. The clause on protection of nests will make it an offence, at any time of year, to take, damage or destroy the nest of a wild bird species included in a new schedule. The new schedule covers golden eagles, white-tailed eagles and osprey, all of which are subject to reintroduction or re-establishment programmes. The provision is aimed at supporting their long-term breeding success by protecting their nests all year round.

A number of amendments were tabled during the Commons and Lords stages of the Natural Environment and Rural Communities Bill. My hon. Friend referred to her written question, in which she suggested that we extend the list of species in the schedule. We have decided to focus on the most endangered species—those whose populations would be severely threatened by the loss of just one nest—and differentiate between a single nest and nesting sites. Peregrine falcons and barn owls do not build nests, but instead use ledges; they will use man-made structures if they are available. If Natural England is of the opinion that an area is important for other rare birds of special interest, it can designate the area a site of special scientific interest, thereby bringing legislative protection to the area. My hon. Friend may want to dwell on that. Obviously, if she wants to correspond with me further, I would welcome that.

The clause on the possession of pesticides that are harmful to wildlife will enable the Secretary of State to list those ingredients of pesticides that she believes could cause harm to wild birds and/or animals. The clause will make it an offence to possess a pesticide containing a proscribed ingredient, unless it can be shown that possession was for lawful use in accordance with relevant pesticide, biocide or poisons legislation. My hon. Friend suggested that I might want to ensure that there is a long list of pesticides when we introduce the relevant regulations. She will be aware, as an assiduous member of the Standing Committee considering the Bill, that no pesticides will be banned by the Bill itself,

although it will provide the Secretary of State with the power to make an order on which the proscribed pesticide ingredients are listed. A full consultation will be carried out before any ingredient is listed on the order, and as yet we have not put that list together. However, I will bear in mind my hon. Friend's comments when I see the proposals.

The Government are taking a number of positive steps in the Peak district, in partnership with a range of organisations, to enhance the wildlife of the area. Those steps include the "Moors for the Future" project, an ambitious project tackling the restoration of significant areas of upland habitat across the Peak district. There are many other projects, including the biodiversity action plan and the Peak district vision project. There is also the important work by various agencies on the Dark Peak site of special scientific interest. Major surveys were made of the Peak district's moorlands in 1990 and 2004. We note carefully the changes that we find through such surveys.

Finally, I shall just touch on the extra commitment that we have made to tackling wildlife crime through investment in the wildlife crime unit, which my hon. Friend mentioned. I announced that investment last month. I have had positive discussions with my right hon. Friend the Home Secretary on the importance of that unit, and assure my hon. Friend that the Home Secretary is keen to ensure that the unit prospers.

While I hope that hon. Members will agree that, the picture is not always as gloomy as is sometimes suggested, we should not rest on our laurels or be complacent about our wild birds and issues affecting them. Instead, we should build on the introduction of the new offences in the Natural Environment and Rural Communities Bill and the setting up of the reinforced wildlife crime unit by continuing to work proactively to protect our precious biodiversity, which is such an attractive feature of one of the most precious areas of English landscape, the Peak district.

## Highways Agency

1.30 pm

**Andrew Selous** (South-West Bedfordshire) (Con): I am pleased to have this debate, which will touch on some important issues for constituents throughout the country.

It is worth reflecting briefly on the fact that transport is an important and often overlooked part of our national life. When we get it right, it contributes to economic prosperity and social justice, helps businesses grow and flourish and helps people get to work available outside their area. It is important that we get it right as a country, because there are significant problems when we do not.

I want to cover three areas in this debate. First, I should like to review a scheme that the Highways Agency undertook in my constituency, formerly known as the Dunstable A5 queue relocation scheme. Secondly, I shall deal briefly with the work of the Highways Agency in widening the M1 and how that links with the building of the Dunstable northern bypass. Thirdly, I shall briefly touch on section 14 notices as they are put into place by the Highways Agency.

To start with, I should like to review what happened when the Highways Agency came into my constituency to undertake a scheme to relieve traffic congestion in the centre of Dunstable. Of course, it came with the best intentions. Anyone who knows Dunstable, Houghton Regis, or the surrounding villages, which suffer from rat-running, will know that the area has suffered from terrible congestion for a long time. Indeed, the first reference I found to this was an article in the *Daily Mail* from 1924 about the traffic bottleneck in Dunstable. My constituents are patient people who have waited a long time for relief. The instinct to do something was clearly there.

I am concerned that the Highways Agency introduced a scheme, but did not talk to local people—local councillors—who have a wealth of experience with this issue. It introduced its own scheme and told us that it was going to do it; there was no option and very little collaboration and the result has not been good. It is not just me saying that. I was so angry and upset by what happened that I asked the Public Accounts Committee to look into it.

I pay tribute to the National Audit Office, which produced a full report of some eight pages or so, looking at exactly what the Highways Agency did. It is important that lessons are learned. I think that we all accept that things go wrong in public life. We are not perfect as individuals and no Department or agency can get everything right; we understand that. However, where precious public money is involved, it is important that we learn lessons when things go wrong, so we do not repeat the same mistakes in future. I look to the Minister to give me, my constituents and people throughout the country some comfort in his reply.

I should like to go into a little detail on what happened in Dunstable. I shall quote some brief passages from the NAO report. Some £2 million was spent on the scheme—a not insignificant sum—but the NAO says, among other things, that there has been an

*[Andrew Selous]*

increase in the number of accidents in Dunstable town centre in the first year of the scheme's operation. Air quality, which is an important consideration for people living in towns near major roads, has got worse at the Church street and West street crossroads. Unbelievably, for a scheme that was introduced to reduce congestion, the estimated total additional journey time has increased. The NAO calculates that there has been some 126,000 hours of extra queuing by motorists in the scheme's first year of operation.

The scheme was hugely over budget. The costs for preparation and design and for site supervision were 146 per cent. and 1,185 per cent. above budget respectively. There was no partnership of any description between the Highways Agency and local councils and, most worrying of all, the NAO says that despite the agency's having experienced the NAO crawling all over what happened in Dunstable, there are no plans to share the experience gained from the scheme with other agency area teams, even though the agency has undertaken similar schemes in other parts of the country, such as on the A663 in Oldham.

Next week, in the Budget, many Departments will rightly be looking for extra cash to fund important schemes and, as we all know, they will not get everything that they want. The question of value for money—only spending a budget when there is something worth while to spend it on—could not be more important. My constituents are particularly upset about that. We are being denied roads that we desperately need, on which there is nearly 100 per cent. consensus, and money has been wasted in Dunstable. I am worried, as I will explain shortly, that there will be a £10 million waste of public funds in another area.

I return briefly to the NAO report, which said there was no true partnership with local councils. The area did not build an area-wide traffic model and so was not able fully to represent the effects of rat-running, which we all know can be upsetting for urban residents. Local stakeholders told the NAO that air quality has deteriorated. There are significant concerns that the Highways Agency rated this a high-priority scheme, although it became evident fairly early on that that should not be so, and there were no moves to rank or re-evaluate the scheme when problems were identified.

The two studies undertaken by consultants brought in by the Highways Agency after the end of the project—Carillion-URS and Atkins—did not consult local councils and stakeholders directly affected by the scheme and did not comment on some of the Highways Agency's original objectives for the scheme, which is extraordinary. Most worrying of all, however, the NAO said that there were no plans to share the experience gained from the Dunstable scheme with other area teams. Following the completion of the Dunstable project, another Highways Agency scheme on the A663 in Oldham was completed on 31 March 2005, using the same technology employed in Dunstable. That says to me that we have an organisation that is not learning from its mistakes and not intending to change the way it operates. Although I shall listen to the Minister, perhaps this Government agency could do with a little bit more ministerial supervision and scrutiny.

**Mr. Keith Simpson** (Mid-Norfolk) (Con): I congratulate my hon. Friend on securing this debate, which I applied for as well.

In general terms, my experience in working towards dualling the A47 in East Anglia has meant a great deal of frustration in dealing with the Department for Transport and the Highways Agency, and the east of England now has a board considering that. Specifically, however, to reinforce what my hon. Friend said, Norfolk county council had a major disappointment when it was enlarging and improving the Thickthorn roundabout, south of Norwich on the A11-A47. Having agreed to the scheme, the Highways Agency demanded, after it had begun, a range of additional things running to several hundreds of thousands of pounds. That is unacceptable.

**Andrew Selous:** I am grateful to my hon. Friend because I do not for a moment believe that what has happened in my constituency is an isolated case. I am explaining some of the public spending in my constituency, but if what has happened there is reflected around the country to the extent that my hon. Friend says it is reflected in his constituency, the sums become very serious, and that really worries me. The important issue is that roads that are desperately needed are not being built because money is being wasted and not being properly supervised.

Another massive concern for my constituents is the fact that we are looking at a six-year delay in the building of the Dunstable northern bypass, announced in the Commons in 2003 by the Minister's boss, the Secretary of State for Transport. He said that the bypass would be open to traffic in 2010–11, and that is the time plan to which the Highways Agency is working. However, we know from the regional planning panel of the East of England regional assembly that there will not be the money to build the road until 2015–16.

That worries my constituents hugely because an additional 43,000 houses are due to be built in my constituency. I hope that no one loses sight of the fact that the Dunstable northern bypass is being built to remedy an infrastructure deficit. We have been waiting for it for 80 years, but it is to deal with problems as they are now. The prospect of another 43,000 houses without that road is too bleak for any of my constituents to contemplate.

What really concerns me is a matter that came to my attention just a few weeks ago. As I understand the situation, the plans to widen the M1 will be carried out without putting in the necessary connecting junction for the Dunstable northern bypass. I understand that that will mean the loss of a £10 million saving; the cost of the bypass will therefore be £10 million more. The bypass is scheduled to cost £77 million. It is not a cheap scheme, and my worry is that that extra cost—or the lack of the saving—could delay it still further.

It seems that there is no joined-up thinking on this issue. What is the point of widening the M1 if that bypass junction, which we accept cannot be built immediately, is not put in? I hope that I have been

misinformed and that no final decisions have been made. However, to waste £10 million, or to cause an extra £10 million to be spent to build a road that is going to be built anyway, would be extraordinary and cause me further worries about the operation of the Highways Agency.

When I was preparing for this debate yesterday evening, I was contacted unexpectedly by the North East chamber of commerce, which expressed great concern about how the Highways Agency is imposing section 14 notices. There is a lack of co-ordination between the Department for Transport and the Office of the Deputy Prime Minister. Section 14 notices allow the Highways Agency to ban development if it thinks that the roads would not be able to cope. That is sensible; none of us wants to see roads built that are so congested that they cannot cope. However, if the ODPM is planning for major jobs growth and housing expansion and the Highways Agency at the Department for Transport is working against that, that is a concern and needs to be looked at. There are strong similarities in my own area in Bedfordshire, where a large amount of housing is planned but the roads issues are unresolved.

**Mr. Philip Hollobone** (Kettering) (Con): I congratulate my hon. Friend on securing this important debate.

In Kettering and north Northamptonshire, we are suffering from that section 14—also known as article 14—problem. The Office of the Deputy Prime Minister has put local authorities under a statutory duty to approve tens of thousands of new houses. The Highways Agency, as a statutory consultee, is saying, "Fine—go ahead and build the houses when planning permission is granted." However, after the permission has been granted, the agency serves the article 14 directions limiting the number of new houses that can be built.

**Andrew Selous:** I shall end at this point. I am grateful to my hon. Friend; his contribution is useful because we have now had examples from four parts of the country, including the north-east, where there are significant problems. That should tell the Minister that such problems are not local or particular, but of general application. I look forward to hearing what he has to say.

1.45 pm

**The Minister of State, Department for Transport (Dr. Stephen Ladyman):** It is a pleasure to serve under your chairmanship, Mr. Bayley. This has been my first opportunity to do so since you joined the Chairmen's Panel.

I congratulate the hon. Member for South-West Bedfordshire (Andrew Selous) on securing this debate. I shall deal with the issues in respect of Dunstable last, after I have cleared away the others.

Article 14 notices are the Highways Agency's mechanism for gathering the information that it needs from people applying for planning permission for development. When somebody applies for planning permission, the notices are effectively the agency's only tool for saying, "We have some highways concerns and we expect them to be addressed". Such concerns are addressed usually by providing information, but sometimes by providing the resources to carry out a piece of work.

The article 14 notice is the Highways Agency's legal mechanism for saying, "We do not have all the information we need," or, "We are not happy with this planning proposal." There is nothing underhand about such notices; they are given very publicly. In the north-east of England, there has been a great deal of fuss about them, and it has been almost entirely unfair as far as the Highways Agency is concerned.

The developments that we are talking about are very large and would impinge greatly on the trunk road network. Before it gives the go-ahead, the Highways Agency has an absolute duty to make the developers work to provide information about what the impact of their development would be on the trunk road. In almost every case, the developer does the work after the article 14 notices have been placed. One could argue that it ought to have done that before making its planning application, but sometimes developers do not because they hope to save a bit of money.

The developers do the work and the article 14 notice is lifted. Sometimes what is required is not information, but a green travel plan that needs to be put in to minimise the impact on the trunk road network; sometimes the notice is served to stump up money for a junction improvement. However, article 14 notices are almost always lifted.

I hope that that puts the issue of article 14 notices into perspective. Such a notice may well have been used in respect of the roundabout mentioned by the hon. Member for Mid-Norfolk (Mr. Simpson), although I am not certain about that. If he wants to give me further details about that particular scheme, I shall be happy to look into it for him.

Likewise, I suspect that there has been some misunderstanding on the part of the hon. Member for Kettering (Mr. Hollobone) about how the article 14 notice was used on the occasion that he mentioned. A major housing development will always have an impact on the trunk road network and some work will always have to be done to understand that impact and come up with a strategy for dealing with it. I have no doubt that the article 14 notice there will be lifted when everybody understands what issues have to be addressed. However, if the hon. Gentleman wants to write to me on the matter, I shall be happy to look into it.

I turn to the issue of the A5 and M1. The hon. Member for South-West Bedfordshire is right to say that we asked the regions for advice about their spending priorities. We do not have enough money to implement all the transport schemes that people want undertaken all at once. Usually, Ministers have to prioritise them; sitting in London, we are not very good at making priorities for regions that are many miles from our constituencies, so we have asked the regions to give us that advice.

I shall not comment on the advice that we have received in respect of the A5 and M1, because we shall make the relevant announcements shortly. However, if the road scheme that the hon. Gentleman is concerned about has been put back in the priorities, as he suggested, and if, as a result of that, we were to lose synergy with a parallel project on, for example, the M1,

*[Dr. Stephen Ladyman]*

I would have to take that into consideration when I decide on the priorities. The advice is from the regions, but Ministers make the decisions. The Secretary of State and I will make the decision, and, if we find that there would be a major cost disbenefit in delaying the project, we would have to think about bringing it forward. We may decide that we have to delay it, but we would look for other ways to deal with the cost implications.

**Andrew Selous:** I am extremely grateful to the Minister for those comments. I accept that he cannot say more than that at present, but what he has said is reassuring and encouraging.

**Dr. Ladyman:** As the hon. Gentleman said, the problems of Dunstable go back a long way. According to my notes, they go back to the 1990s. I had not realised that it was the 1920s. I suspect that the solution that was envisaged in the 1920s was somewhat different from the one that we are considering today.

I begin this section of my comments by acknowledging that the Highways Agency made an error—there is no question about that. It has admitted that it made mistakes with the scheme. It engaged in a consultation and agreed objectives with the local community for resolving the congestion problems in Dunstable. It then developed a design of the scheme that would best achieve the objectives, but it changed them—not dramatically, but it did change them.

The objectives were changed in various subtle but significant ways. The agency's error was that it did not return to the local community, consult again and agree on a new plan based on the new objectives. It went ahead and designed a scheme that addressed the new objectives but did not take the local community with it. As a consequence, the local community is upset with what happened.

**Andrew Selous:** With the benefit of hindsight, would the Minister agree that it would have been better not to have spent the money but to have saved it and put it towards road schemes that are needed and which everyone agrees should be built?

**Dr. Ladyman:** I shall be honest with the hon. Gentleman and admit that I have not studied sufficiently closely the benefits of the scheme as it has been developed to be able to say whether there has been any cost benefit. The scheme may well have achieved other objectives that are, perhaps, not of interest to his constituents. It seems that the objectives were more for the benefit of the trunk road network than for Dunstable. Therefore, although the community's view may be that the money has been wasted, it is possible that there has still been a benefit for the trunk road network. I do not have an answer, but if the hon. Gentleman believes that the project has been a waste of money, that perception is truth to him. I accept that entirely.

The Highways Agency admitted that it made a mistake in the way that it consulted on the project, and it is trying to learn some lessons from it. The hon. Gentleman is right: there is a National Audit Office report. It is in draft form at present but is shortly to be published and put into the public domain. I have no doubt that it will deal with areas of learning that the Highways Agency needs to pick up on and ensure are more widely spread.

As a general principle, I insist that the Highways Agency tries to work as closely as possible with local communities. I also insist that it tries, wherever possible, to drive down costs and not waste public money, and to take into consideration the impact of any proposed scheme on local authority roads around the trunk road network. The agency must take communities along with it.

Thorough consultation must be the order of the day. The agency should agree objectives with the local community and then deliver those objectives. It is unacceptable for it to change the rules after a consultation and not go back to the local community. The agency will be the first to agree that that is the situation. It believes that there have been some benefits from the scheme as delivered, but it accepts that it got this project wrong and that it should have gone back to the local community for proper consultation.

If it is of any comfort to the hon. Gentleman, I can tell him that the lessons are being spread around the rest of the Highways Agency, which is now trying to work closely with local highway authorities in Bedfordshire, particularly in respect of Dunstable. It is examining the timings of traffic lights and how the scheme as it was developed can be improved. It is looking for other things that could be done to try to achieve some of the objectives that the local community set in the first place.

The agency held up its hands and admitted that it got it wrong on this occasion. It will learn from that and do what it can to try to put things right. Other than that, there is little more that I can add on behalf of the agency. If the hon. Gentleman has further concerns as the agency and the local community continue to discuss the matter, I would be happy to try to assist him with them.

**Andrew Selous:** I am most grateful for the general tenor of the Minister's remarks, which I appreciate very much. Before we conclude, I would be grateful if he could elaborate a little more on the mechanisms that have been put in place across the Highways Agency to try to ensure that such mistakes do not happen in the future, that lessons are learned and that precious public money is not wasted.

**Dr. Ladyman:** Various processes of consultation take place. To some extent, they are determined by the size and location of the scheme. The hon. Gentleman will be aware of nationally important, high-profile schemes. For example, we are doing early work to decide on new capacity for the M6 between the midlands and the north-west. We will engage in high-profile consultations with stakeholders from an early stage in the process to try to come up with design strategies that people will support. Another scheme that he will be aware of is the current consultation, which has probably been going on even longer than the one for Dunstable, to find a solution to the issues around Stonehenge. That is one level of consultation to try to find a solution. It begins at an early stage, even before design work has been done.

With local schemes, there is active effort to engage local councils, local business representatives and Members of Parliament. I insist that the Highways Agency keeps MPs informed so that they can provide feedback. Regional development agencies and the regional assemblies are also important stakeholders in such issues. There is a wide-ranging attempt to try to agree objectives, to come up with designs that meet those objectives and then to share the designs with the local community before the agency gets to the firm planning and public inquiry stages. Of course, all those things increase the time that it takes to develop schemes. I often find myself facing criticism from Members that the process is taking too long, not that the consultation has not been thorough enough.

I hope that the hon. Gentleman will be satisfied with the assurance that we are trying to develop better ways of consulting local communities, and the admission that the agency got it wrong on this occasion and will do better next time.

*Question put and agreed to.*

*Adjourned accordingly at one minute to Two o'clock.*

# Westminster Hall

*Wednesday 15 March 2006*

[MR. MARTYN JONES *in the Chair*]

## Buses (Deregulation)

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Mr. Alan Campbell.]*

9.30 am

**Graham Stringer** (Manchester, Blackley) (Lab): Before I get on to bus deregulation, I want to say I am sorry that my hon. Friend the Minister is retiring from the job. I wish her well in what she does in future. In the surprisingly long time—22 years—that I have been dealing with Transport Ministers, I have come across some, from both main parties, who were less than competent, and I am pleased to say that my hon. Friend is not like that. She has done a good job. Although I suspect that we shall not see eye to eye in this morning's debate, I am sorry to see her go and wish her well.

The purpose of the debate is to explore why, in the part of the public transport system provided by buses, which account for 84 or 85 per cent. of journeys in the system, there is effectively an apartheid regime between London and the rest of the country. I should like to use our time to see whether there is any justification for maintaining one system in London, which works, produces good public transport and benefits passengers, and another system in the rest of the country that has the opposite impact.

We have already convinced the vast majority of Members of Parliament outside London that their constituents would benefit from a regulated system. Last autumn, Communicate Research did a survey of all MPs and found that 84 per cent. of Labour MPs and a majority of Members of Parliament were in favour of extending to the rest of the country the regulated system found in London. The only thing to surprise me about that was that only 84 per cent. of Labour MPs responded in that way. I have never found one who did not want regulation in the passenger transport and shire areas of the country.

The background is that, in London, bus use is increasing, and in every region in England it is in decline. The most dramatic decline is in south Yorkshire where, since deregulation, bus use has dropped by 62 per cent., which is extraordinary. It is not a matter of an even spread of usage—the people who use buses are among the poorest in the country. Nine out of 10 people who use buses are in the bottom income bracket, and 60 per cent. of bus users have no access to cars. Therefore, if something goes wrong with the bus system, we are allowing the mechanisms that increase social exclusion to continue to operate.

I cannot talk about the regulated system in London as being more effective and producing better public transport without talking about the increasing funding gap. I shall mention it only once. Over the past seven years, in the north-west, although similar statistics will be found in every region, capital expenditure—not the revenue for buses—has risen from £157 million to £295 million, whereas in London it has risen from £226 million to £667 million. That is another background unfairness.

Before I try to analyse the possible reasons for what has happened, I should like to give some statistics. I suspect that I could spend the whole hour and a half available to us giving out appalling statistics about transport usage, but I want to use the headline figures showing the changes that have happened, and to ask why they have been allowed and how we can stop the process going further.

Fares in the English passenger transport executive areas have gone up 86 per cent. since deregulation. In London, they have gone up 36 per cent. Over the past five years, fares in the PTE areas have gone up 9 per cent. In London, they have gone down 4 per cent. Patronage since deregulation across all the PTE areas has gone down by about half. In London, it has gone up by just over half. In the past five years, patronage in the PTE areas has gone down 8 per cent. whereas it has gone up more than a third in London.

We need to understand why there has been such a dramatic difference between London and the rest of the country. I do not believe that it is justifiable, but we should consider ministerial responses to the figures and some statements from officials. The Government have three responses to the shocking figures that I have mentioned. One is that we are not going back to pre-1985 days and re-regulation. That is a complete red herring. I have never heard anyone say, in the debate on this matter that has been going on as long as there has been deregulation, that they want buses brought back into public ownership and a return to the exact regulation that existed before 1985. What most of us want is a system similar to London's, or preferably a better one, because when a system is adopted it can be improved.

Secondly, the Secretary of State for Transport regularly points out success stories. His favourites seem to be York, Oxford, Brighton and Cambridge. He asks why, if those towns or small cities can improve patronage on their buses, big areas such as Birmingham, Manchester, Liverpool and Newcastle cannot. There is one obvious reason. His examples are much smaller areas, dominated in nearly every case by one operator, with one centre, so that traffic restraint can work—people do not have much of a choice in those areas.

That situation can be compared with what happens in a polycentric urban conurbation such as Manchester. The city of Manchester has the highest percentage bus usage of any of the metropolitan areas, but Bury, which my constituency borders, has one of the lowest in the country. It is necessary to take account of different circumstances when attempting to make like-with-like comparisons. The west midlands and Greater Manchester clearly have much more in common with the London conurbation than with York or Cambridge, which are much smaller.

Do the people in those towns like what is happening? I suspect not. A letter to the York *Evening Press* from Chris Nelson, complaining bitterly about price increases that he had to pay in York, asked

"are these higher fares just because First is the only bus operator in York, and people such as the elderly, single parents, or others on low incomes have no other choice of transport?

Park and Ride fares in York are simply extortionate—no other way of putting it. You have to pay the equivalent of a day ticket just for a return fare."

*[Graham Stringer]*

He goes on to say that the system in York does not work. It is, therefore, neither wonderful nor comparable, and it is not a good reason for saying that the same could happen in Greater Manchester.

The third ministerial reason is that London is different, and it is—it is about two and a half times larger than Greater Manchester or the west midlands. In terms of buses, however, it was no different before regulation, and the real change is that there is now a regulated system in London and a deregulated system outside. Before deregulation, 48 per cent. of all public transport journeys were in the PTE areas and about 27 per cent. were in London. That situation has reversed, with nearly half of bus journeys in London and only 27 per cent. in the PTE areas. That is a dramatic switch round. Comparable areas, which had similar penetrations of bus usage, are now completely different. One reason for that is the regulated system, and the other is that there is three times more subsidy per passenger in London than in the rest of the country. Those, then, are the ministerial reasons.

I advise hon. Members who want to understand some of the thinking of the Department for Transport to get hold of a transcript of the Public Accounts Committee's proceedings on 23 January. At that sitting, the Committee gently kebabed the permanent secretary at the Department. He is a good civil servant, and I make no criticism of him. Indeed, he is a man of integrity and intelligence, but he was trying to defend what is more or less indefensible. He did not quite plead the fifth amendment, but in many cases he pleaded ignorance of what is happening to transport in our major urban conurbations. Let me go through some of the reasons that he gave.

First, the permanent secretary said that local authorities in PTE and passenger transport authority areas would begin to have a service similar to that in London if they would only restrain car use, but that is not really the case. Greater Manchester is spending about £50 million on quality bus corridors, and other urban conurbations are doing the same. However, because the system is deregulated, the bus companies are moving on to the radial routes to make bigger profits, and the network is contracting. Although passenger usage on the radial routes might increase, therefore, there will be a worse service for some of the poorest people in the country

Incidentally, the Government are tough in assessing the benefits of investment in public transport systems such as Metrolink, but no real assessment is done of the usefulness of investment in quality bus corridors, or of whether such corridors improve public transport—the idea that they will bring about improvements is an article of faith in the deregulated, privatised system. In the light of the facts, however, that is not a belief that I share. One justification that Mr. Rowlands, the permanent secretary, uses is that quality bus corridors will help to get rid of congestion, and that is what has happened in London. However, the Department's answers to parliamentary questions show that two thirds of bus delays are caused not by congestion, but by the unreliability of private buses—they simply do not turn up.

The permanent secretary also says that, although there might be concentrations of bus usage, there are almost guaranteed to be three bids for subsidised routes. However, that is completely wrong. Many of the subsidised routes that PTEs put out to tender are simply not bid for. In Greater Manchester and the other PTE areas, there is only one bidder for many routes. The cost of such tenders has gone up by about 20 per cent.

Arriva, which is no different from the four other major bus companies that dominate the industry, makes no secret of what it is doing. In answer to questions at the Public Accounts Committee, the permanent secretary said that those bus companies were "economically rational" and "passenger maximising", but they are not. They are certainly profit maximising, but that is not the same thing. If they can concentrate their services along routes from which others have been cleared by means of bus priority measures, they will make their profits there and remove their buses from other areas. Although the permanent secretary seemed to be wilfully ignorant of that, Arriva's half-year report stated:

> "Outside London our approach, to what is currently a mature market, is to focus on a twin-track strategy of targeting investment to deliver growth and eliminating low margin and loss-making routes."

That means that companies will remove routes on which they make a certain amount of money. The 53 route in Manchester, which was there for 80 years and always had good patronage, has just gone. Instead, companies will run routes up and down the main radial routes, which is bad for public transport.

Whichever way we look at the Department's analysis—that there will be more bids, that there is competition and that quality bus corridors will be the solution—it does not fit with the facts. Should not the permanent secretary understand that, in a market in which the private sector is exploiting the people I represent, bus companies make 50 per cent. of their profits on only 25 per cent. of their business? That should, at least, be cause for concern. The Department said that it did not understand that and that it was not aware of those figures, and I would be happy to give officials the references for all the sources of information in my speech at the end of the debate if the Department is willing to listen.

On the subject of listening, I have tabled parliamentary questions to ask how many times the Department meets individual bus companies and officials and members of PTAs and PTEs. I have been told that meetings happen regularly, but I am rather interested in how often they take place, because there is evidence that Government policy is biased towards the private bus industry and against public officials from PTEs. I therefore ask the Minister whether officials will meet PTE members and whether detailed figures will be given out.

We have reached an extraordinary situation. I have been in favour of buses all my political life because the people I have represented as a councillor and a Member of Parliament have needed them. However, the system that now operates in metropolitan areas means that being in favour of buses is not the same as being in favour of public transport—they can be quite different things. Bus priority measures can be introduced, but the public transport system will get worse. That is quite a shocking state of affairs.

At the same time, the private companies are demanding more public money. Some £2 billion is going into the bus industry and the companies' profits are going up, but the service outside London is getting worse. Brian Souter of Stagecoach attacks all the PTEs because passenger numbers are going down, but, at the same time, he has his begging bowl out. Like most private sector bus company operators, he says, "You're not doing anything, so please build us park-and-ride schemes with your own money." If the private-sector bus industry were really creative and innovative, it would find those resources itself, instead of making returns on capital in the PTE of more than 50 per cent.—another fact of which Mr. Rowlands was not aware.

A number of other hon. Members want to speak, so I will finish by asking how we can justify a situation in which the travelling public in areas such as Greater Manchester and South Yorkshire have to face four fare increases a year. In London, they face one increase a year—or one fare adjustment, because sometimes the fares in London go down. How can it be good for public transport when in the past four years there have been 9,000 service changes in Greater Manchester? I assume that the figures are similar in other areas. Most people who want to increase bus patronage recognise that reliability and stability in the network are important factors. People need to know where the buses are going, but 9,000 service changes is instability of an extraordinary kind, which leads people to invest in cars and not go on buses.

How can we justify not doing anything about a system in which punctuality in virtually all PTE areas is 76 per cent. and reliability is only 92 per cent.? Those shocking figures are mostly down to the companies, not conditions on the road. How can we justify investing £2 billion but not looking at how we target the operators' grant money? We just pay it out, but do not try to use the tiny levers that are left to get a public transport system. The money is paid out without any controls at all. How can we justify having underfunded, under-resourced traffic commissioners, while companies such as FirstGroup have failed and have had to have hearings and investigations into their failures? The system means that traffic commissioners have to take services off, which is not good for the travelling public, even if they were poor services. When services are taken off in the north of England, FirstGroup registers a subsidiary and carries on as before, with its unreliable, unsatisfactory services.

I do not see how any of that is justifiable. Our public transport system is going in the wrong direction. Most of the evidence is that our urban areas compete effectively internationally if they have good public transport systems. The situation is a brake on what they are doing, and I am worried that we are going in the wrong direction.

Last year, at the request and subsidy of Services Employees International Union, a north American trade union, I went to the States to see how FirstGroup and other bus companies operated, and I was quite shocked. The safety record of the bus companies in this country is not good—I think that 15 per cent. of buses that are stopped by the commissioners have to be taken off the road immediately for being unsafe—but what is happening in the United States is worse. I do not want us to go down that route. I have tabled questions and asked for guarantees that, if we go to a yellow bus service, we will not follow the route that FirstGroup has taken in the United States.

I know that the Minister has a brief and is in the last days of being a Minister in the Department, but I ask her to accept that the situation is not justified. None of us wants to return to the 1984 system, which was not as responsive as it should have been, but we do want value for the £2 billion that is invested. We want local control, so that we can say to our constituents, "This is a public transport system that will get you to work on time." Constituents of mine have lost their jobs or not got to hospital for important appointments because FirstGroup did not turn up, at the same time as its profits are increasing. That is simply unacceptable. I hope that the Minister will be as positive as she can be in response to those points.

9.55 am

**Dr. John Pugh** (Southport) (LD): I thank the hon. Member for Manchester, Blackley (Graham Stringer) for raising this crucial issue, which matters a lot to people throughout the PTE areas and beyond. I reiterate his comments about the Minister, because I have always found her to be extraordinarily helpful and a model of courtesy with all hon. Members. She has not let power in any sense turn her head and will, I am sure, remain precisely the same person when she resigns from the ministerial ranks.

There is a quotation, I think from the former Duchess of Westminster, to the effect that anybody on a bus after the age of 30 is a failure. On Monday, coming home after our vote on identity cards, I made use of my Oyster card. It was the first time I had gone home at night on the bus. The bus—the 77A—arrived promptly at 11.15 pm. I got on it, used my Oyster card and found that it was full of a range of people, all of whom were perfectly happy and amicable. I travelled quickly, made a five-minute journey to my destination, got off and was within a few yards of my flat.

I compare that with the experience that I commonly have at home, where I rarely use the bus service. Why? Because throughout Merseyside buses are, by and large, infrequent and expensive, especially for families. The age profile is quite different. The nice thing about getting on a bus in parts of Merseyside is that one never feels old, because almost 80 per cent. of the passengers are pensioners using free travel, which for years the council tax payer has funded. In some ways that is a bracing experience, and quite different from being on a tube in London, where one can sometimes look along a carriage and find oneself the oldest person in it. None the less, the climate is completely different.

Another reason for not using the buses locally is that the routes are often indirect, and my experience with buses in other cities does not encourage me further. For reasons that hon. Members will be able conjecture, a year or so ago I got a bus to Hodge Hill in Birmingham. I was surprised to find myself the only person on a full bus to be wearing a suit, collar and tie. There was a definitely a class element to bus use in that area, which does not exist in London.

One could argue that there is a big subsidy in London, public control and elements of car restraint, for example. I do not have a car parking place at my flat,

*[Dr. John Pugh]*

which encourages me to use the bus. However, in areas such as Merseyside, we see a dire, depressing and declining picture. Eighty per cent. of the routes in Merseyside are straightforwardly commercial and 20 per cent. are subsidised. Two companies—Arriva and Stagecoach—operate 90 per cent. of the routes, with some small companies around the edges.

Over the past 10 years, the number of passengers using supported routes has increased by about 4 million, but the number of people using commercial routes has declined drastically by 37 million. It has gone down by 20 per cent., but there has been no change in mileage. The buses are going round as per usual, but they are going round with greater cost and fewer passengers. Supported mileage has increased dramatically since 2000, by about 2 million miles. The subsidy has tripled and the cost per mile of running a bus has doubled.

That is largely because of the commercial operators pulling out and deciding that they do not want to run routes that are not profitable enough. Often, when Merseyside PTA tries to work round that, it uses circuitous routes to satisfy passengers and the paying public. Contrary to expectations, during local transport plan 1, the bus fleet, commercial and other, on average got older. That is despite substantial publicity for public transport on Merseyside and substantial investment by the PTE in infrastructure. There was substantial innovation in, for example, the use of LPG vehicles and bus lanes proliferated galore. Clearly something is not working. I have no reason to believe that things are working a great deal better in Manchester, Birmingham, Newcastle or Sheffield. That seems to be the general story since privatisation.

We have gone for and are trying unsuccessfully to thrive with a market model for public transport. The key to improvement, if there is to be improvement, is thought to be competition. The enticement for all Governments is that improvement via competition will negate the need for subsidy, so that subsidies can be reserved for other services—for example, buses in and through deprived areas and the rural bus grant. Essentially, it is a market-driven model or, to be more precise, a profit-led model. It is not a demand-led model. In many cities and towns such as Southport, which I represent, there is a huge demand for late-night public transport to take people back from clubs, pubs and so on, but it is simply not provided. It does not suit the operators to provide it, or perhaps it is problematic, but it is a real social need and there is a real public demand.

The model does not work because, in many places, as other hon. Members are likely to say, there is nothing like real competition; it is more like cartels. From time to time, the bus operators have been referred to the rather limp-wristed Office of Fair Trading when there seems to be a local monopoly in a particular area. It points out that another operator, perhaps 20 or 30 miles away, can be used if someone wants to travel 20 or 30 miles to avail themselves of a bus for which they have no real need. The OFT's rather limp-wristed response has not allowed the benign effects of competition to kick in.

That is all against a background of the Government not, strictly speaking, leaving the market alone. They allow subsidies by passenger transport executives; they allow traffic regulations to impose bus lanes; they allow companies to receive profits. They essentially preside over the situation. As the hon. Member for Manchester, Blackley pointed out, it is apparent that bus ridership has fallen and the only saving grace for the Government is in London where the situation has been sustained and has improved.

People have despaired of public transport and have found that travelling by car has not become more expensive. The cost of car ownership relative to bus ridership has fallen. Increasing environmental concern has changed the degree of Government tolerance. Furthermore, in some cities, the use of cars has made congestion intolerable even for car users. I know that the Government are having a rethink; I know from veiled comments by the Secretary of State for Transport recently that he is having a rethink.

What appears to have prompted that rethink as much as anything else is the prospect of rolling out congestion charging throughout the country. People know that congestion charging works in London but it works because there is a tube system, a good, affordable bus system and good public transport infrastructure. That does not exist in other conurbations, so the people who would suffer most from congestion charging would be those with less money. They could not easily afford the congestion charge but they would have to use their cars to go to work if there were no public transport system, and they would pay a substantial premium for doing so.

The Government are linking the transport innovation fund—a big pot of gold that local authorities can try to dip into and that carries with it the requirement of making the right noises on congestion charging—with some latitude on the development of quality bus contracts and quality bus partnerships. They seem infatuated with the idea that congestion charging is a solution to congestion. They accept that something must be done about buses. I believe that they will do something about that in the not-too-distant future. I hope that this debate helps them to proceed more quickly with the process of rethinking.

I do not believe that congestion charging and quality bus partnerships, or increasing regulation are necessarily the Siamese twins that the Government believe them to be. I think I am right that, before we had congestion charging in London, the figures for London bus use were enviable compared with the rest of the country and rising. All along, with and without congestion charging, it has had greater public control and substantial public subsidy. I think that London might thrive without the current level of subsidy. Things could improve substantially so that it did not need the current level of subsidy. That could be due to increased ridership, with people such as me starting to use buses, increased efficiency with new buses, and increased familiarity. Many people do not use buses because they do not know where they go. They have the unnerving feeling that they will be whisked far away into the distance and have a longer walk than they would have had to start with.

In the House of Commons and among the wider public, everyone says that they believe in public transport. It is a nostrum from which no one demurs. No one, except perhaps the former Duchess of Westminster, says that public transport is a bad thing. I am not sure that we all believe passionately in the public actually using public transport, but there is clearly no point in having it if it does not entice the public out of their cars and encourage what is today called modal

shift. There are clear gains for the environment and in terms of congestion. Strangely, there is also a forgotten gain—some of us are old enough to remember it—of social cohesion. When one gets on a bus and finds that it is not full of people waiting to attack with knives, one starts to talk to other people. That is not a bad thing for society. We have talked about social exclusion, but social cohesion is a strange and incidental by-product of people using public transport, except on the London underground, where protocol demands that people talk to absolutely no one for fear of being thought to be insane.

It is self-evident that the Government's public transport policy on buses so far has produced a flat zero in modal shift outside London. They already have some regulation and use economic levers, so they must consider how they can use regulation and economic levers better. This is not a plea for nationalisation because buses never were nationalised. It is false to suggest that there was an age when the municipal authority provided the entire pubic transport infrastructure. I was brought up in Liverpool where Ribble, Crossville and Liverpool city council bus companies provided popular services and people did not discriminate between private and public providers. We are talking realism. The situation requires that something be done. It is demonstrable that the current economic and legal levers are insufficient. If that does not change, public transport in general will deteriorate.

**Mr. Martyn Jones (in the Chair):** Three hon. Members have indicated that they wish to speak. The wind-ups will start at 10.30 so perhaps hon. Members will be brief.

10.9 am

**Mr. Paul Truswell** (Pudsey) (Lab): I add my congratulations to those already been expressed to my hon. Friend the Member for Manchester, Blackley (Graham Stringer) on securing this debate, and I echo the kind comments that have been made about the Minister. Those of us who have been pursuing this matter for some time will probably have to go through the process again with her successor.

I shall try to reduce the length of my speech by missing out some of the statistics that my hon. Friend used. In west Yorkshire where I come from, it is clear that quality and standards have fallen dramatically since deregulation. Fares have risen by almost 50 per cent. in real terms and the number of passengers has fallen by 40 per cent. However, as he said, the position in west Yorkshire is probably far better than in the other passenger transport executive areas, where patronage has fallen overall by 48 per cent.

The experience in my constituency, as in so many others, is that companies can pick and choose what services they provide, and that they make escalating profits while providing a poor service. Services are chopped and changed, buses are missing or late, and passengers feel angry and powerless about that, for all the reasons that my hon. Friend and the hon. Member for Southport (Dr. Pugh) analysed quite forensically. Passengers turn to Metro, their MPs or councillors, but find that we are equally powerless in this situation.

In my constituency, there is effectively a monopoly provider in the shape of FirstBus, which operates all the commercial services. Evening and Sunday services are funded by Metro on a subsidised basis. The local network—this picture has been described already—comprises high frequency routes such as service 4 to Pudsey, 16 to Farsley and 42 to Old Farnley, together with a combination of routes on the busy Leeds-Bradford corridor. The remainder of services are attended to largely through Metro.

In the nine years that I have been the MP there, the area has been subjected to successive service changes, all of which were based solely on the generation of profit. As my hon. Friend said, we have moved from a situation in which there were loss-making routes, which were shed by the operators, to one in which the routes are making a profit, but not enough profit in the eves of First.

Recent changes to services such as the 97, 647 and 651 in the Guiseley and Yeadon areas have resulted in a significant reduction in links with nearby Bradford, which is a major urban centre on the doorstep of my constituency. That has caused tremendous hardship for regular users of those services. Through Farsley, there is a regular service every 10 or 15 minutes, yet half a mile away, older people living in a sheltered housing complex have lost their vital link into the Farfield estate.

There is no obligation—we know this full well—on commercial operators to undertake any sort of customer consultation, so links to local facilities such as health centres, post offices and supermarkets are often ignored when operators plan their services. The bus network does not respond to social needs, whether they are long-standing or have emerged over time. It is an indictment of the system that there are no links for, probably, 40 per cent. of the people who use Wharfedale hospital directly from the communities of Horsforth, Yeaden and Guiseley. Recently, a major primary care facility was set up at Eccleshill in Bradford. Its catchment area includes a large proportion of my constituency, but there are no public transport links for them.

Although Metro provides some of the funding for services in my area, constraints on public finance mean that those funds are limited. In the bad old days, as we might refer to them, before regulation, there was a cross-subsidy, and the surpluses made on profitable routes could be reinvested in routes that were socially desirable. Despite its drive to improve profits locally, First seems to be incredibly slow to reinvest in the renewal of its bus fleet. I understand, from Metro, that about 45 per cent. of First's fleet is low-floor and Disability Discrimination Act compliant, and that the average vehicle age is about seven years. That is not the sort of modern-day service that people should have to cope with.

Limited monitoring is available to the Vehicle and Operator Services Agency, which means that much of the monitoring has to be carried out by Metro using manual observation. I understand that First in Leeds operates 99 per cent. of services. Since October 2005, Metro has been increasing the amount of monitoring that it does, the results of which reinforce my hon. Friend's indictment. First in Leeds is operating 79.7 per cent. of services on time—not more than one minute early or five minutes late. That sort of service causes passengers to vote with their feet and, as the hon. Member for Southport says, to opt for other forms of transport, including the private car.

*[Mr. Paul Truswell]*

Fare levels are controlled by local bus operators, which are therefore in a position to make up for the loss of patronage that they have created by the way in which they have run services, which are also affected by demographic changes, network changes and low-quality service delivery. Between April 2004 and January 2006, in Leeds, First increased off-peak fares by 36 per cent. and peak-time fares by about 11 per cent. Industry cost figures for the period up to June 2005 show a 9 per cent. increase, so we can see that there has been a continued diminution and deterioration of services, but constant profit and growing fares.

As my hon. Friend said, the Government often talk about contestability and value for money, especially in relation to education, schools and the NHS, and the public sector is forced to compete with the private sector. In west Yorkshire—and, I suspect, in other PTE areas—we do not have a market that promotes competition and efficiency, and drives down costs. We have a system that promotes inefficiency and drives up costs. Metro PTE is able to influence directly only about 20 per cent. of the services for which it provides a subsidy. There is little competition for tenders, so it is difficult to test value for money. In west Yorkshire, in the 12 months to September 2005, of the 87 contracts for local bus services that Metro offered to companies, 70 were returned with a single bid, although every contract was bid for, unlike in my hon. Friend's area.

Since 2002, lost mileage on tendered services has more than doubled in west Yorkshire. Tendered services usually operate at times of low traffic volume, so congestion is not the reason for lost mileage, although it is often quoted as the reason by operators. That simply is not true in this case.

In her reply to my Adjournment debate last November, my hon. Friend the Minister talked about successful partnerships in Brighton, Cambridge, Nottingham, Oxford, Telford and York, and about impressive growth in areas such as Bedford, Exeter and Peterborough. My hon. Friend the Member for Manchester, Blackley analysed why those comparisons are not appropriate and never will be. That indicates that the Government still have not got to grips with the sophisticated problems facing bus transport in major conurbations. This might be a belated question, but why is it that the Minister and her colleagues can never add Birmingham, Leeds, Sheffield, Newcastle, Liverpool and Manchester to that list? My hon. Friend the Member for Manchester, Blackley did an admirable job in demonstrating the difference.

The Minister and her colleagues put their faith in partnership and robust second local transport plans. There seems to be a strong assertion, or at least an implication—my hon. Friend the Member for Manchester, Blackley referred to this—that PTEs should be doing more and that they are deficient, but I am never quite sure what that extra something is supposed to be. I would certainly welcome some enlightenment on that from the Minister, her successor, or anyone else who cares to shed light on the issue.

Partnership can and does work to an extent. It is not as though PTEs such as Metro are not willing to engage in that. In west Yorkshire, we have one of Europe's largest guided busway initiatives, a high occupancy vehicle scheme, and a public transport box in Leeds city centre that has cut journey times on some routes by between 10 and 30 per cent. PTEs are not resistant to partnership, but it simply is not enough. Surveys in west Yorkshire found that one in four frequent bus passengers experienced unacceptable lateness, or the non-showing of vehicles in the previous week, and that 49 per cent. had the same problems in the previous three months. Complaints to Metro about bus operators have doubled since 2000. Between 2003 and 2004 alone, complaints increased by 40 per cent.

People often say to MPs about public sector providers such as the NHS, "Eeh, if you ran a business like that, you'd soon be on the rocks." Yet the bus system is a business, and it is being allowed to run like that. It is still not providing the service that our constituents demand. I was going to say a little more about the hurdles that PTEs have to overcome to get quality contracts. The Minister has heard the argument before. The threshold is set too high. The "only practicable way" requirement will simply not be met without a great deal of difficulty and legal challenge. The threshold must be lowered.

I apologise for the time that I have taken, but we have to find a way to achieve a better and fairer balance between passengers and profit.

**Mr. Martyn Jones (in the Chair):** If the remaining Members who wish to speak before the wind-ups try to limit themselves to four minutes, I think we can get them in.

10.21 am

**Mr. David Clelland** (Tyne Bridge) (Lab): I will try to be brief. I must start with an apology. I have to go to a meeting with the Lord Chancellor, and he is not a man who likes to be kept waiting. I apologise to the Minister and to the Opposition spokesmen because I will not hear their winding-up speeches, but I will read them with great interest.

I congratulate my hon. Friend the Member for Manchester, Blackley (Graham Stringer) on securing this important debate. It is true that deregulation has been bad for public transport, and I agree with much of what was said by the hon. Member for Southport (Dr. Pugh). I suspect that this is one of those debates where there will be a great deal of agreement across the Chamber, at least below the Gangway. We will get to hear what will be said at the other end.

It is certainly true that bus companies tend to have things their own way these days. I agree that something of a cartel is working. In the Tyne and Wear area, Stagecoach and Go North East seem to dominate all the bus services to the exclusion of anyone else. As a result of deregulation, bus use is in serious decline. As my hon. Friend the Member for Manchester, Blackley pointed out, before deregulation, 48 per cent. of English bus trips took place in PTE areas and 27 per cent. in London. Now that has been reversed, with 27 per cent. of English bus trips in PTE areas and 44 per cent. in London. That has to have something to do with the fact that services in London continue to be regulated.

As a result, costs are rising. The price of new tendered local bus services is rising way ahead of inflation. Between 2003 and 2004, the price rose by 12.1 per cent.,

three times the rate of inflation. That was a marginal improvement on the 15 per cent. rise between 2002 and 2003. The result is cuts in services. Approximately 35 per cent. of local authorities planned to make cuts to supported bus services by the end of the 2004–05 financial year in order to stay within budget.

It is not all bad news: there has been very good news for profits. FirstGroup, made a £103 million operating profit from its UK bus division in 2003–04. UK bus operations account for 37 per cent. of FirstGroup's revenue and 48 per cent. of its operating profit. Returns of 11 per cent. on an investment are not unusual in the bus industry. My hon. Friend has referred to returns of as much as 50 per cent. It is indeed a profitable business.

Reliability and the provision of services have suffered, not least in Tyne and Wear. Services west of Gateshead have been cut and priority services have had to be introduced at public cost in order to provide a reasonable service to the people in that area. Passenger journeys in Tyne and Wear have gone down by 56 per cent. since the deregulation of buses. PTEs are struggling to continue to provide decent services for people, as opposed to the profitable services that the bus companies seem exclusively to be interested in. Nowhere is the budget being constrained more than in the Tyne and Wear area.

I refer my hon. Friend the Minister to the problems besetting Tyne and Wear PTE because of the Government's free fare system, which will be introduced in only a few weeks and is exclusively related to bus journeys. In Tyne and Wear, we are now £5.5 million short of the money needed to run free bus services next month. That is a serious problem. In order to make up the shortfall, the PTE will have to use £2 million of its reserves. It will have to cut concessionary fares for young people and students. Next week, it will have to announce cuts in services to pay for that Government-inspired scheme. That cannot be right and it is up to the Government to resolve the problem.

I congratulate the Department for Transport, which has done everything possible to assist. In fact, it has provided £1.7 million to ensure that the free fare system can be transferred on to the metro. If the free fares had exclusively been for buses, the metro system would have suffered badly. That has resolved a problem, but we still have the shortfall to resolve.

I, too, congratulate the Minister on her term of office and I wish her well for the future. Perhaps she could perform one great last service. Next week the Chancellor will announce this year's Budget. As last year's Budget brought in the free fare system, perhaps he could resolve some of the unintended problems with the scheme in this year's Budget.

Not only is there a funding shortfall for the scheme in a number of local authorities, and most seriously in Tyne and Wear, but the scheme is related only to local authority boundaries. That is causing some difficulties. In this year's Budget, the Chancellor—the Minister might have a word with the Treasury—could introduce a national free fare scheme for pensioners. It could be administered by the Department for Transport. In one of its famous meetings with the bus companies, to which my hon. Friend the Member for Manchester, Blackley referred, it could negotiate to introduce a national system, so that pensioners could use the free pass wherever they went in the country on local bus services. That would be a great service. If the Minister can do that before she leaves, she will be remembered for ever.

10.26 am

**Stephen Hesford** (Wirral, West) (Lab): I congratulate my hon. Friend the Member for Manchester, Blackley (Graham Stringer) on securing the debate. Not only has he got me back on the subject of buses, but this is my first Westminster Hall debate, although we are not in Westminster Hall but in Committee Room 10. I am delighted that that is the subject of the debate, because one of my personal projects at the last election was to work with my passenger transport executive, Merseytravel, to secure a form of re-regulation. If I were to quibble about anything about today's debate, it would be the name. Instead of "Buses (Deregulation)", it should be "Buses (Re-regulation)". I would have much preferred a positive slant on the debate.

Why is it that three of my constituents from Upton recently contacted me to tell me that the 497 service from Saughall Massie to Birkenhead had been withdrawn by Arriva? That caused severe hardship to one elderly couple who cannot get to their doctor as they did before. They have to get two bus services, neither of which are particularly reliable. In September last year, constituents from West Kirby were very distressed when the 82 bus service, run by Avon buses, from Heswall to West Kirby was cut in half, making them wait for two hours on that circular route, which is mostly used by the elderly. In October last year, I heard about the number 17 bus service operated by FirstBus, which is regularly late and has led to problems because the gentleman involved cannot get to work properly.

The background as regards Merseytravel and Merseyside has already been given by the hon. Member for Southport (Dr. Pugh), so I will not go into that. We receive letters regularly. In my naivety, when I first received letters about such matters, I used to write to the PTE to ask whether it could intervene and do something. It got fed up and said, "Look, Stephen, no, we can't. We can't interfere with commercial services. We can't operate or try to operate those services."

So what is to be done? I want to tread a middle course. I understand that there could almost be a revolution, which would unwind what happened in 1985. I do not think that anyone is arguing for that. My PTE tells me that, under the Transport Act 2000, reluctantly but as positively as it can, it wants to consider quality contracts. I shall pick up from where my hon. Friend the Member for Pudsey (Mr. Truswell) finished. My local PTE tells me that under—is it section 6? Everyone is looking at me mystified. Are we getting some information?

**The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck):** Not on that.

**Stephen Hesford:** In that case, I shall move on. My local PTE says that under the relevant section a quality contract can be used to bring in a form of re-regulation if that is the only practical way to do so. I am told that it is a cumbersome, bureaucratic process, but I am also told that PTEs, working together, are determined to try to crack that nut. I urge my local PTE to do that; in fact,

*[Stephen Hesford]*

I urge all PTEs to do it, including those in west Yorkshire, the west midlands and the north-east. As I am dipping my toe in the water of this debate, I also ask my hon. Friend the Minister whether any applications—from what I am told, they will come in the summer of this year, so that people can try to make progress in 2008—can be considered sympathetically, rather than bureaucratically.

10.31 am

**Paul Rowen** (Rochdale) (LD): I congratulate the hon. Member for Manchester, Blackley (Graham Stringer) on securing the debate and on an excellent contribution. I also commend the contributions made by other hon. Members; we have had a very good debate. I, too, send my best wishes to the Minister. I have been in the House only a short time, but I have always found her very courteous. Although we have not always agreed, we have at least had that dialogue, so I wish her well.

The hon. Member for Manchester, Blackley represents an urban constituency, as I do. Some of the examples and statistics that he gave show why deregulation has been a disaster and why we need a change of policy. Buses are important, although they are often treated as the Cinderella of public transport. They are frequently the choice of the majority: 85 per cent. of all public transport journeys are, and will continue to be in the near future, made by bus. If we are to do something about congestion in urban areas, we must deal with some of the problems that hon. Members have raised.

When the Transport Act 1985 was introduced, we saw the privatisation of the National Bus Company and the municipal bus companies—I am thinking of Greater Manchester Buses North and Greater Manchester Buses South—and what was then termed the freeing up of the market. We were promised more competition, better bus services and cheaper fares. However, we have had none of those benefits. Instead, there was a brief period of bus wars. I am sure that we all remember when buses were chasing each other for custom along the road—always along the most profitable routes, not on estates. Those services do not run at times when people without cars need them to run.

That time has gone and what do we have? We have a private monopoly instead of a public monopoly. Although 80 per cent. of all services in PTE areas are commercial services and only 20 per cent. of those are subsidised, 65 per cent. of all bus services in 26 of the 36 metropolitan districts are operated by one bus company. In 17 areas, the figure is 75 per cent. In my constituency of Rochdale, 65 per cent. of all bus services are run by First. In Oldham, the figure is 84 per cent. In Stockport, with Stagecoach, the figure is 81 per cent. In Sefton, with Arriva, the figure is 78 per cent. In Birmingham, National Express has 86 per cent.

A monopoly in itself is not a bad thing, but if we compare the services in PTE areas with what we have in London, we find that they are characterised by four things: frequent fare increases—four increases last year were mentioned—frequent changes in bus timetables, often with little notice; poor reliability and service; and services operated for the benefit of shareholders rather than customers. For example, when Arriva recently announced a fall in profits, primarily because it had lost the northern rail franchise, it said that the bus fares would have to go up. That is not improving the service. That is operating bus services, as has been said, as a cash cow.

Many customer service surveys have shown what we all know: the main concerns of bus users are reliability, punctuality, driver attitudes and service stability. A bus does not turn up only once, and a passenger is lost. If there is to be a modal shift and if we are to meet the target of a 10 per cent. increase in bus use in areas outside London, there must be a change of image and in operation. As we know, that is not happening. We have seen a 19 per cent. fall in bus use in PTE areas; the figure was 3 per cent. last year. At the same time, we have seen a huge increase in bus fares: 86 per cent. between 1985 and 2005. That is not acceptable.

Let us compare the rates of return in PTE areas with that in London. First Manchester's rate of return is 17.8 per cent. Arriva Manchester's is 15.1 per cent. Stagecoach Manchester's is 14.5 per cent. The margin in London is much lower: 8.7 per cent. The situation that I have described cannot continue. We cannot operate a service whereby bus services are changed and fares are increased not to bring about improvements in services but to ensure that profits are protected. If we are to get our city regions operating, we must consider a change in the system.

The Secretary of State said in an answer to a written question from the hon. Member for Manchester, Blackley that we could not return to the 1985 situation. As has been said, none of us here wants that. However, we do want quality bus services reliably operated in areas where people need them and at times that will get people out of their cars. If the current system continues, that will not happen.

Quality contracts were mentioned. In answers, the Secretary of State has said that that is the route that we have been going down, but, as has been said, those contracts are extremely difficult and time-consuming to operate. It is pertinent that, since the time to introduce those contracts was reduced last November from 24 to six months, not one contract has yet been applied for. That shows some of the difficulties. The contracts are too complicated; there are too many stipulations. We are told that competition will work, but clearly competition is not working. It is not providing regular public transport.

PTEs need to be able to plan and develop an integrated transport policy. It was said that, with the introduction of congestion charging, that may be possible, but as the hon. Member for Manchester, Blackley and my hon. Friend the Member for Southport (Dr. Pugh) said, we have to consider what is happening. I am a member of the Greater Manchester passenger transport authority. We have not said that we would oppose such a move. However, we have always said that the public transport network has to be in place before charges are introduced. If not, we will not encourage local people back on to the buses.

We need to consider changing the rules relating to quality contracts. Passenger transport authorities are working on the issue and are committed to introducing quality contracts, but operated as they are currently,

they will not be a success. Liberal Democrats want more local decision making. We want PTAs to have the powers that they need to introduce the contracts as part of an integrated transport system. That means similar powers to what exists in London. That is not nationalisation. In 1985, the real difference was not about privatisation or nationalisation; it was about regulation, and that is what we do not have at the moment. We need regulation. Yes, there is the issue of cost. As the hon. Member for Manchester, Blackley said, the costs and subsidy for London are much higher. I am not arguing with that. However, if we consider the bus operators' grant that is paid directly to those companies, and some of the margins that they achieve—the profits of companies in the PTE areas are even more excessive than those made in London—we must be able to find a way of operating a similar service without massive Exchequer input. We must think about that, because we have to have a public transport system if our cities are not to be log-jammed with cars.

The current system is not working. It has failed local people. I hope that, in her last few days in her post, the Minister will set in train a thorough review of the existing situation, which will show her that the private monopolies exist for their own benefit and not that of local people. I hope, too, that the Government will use the information from the review to give us a proper, integrated transport system.

10.41 am

**Stephen Hammond** (Wimbledon) (Con): Like all other hon. Members, I wish the Minister well when she stands down from her Front-Bench role. Today is the first and last time that we shall have the opportunity to debate together. I note that the hon. Member for Manchester, Blackley (Graham Stringer) has been consistent on this subject throughout his long period in Parliament. Today, he has been a forceful advocate for his side of the story—indeed, so far we have heard only one side of the story. I should like not only to address that side but to put forward some countervailing points that we need to bear in mind.

The hon. Member for Southport (Dr. Pugh) said that this is a debate about public transport, and we all support public transport. That is true, but what we are talking about is how it is delivered, and how it might be improved continually. In 2000, having recognised that bus travel numbers decreased in many previous years, the Government produced the 10-year plan, in which they set themselves the target of increasing bus journeys by 10 per cent. by 2010. They also said that they wished to improve the punctuality of the whole service nationally. Against that, they set many years' decline in bus usage, increased prosperity, increasing car ownership, the increasing cost of bus travel and the falling cost of motoring. Clearly, the Government have recognised that the target that they set themselves was unattainable—it has been revised twice. We now have a target for not only buses but bus and light rail, increasing usage by 12 per cent. and growth in every region.

I listened with interest to the arguments of the hon. Members for Manchester, Blackley and for Pudsey (Mr. Truswell), who quickly dismissed the successes in some other areas, telling us, for instance, why Brighton's success was not applicable to Manchester. I visited the bus company in Brighton two Fridays ago. Just before we dismiss it so readily, let me quote from three paragraphs of a letter from Roger French, the managing director of Brighton and Hove's bus and coach company:

"The key ingredients that we have put into the partnership mixture are frequent services—80 per cent. of our passenger journeys are taken on a bus"

that runs

"at least every 10 minutes; simple pricing offering value for money; continued, sustained investment in new buses taking advantage of constantly improving technology and comfort and a passion for excellent customer service . . . The Local Authority's ingredients are the installation of effective bus priority measures on the road; a robust parking management and enforcement regime; effective enforcement of traffic regulations associated with bus priority measures . . . accessible bus stops which are pleasant to wait at with real time information . . . As we discussed the private sector is best placed to deal with the first 5 ingredients . . . and . . . local authorities are best placed to deal with the second 5 ingredients."

One of the problems in the deregulated market in parts of the country other than London is that bus companies are becoming increasingly frustrated at what they see as the failings of the local authorities, and local authorities are frustrated at what they see as local bus companies failing to invest or to be responsive. As I listened to the arguments of the hon. Members for Manchester, Blackley and for Pudsey, I wondered whether, if they met Mr. French, they might think that a lot of what he said may appertain to their areas. I recognise the frustrations that occur. Although the operators have the freedom to decide when and where to run routes, they are banned from co-ordinating services with other operators. The local authorities can offer subsidised, non-commercial services, but there are restrictions on the deals and on what they can negotiate with regard to service levels.

There are many frustrations, but is that an argument for ditching the system, or for improving it? I wait to hear the Minister's response, but I expect that she will bear in mind what the Secretary of State said about buses in Edinburgh:

"the route is more extensive and imaginative now than when the local authority ran the service . . . So I would be wary of saying that we should go back to the pre-1986 situation."—[*Official Report*, 2 July 2003; Vol. 408, c. 404.]

I am listening to the arguments being advanced today on the advantages of the PTEs, but I am guided by a National Audit Office report published in December 2005, which found that the Government were highly unlikely to meet their revised targets. When one considers the NAO's rationale and the points that it makes, one wonders whether it is saying that we should abandon what is in place at the moment, or modify it.

The NAO touched on better use of concessionary fares. That subject has already been mentioned this morning. As a result of the Government's initiative, at random, I phoned 25 local authorities around the country. None of them told me that the proportion of the money that was being provided under the new national scheme would cover the scheme in its area. I wonder how many authorities the Government have contacted; how the Government can say that the £350 million that they are going to provide will cover the bus concessionary scheme; how many of those authorities are using a subsidy scheme, or a block payment; and how many people, who were able to do so

*[Stephen Hammond]*

before, are now prevented from travelling across concessionary areas. What has been put in place will cause a levelling down rather than a levelling up of schemes.

The NAO report advised councils that they would do well to consider the way in which they procure services. Had I time, I would quote more extensively from the report, because it is useful to bear that in mind. It says that

"the administration costs of procuring bus services are not high. But . . . if authorities currently tendering for individual routes or small packages of routes adopted a more strategic approach . . . they could achieve average savings equivalent to . . . some £26 million."

I wonder whether, in the context of improving the system, the Minister will talk about the ability of local authorities to relax the rules to allow scope for greater co-operation across PTEs and concessionary areas. That might make for some efficiency of provision. She will be aware that the NAO report was extremely critical of the Government in certain respects, including their failure to consider the transport plans that had been drawn up, the increase in usage and the need for proper monitoring of provisions that were being put in place. Will she comment on that?

I am a London MP, and I have heard much today about the paragon of virtue that is London. Those of us who live in London do not necessarily recognise those virtues. Bus usage is up, but fares are also up by 35 per cent. and that figure hides the cost of the concessionary scheme that Mr. Livingstone has put in place. Those of us who are local councillors as well as Members of Parliament have noticed that every year we are told how much we have to provide for the extra concessionary scheme, and that that usually comes off our social services budgets. That damages our ability to care for people at risk.

Mention has been made of Oyster cards. Some of the pricing irregularities are worth noting. London has done away, for no good reason, with the family railcard, so it now costs a family of my constituents, two adults and two children, travelling one stop from Wimbledon Park to Wimbledon something like £9.10 rather than the £3.40 that it cost them less than three months ago.

It is also true that our bus services are the most expensive per mile in the UK. Like all other hon. Members, I can quote the routes about whose failings my constituents regularly write to me. Route 200 springs to mind—it is criticised for poor delivery and poor punctuality and because "it never turns up". A consultation exercise decisively rejected the number 493, but it was imposed on us. It causes traffic chaos through one of my wards every day and I get at least one letter about it every week.

**Mr. John Leech** (Manchester, Withington) (LD): Will the hon. Gentleman give way?

**Stephen Hammond:** I have a minute left, so I am sorry but I will not.

The paragon of virtue that London has been described as must be carefully considered before we go too far in saying that everything in London is wonderful and everything elsewhere in the world is not. The hon. Member for Manchester, Blackley said that quality bus corridors would not necessarily ensure greater reliability or quality, but that does not square with the briefing from the transport authority, which states that journey times on completed quality bus corridors are now 10 times faster in peak areas. I would have wished to go into that in more depth, but I note that my time is running out.

Turning the clock back to the pre-1984 era is not the answer. The answer is to make the current system work and to improve it, and I look forward to the Minister's remarks about how the Government intend to address that.

10.51 am

**The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck):** I begin by thanking all hon. Members for their kind words on this my penultimate day as a Minister. I should resign more often. I congratulate my hon. Friend the Member for Manchester, Blackley (Graham Stringer) on securing this debate and on initiating a useful set of contributions. I listened to what everyone said with a great deal of interest. I hope that it will be of some reassurance that I do not intend to try to make the case that everything is for the best in this the best of all possible worlds. The Department recognises that there is a case for change, and I shall outline some of the changes that can be made.

I wish to respond to some specific points, particularly those of my hon. Friend. I assure him that this is not the only opportunity that we have had to hear the concerns of passenger transport executive areas. There is regular official dialogue with PTEs and Ministers—in fact, last week I met bus partnership forum representatives of the authorities as well as the operators—and meetings take place every couple of months at both the departmental and Government office level. I assure him that we do pick up on these arguments. I am aware from those activities and from the comments of my hon. Friends the Members for Pudsey (Mr. Truswell), for Wirral, West (Stephen Hesford) and for Tyne Bridge (Mr. Clelland) that there is real strength of feeling about these issues and that there are genuine concerns that we need to address.

We all agree on the importance of the bus as a key strand of public transport policy. Buses provide about two thirds of all public transport journeys—4 billion journeys in England, with about one quarter in PTE areas. They play, and will increasingly play, a vital role in tackling congestion and promoting accessibility and social exclusion.

Outside London, bus deregulation has been with us for some 20 years. Those years have not been easy for buses because of the growth in car ownership as well as the factors that hon. Members set out today, in particular the increasing cost base, which is a reality for whoever provides bus services on whatever basis. We must respond to the genuine and almost historically inevitable relationship between economic growth and rising car ownership.

It is fair to point out that deregulation has brought some benefits as well. It is important to keep some balance in the debate. There has been considerable

investment over the years in new and better quality buses that has not been borne by the public purse. The average age of local buses has fallen to 7.2 years, which is comfortably below the target set by the industry earlier in this decade.

**Mr. Leech:** Will the Minister give way?

**Ms Buck:** Once only and very briefly, because of the time.

**Mr. Leech:** I accept that new buses have been constructed, but they tend to be put on the most profitable routes. All the old dodgy buses are left on routes that struggle to get passengers, creating a situation in which people are discouraged from using those less profitable routes.

**Ms Buck:** I understand that. It is part of the argument that hon. Members have been making. However, we must recognise that investment has been made that is not from the public purse. That provides opportunities for us to invest elsewhere.

One of the central points that hon. Members made was about the comparison with London. I appreciate and understand, not least as a London MP, that conurbations outside London look enviously at the patronage growth in London under the franchise system. I disagree with the hon. Member for Wimbledon (Stephen Hammond): as a London MP and the proud holder of an Oyster card that I use regularly, I believe that due credit should be given to Transport for London and the Mayor for the governance, supported by Government money, that has brought about the increase in bus patronage.

It is not true that it would be possible to duplicate the London experience elsewhere. There are several reasons for that: the demographics, population density and size of London; the limited availability of workplace parking; the historic use of the rail and tube networks, which are part of the general public transport system; and the brave decision to introduce the world's first major congestion charging scheme, which has been part and parcel of the measures to increase bus patronage by increasing bus speeds in central London. All those factors together mean that car ownership in London is far lower than the national average: 36 per cent. of London households have no car, compared with 25 per cent. across England as a whole, and only 20 per cent. have two or more cars, compared with 31 per cent. nationally.

Furthermore, although it is true that there is generous Government support for London transport—rightly so, as it is the capital city—about half of the £2.8 billion per year investment in public transport comes from other sources such as the congestion charge and the council tax payer.

Hon. Members' comments reflected the fact that experience elsewhere shows that growth can be achieved outside London, particularly if local authorities and bus operators enjoy good relations. I shall not run through the list again because of the risk of irritating hon. Members, but it is not just in historic towns—Brighton and York among others—that we have achieved considerable success. Nottingham is also a good example. Last summer, I visited my hon. Friend the Member for Tyne Bridge, who is not in his place, and observed what was then the fastest growing bus route in the whole of England, and the guided bus way in Tyne and Wear, which is a spectacular success and shows what can be done when the challenge of providing new buses and responding to issues around bus reliability is met.

Time precludes my running through many of the issues, but let me say a little about bus priority measures. It is absolutely the case that any investment that is made in bus services must be considered in the context of improving bus priority to ensure that speed and reliability are enhanced. All the bus operators tell us that that is one of the key factors that attracts people to using bus services.

My hon. Friend the Member for Manchester, Blackley mentioned quality bus corridors. I believe that they are a good way of improving traffic flow for buses. They can bring in more custom and allow operators to increase frequency and to invest in new buses. That in turn can improve custom on other routes, and address some of the concerns that hon. Members have about radial routes operating to the exclusion of other services. In fact, measures that increase bus use dramatically on some priority routes can be a way of improving the service overall. Operators can use profits to cross-subsidise other marginal services, thus creating a virtuous circle of improved bus services.

There are many successful quality bus corridors in the PTE areas, and they are often underpinned by quality bus partnership agreements, under which the operator undertakes to provide a higher standard of service. Though voluntary, such agreements have proved to be an excellent channel for improving bus services across the area. We monitor the effectiveness of quality bus corridors through the local transport plan policy and do not rely on inspired guesswork.

There has not been much use of the statutory quality partnership power in the Transport Act 2000. That is partly because, where there are effective voluntary agreements, local authorities have not seen the need to use that power, but we encourage its use—

**Mr. Martyn Jones (in the Chair):** Order. We must now move on to the next subject for debate.

## Genetic Discrimination

11 am

**Miss Anne Begg** (Aberdeen, South) (Lab): I am delighted to be here this morning, Mr. Jones. On Second Reading of the Disability Discrimination Bill on 23 March 2005, I said that the Government would at some time in the future have to consider passing legislation making it illegal to discriminate on the grounds of genetics. Although I congratulate them on outlawing most areas of discrimination faced by disabled people, there is still a large hole in the process of ensuring that disabled people have their full civil rights. We must make sure that they do not suffer disproportionately from genetic discrimination in their employment opportunities or in access to services such as insurance.

I see the issue as one of equality and civil rights. Unfortunately, not everyone does, and I was reminded of that when preparing for this debate. When we were fighting for full civil rights for disabled people, it was difficult to get a relevant Minister to answer because the issue was invariably seen as one of health. One of the first problems the disabled movement had in fighting for civil rights was to get disability away from the Department of Health so that we could begin to challenge the medical model of disability and make the Government realise that it was our civil rights we were fighting for, not just access to health treatment and social care.

When I was granted this debate, I suppose it should not really have come as a surprise that my request was passed to the Department of Health, despite the fact that the Table Office suggested that I should add "in employment" to the title, so that it would be clear that it concerned genetic testing and discrimination in employment, not just genetics, which obviously is a health issue. I had hoped that a Minister from the Department for Work and Pensions would be asked to reply, or the Minister from the Department of Trade and Industry who is responsible for workers' rights. I am glad that, not I, but the system in this place persuaded the relevant Minister to respond today. I suspect that the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Sheffield, Heeley (Meg Munn) has drawn the short straw, but I am glad to see her. Her responsibilities include equality, and I believe that this is an equality issue.

The subject of genetic discrimination first came to my attention when I realised that those with diagnosed genetic conditions were receiving unfair treatment when applying for insurance. The insurance companies assumed that someone who had a genetic condition would automatically have a shorter life and should, therefore, pay higher premiums for any kind of life cover. That was also true for getting travel insurance, and several people contacted me, concerned either that it was impossible to get travel insurance for someone with a disability or that the premiums were so high that travel was almost impossible.

The assumptions often made by insurance companies regarding people with genetic conditions are that their lives will be shorter and that the quality of their lives will be less. That may be true of some conditions. For instance, if someone has been tested for Huntington's disease, there will be a direct correlation between their having the defective gene and the development of the disease later in life. However, it is impossible to predict when that might be or the severity with which the disease will initially hit, so there is a question of time scales. The situation with regard to the Huntington's gene is not necessarily the case for all genetic conditions. Indeed, a genetic disposition for a particular condition such as cancer or heart disease does not necessarily mean that an individual will develop the condition. A predisposition is purely that: a predisposition, not necessarily a matter of fact.

I know that insurance companies work on risk factors when they are working out the premiums payable, whether for life insurance or travel insurance, so they have to build in those risk factors and have access to all relevant information when making their decisions. I was very pleased when the Association of British Insurers announced in 2001 that it was to adopt a five-year moratorium on the use of genetic test results by insurers. At that time, I was about to apply for an Adjournment debate on the subject, but when the moratorium came along I decided to see how it worked, so I did not. If the moratorium did not work, I always intended to call for legislation to outlaw the practice of genetic discrimination.

I was particularly pleased to learn that from yesterday—I did not know this when I applied for the debate—a concordat has been agreed between the insurance industry and the Government, providing that insurers' use of genetic information should be transparent, fair and subject to independent oversight, and that the voluntary moratorium on insurers' use of predictive genetic tests should be extended until 1 November 2011. It has also been agreed that the concordat will be reviewed in 2008.

I know that not everyone is happy with everything the insurance industry has done because there are exemptions, such as Huntington's disease, but at least the system is much fairer. I certainly do not have any anecdotal evidence that people with genetic conditions feel they have been unfairly treated by the insurance industry. I believe that a model exists in that the insurance industry has shown the way. It is possible to ensure that those with genetic conditions are not treated unfairly and that there are clear guidelines, particularly for the use of predictive genetic tests.

The basis of my argument is that I would like a similar understanding to be reached with employers in the United Kingdom so that they do not demand the disclosure of genetic tests by their employees or, indeed, force employees or applicants for jobs to take the tests at all. If it is not possible to reach such an understanding and it becomes clear that genetic discrimination is taking place in the UK, I would look to the Government to legislate to outlaw that practice.

At this point, I should explain what is meant by predictive genetic tests and why it is important that people should be able to take such tests without the fear that it may lead to their being discriminated against. There are two main types of genetic tests. The first test a person's genetic make-up in order to identify, for example, where there may be faults in genes, or whether there are genes that would lead to a particular disease. The second type test for genetic damage that occurs during a person's lifetime.

I speak as a supporter of genetic testing. I was born with a genetic condition and know the good that such tests can do. They play important roles in diagnosis and in treatment. For some, they may diagnose something for which there are presently no symptoms, but where it is useful to know that the genetic condition exists, as it may help determine lifestyle choices or help in early detection so that remedial treatment can prevent the symptoms from occurring. It is an important health issue.

It is for precisely those reasons that I want to ensure that people who may have genetic conditions feel safe in having a test, secure in the knowledge that the information gained will not be used by anyone to discriminate against them in future. Only with such assurances will people feel at ease in taking a test that may be very important to their future health. Evidence from elsewhere in the world, particularly the United States, which seems the worst example of a country in which people are forced to disclose information gained through genetic tests—suggests that without assurances that the information will not be used against them, people shy away from having the tests done at all. That has important consequences for their future health plans. I ask the Government to ensure that security measures are in place so that people can take genetic tests in the sure knowledge that the tests will be used for good of the individual and not to discriminate against them.

In years to come, genetic testing will become more sophisticated, and I want to ensure that such tests are a force for good, that they lead to better diagnoses and treatment and that they are not something to be feared. Of course, someone who has symptoms and a disability as a result of a genetic disease is likely to be covered by existing disability discrimination legislation. Someone who is asymptomatic is not covered, and nor is someone who might be affected by a condition later in life. Nor, indeed, is someone who has undergone a predictive genetic test, because it predicts only a propensity, and not that they will get the disease.

Many people fear predictive genetic tests. For someone who has a family history of breast cancer, it may be right to have a predictive test, but if there are no guidelines and no security against the test's being used to discriminate against the individual, they may not undertake it.

Predictive genetic tests are still crude, and their development has a long way to go, but even today, they are used to predict someone's propensity for developing a particular condition—perhaps cancer or heart disease. Although such tests may predict a propensity or susceptibility towards a condition, they predict neither that the person will definitely develop that condition, nor any time scales if they should. Therefore, if predictive genetic tests were used by insurance companies or employers to determine that an individual should be treated less favourably than someone else, that would be discrimination, and such practice should be outlawed. The use of those types of tests is causing most concern among organisations such as the Trades Union Congress and GeneWatch.

At a time when the Government are trying to encourage more disabled people into the work force, or to keep those who have developed a disability while in a job, it would be perverse if employers were able to use genetic tests as a recruitment tool to screen out people who were thought to be a greater risk.

The Human Genetics Commission has found no evidence that employers in the UK are systematically using genetic test results to recruit people, or using such tests as part of workplace health programmes—yet. However, the HGC has outlined the following general principles:

"that everyone is entitled to privacy and should not have to discuss information about personal genetic characteristics; that private genetic information should not be obtained or held without a person's consent; that private personal genetic information should be treated as confidential and not communicated to others without a person's consent; and that no one should be unfairly discriminated against on the basis of his or her genetic characteristics."

A number of countries, such as Austria, Denmark, France, the Netherlands and Norway, have some form of legislation that prohibits or limits employers' rights to ask for genetic information. Before it becomes a serious problem, it may be time for the UK Government to look to follow suit.

It is clear that genetic testing will increase. I want to ensure that those tests are used for good reasons and not to discriminate against an individual. We must ensure that they are used positively, whether it is to help in diagnosis and cure, to help people make more rational life choices, or to help employers ensure that they provide a safe working environment. They should not be used to help employers find an easy way to save money by not employing certain types of people because they may be a higher risk to the employer later in life or incur extra expenses for the employer.

It is time for the Government to consider the issue seriously to encourage employers to follow the lead given by the insurance companies and consider a moratorium on the use of the tests. Ultimately, however, there will probably come a time when the Government have to legislate to outlaw genetic discrimination in the UK.

11.15 am

**The Parliamentary Under-Secretary of State for Trade and Industry (Meg Munn):** I congratulate my hon. Friend the Member for Aberdeen, South (Miss Begg) on securing the debate, and I pay tribute to the great deal of work that she has done on many occasions to raise disability and genetics issues. I am also grateful to her for the opportunity to debate this issue and to lay out the steps that the Government are taking.

My hon. Friend suggested that I had drawn the short straw, but I am happy to address the issue, because, as she said, my responsibilities cover women and equality. As I have said on many occasions, particularly during the passage of the Equality Bill, which is the legislation that will set up the new commission for equality and human rights, equality affects everybody and should be a concern of everybody. I am delighted that my hon. Friend has raised an issue that is not often referred to but about which we should nevertheless be concerned.

In the 2003 White Paper on genetics, we said that the Government "wholeheartedly endorses" the Human Genetics Commission's view that no one should be unfairly discriminated against on the basis of their

*[Meg Munn]*

genetic characteristics. The White Paper reminds us that universal health care, funded from taxation, which is the basis of the national health service, protects people against discrimination on the basis of genetic information. As genetic testing becomes more widely available, we are concerned to ensure that people should not and will not have to fear losing cover for health care.

All people with a genetic condition will be protected by the Disability Discrimination Act 2005, once their condition results in their becoming a disabled person within the meaning of that Act. My hon. Friend referred to that issue. However, we must not be complacent about the risk to people who, as a result of genetic testing, are shown to have an increased risk or, in limited cases, the certainty of developing a particular condition later in life.

The Government have done much to promote equality and tackle discrimination—a great deal more than any previous Government in our country. We have offered many people protection under the law for the first time, we are taking action to streamline and modernise the framework of discrimination law, and we are considering areas, such as the one under discussion, in which there are calls for specific new legal protection.

The Government have outlawed discrimination in the workplace on the grounds of sexual orientation and religion and belief, and we plan to do so later this year for age. In 2004, we significantly extended protection for disabled people against disability discrimination in recruitment and employment.

The Government have also brought in a groundbreaking duty on public authorities to promote race equality, eliminate racial discrimination and promote good relations between different racial groups. The legislation was introduced in 2002. As I am sure my hon. Friend knows, it is being followed by similar duties for disability and gender, which are due to come into force in December 2006 and April 2007 respectively. We legislated to provide legal recognition for same-sex partnerships for the first time through the Civil Partnership Act 2004.

The Equality Act 2006 has made significant steps, and it received Royal Assent on 16 February. It has three main purposes. First, it establishes the commission for equality and human rights, whose general duties, set out in statute, include encouraging the development of a society in which people's ability to achieve their potential is not limited by prejudice or discrimination. Secondly, it makes discrimination on the grounds of religion or belief unlawful in the provision of goods, facilities and services, and in the exercise of public functions. Thirdly, it creates a duty on public authorities to promote equality of opportunity between men and women, and to prohibit sex discrimination in the exercise of public functions. It also includes a power to make secondary legislation outlawing discrimination on the grounds of sexual orientation in the provision of goods, facilities and services. We are currently consulting on the detail of those measures. However, although there are many provisions relating to many areas of discrimination, we recognise that there is still more to do if we are to ensure that everyone's skills and talents can be fully realised and that people are not discriminated against for any reason, such as in the ways that my hon. Friend has described.

The Government are currently undertaking a discrimination law review that is working to develop a clearer and more streamlined framework of equality law. It will lead to a single equality Act later in this Parliament; that is a manifesto commitment. As part of the review, we are, of course, considering the calls made by various people from various organisations to extend discrimination law into new areas, including genetic predisposition. Genetic tests are becoming available that show that a person has an increased risk or a likelihood—or, in some cases, certainty—of developing a particular medical condition later in life. As my hon. Friend said, the concern is that the results of such tests might be used by employers to screen out applicants for jobs or promotion, or that insurance companies might screen out applicants for health cover or life insurance, or increase their premiums unreasonably.

I understand the concerns, but the technology is at an early stage, and it is important that nothing is done except on the basis of careful consideration of all the options. Discrimination law is one possibility, but there are clearly others, including legislation about the use of genetic tests, or statutory guidance. I intend to publish a Green Paper this summer, which will set out initial proposals and options for clarifying and streamlining discrimination law, and which will seek the views of all interested parties. We are committed to taking on board the views of all interested people, and we do not want to predict or pre-empt the findings of that consultation. I invite my hon. Friend and all who are concerned about this issue—I know that other Members involved in all-party groups have discussed it at length—to respond.

The work of the discrimination law review will run alongside the independent equalities review, which the Government established to investigate the causes of persistent discrimination and inequality in British society. The findings of the equalities review, which is due to report to the Prime Minister later in the year, will inform the work of the discrimination law review and the subsequent single equality Bill—and, indeed, the work of the new commission for equality and human rights. Let me reassure my hon. Friend that any proposals for reform to equality legislation will take full account both of the need to tackle inequality effectively and of the need to follow better regulation principles to minimise the burden on business and public services.

I will now address the specific concerns that my hon. Friend raised. First, on employment, the Government are not aware of there being any evidence at present of large-scale use of genetic testing by employers. However, we are committed to monitoring developments in genetic testing and have asked the Human Genetics Commission to assess the prevalence of genetic testing in the workplace and to report back later this spring. Given the weather, I am not sure whether we are quite into spring yet, or how soon it will come, but we will get that report in the near future. The HGC is well placed to undertake the work as it has an excellent understanding of the issues, is well respected and—importantly—will provide independent advice. In addition, the Information Commissioner's statutory employment code sets out that employers should inform the HGC of any proposals to use genetic testing for employment purposes. The Government have included

questions on genetic testing in the 2005 British social attitudes survey to assess public opinion on the issue. The results will be available later this year.

The Government wish to ensure that once genetic testing has advanced to the stage where the use of test results by employers becomes a realistic proposition there are appropriate safeguards to prevent such information from being unfairly used. The Data Protection Act 1998 does not prevent the use of genetic testing, but as this is sensitive information about individuals' health, it is subject to restrictive rules. This demonstrates our commitment to monitoring the use of genetic testing in employment, with a view to ensuring that we will ensure safeguards are in place once genetic testing has reached an advanced stage. My hon. Friend referred to evidence that it is used much more widely in the United States, and she was concerned about whether it would become more of an issue in our country. We will have to keep a close eye on that. However, in the United States much health insurance and much provision of health services are linked to employment, which is one reason why I believe the issue is much greater there than it is likely to be in our country.

On insurance, as my hon. Friend said, we have a ban until November 2011 on the use by insurers of results from predictive genetic tests, unless a test has been approved by the Government's Genetics and Insurance Committee and relates to a policy over the substantial financial limits of £500,000 for life insurance, £300,000 for critical illness insurance, or £30,000 a year for income protection insurance. The insurance industry recently made it clear that it will not ask for approval to use the results from predictive genetic tests in determining insurance premiums before 2008. The Association of British Insurers wrote to the Department of Health on 15 February 2006 to say that insurers will not apply to use any predictive genetic test result in determining insurance premiums before 2008. The only test that they may currently use—they can do so until 2011—is for Huntington's disease for life insurance policies of more than £500,000. The current agreement with the insurance industry is flexible enough to respond to fast-moving technological and clinical developments in genetic testing. The Government have made it clear that any failure in respect of the agreement will lead to reconsideration of the need for statutory control. The Government stand by the commitment in the 2003 White Paper on genetics that any failure of the agreement will lead to reconsideration of the need for statutory control. If there is evidence of non-compliance with the moratorium by the insurance industry, the Government are prepared to enforce it through legislation. However, there is no such evidence at present.

In conclusion, I repeat that the Government are committed to a society in which no one is unfairly discriminated against on the basis of his or her genetic characteristics. The discrimination law review will look into calls for specific legal protections to be introduced in the area of genetic predisposition and other new areas. I cannot predict the outcome of the review, but I look forward to there being a full and productive examination of the issues.

11.28 am

*Sitting suspended until half-past Two o'clock.*

## Broadband (Rural Areas)

2.30 pm

**Mr. Paul Goodman** (Wycombe) (Con): It is a pleasure to see you in the Chair, Mr. Jones. It is also a pleasure, for which I am grateful, to have the opportunity to introduce this debate on broadband in rural areas.

On 8 March last year the Minister with us today—then the Minister for Rural Affairs—and the Minister for Energy and E-Commerce wrote a letter to all parish and town councils, headed "Partnership in rolling out broadband to rural communities". The letter said, rightly, that broadband can reduce dependence on big population centres and increase investment, employment opportunities and choice without undermining the character of rural Britain.

"Broadband Britain is becoming a reality"

it said, and it urged parish and town councils to communicate the benefits of broadband to the communities that they serve.

The letter was greeted with raised eyebrows by a group of constituents who live in the Hambleden valley area, most of which is within my constituency. I shall not waste words describing the area, other than to say that it is rural and beautiful, and that despite its prosperity it contains pockets of exclusion and isolation. Like other rural areas it is, of course, going through a process of change.

The group was aware that almost 300 households and almost 60 businesses in the area cannot get broadband, so the Ministers' letter would in that sense have been rather wasted. Hambleden Valley Ltd was formed by the group in 2003 to obtain broadband services for the whole area. The company was intended as a procurement vehicle and was set up to meet the South East England Development Agency's requirements for broadband service procurement. Its website address, which is of course available both to those who have broadband and those who unfortunately do not, is www.hambledenvalley.net.

Hambleden Valley Ltd. wrote to SEEDA to ask for assistance in February last year. By August, no response had been forthcoming. Today, there has been no formal response, apart from a phone conversation, which I am told did not address longer-term issues and limitations associated with using anything other than landlines. In October, the group came to see me to discuss the difficulties that some of my constituents were having in getting access to broadband. It soon became evident to me that the local difficulty had a national dimension.

I was told, and British Telecom has confirmed, that 0.2 per cent. of all telephone lines in the country cannot get broadband, but that may not be a definitive figure. Hambleden Valley Ltd referred me to a study in Kent, which the Minister may have seen, and which was carried out by Kent county council. The figure that it produced for such lines was not 0.2 per cent. In fact 2.4 per cent. of businesses and 2.2 per cent. of households in the county could not get broadband, so the figure in rural areas is likely to be higher.

I should explain to those hon. Members who have difficulty in following the technical details—I must confess that I am one of them—that areas that cannot get broadband coverage are sometimes referred to as

*[Mr. Paul Goodman]*

"not spots", as opposed, I presume, to "hot spots". I was intrigued by this matter, so I asked the Secretary of State for Trade and Industry in a written question whether he would list each constituency that contains a proportion of the relevant 0.2 per cent. of lines. The answer was that the information was not available in the form requested. I decided to drop the request for constituency information and ask the Secretary of State in another written question where the lines were located. The answer was that the information was not available in the form requested.

At that point I gave up trying to second-guess the form in which the information might be available and decided instead to do a little investigation on a non-party political basis. I duly discovered that approximately 15 parliamentary colleagues reported their constituents to be in the same situation as mine. Since not all parliamentary colleagues from across the House will necessarily respond to inquiries from me, it must be assumed that the definitive figure is higher.

I had clearly stumbled across a national problem, which is why I balloted for this debate, which I am grateful to have obtained. In the time remaining to me I want to discuss possible solutions to the problem, to describe what appear to be present obstacles to those solutions, and to ask the Minister a few questions, which I hope he will be able to deal with.

**The Minister for Industry and the Regions (Alun Michael):** The hon. Gentleman is right to say that there is a dispersed national issue to be dealt with. I look forward to responding to the debate. Does the hon. Gentleman acknowledge that the 0.2 per cent. of lines to which he referred—or even 2 per cent., if that is the correct figure—for which there are obstacles is a small proportion, given that only a couple of years ago we thought large swathes of rural Britain would not have access to broadband, yet now they do?

**Mr. Goodman:** The Minister anticipates a complimentary remark that I was going to make later about BT. He evidently thought that I might not get there. I cannot, of course, be definitive about the figures and say whether the percentage is 0.2 per cent., 2.0 per cent. or 2.4 per cent. The Minister is more likely than I am to have access to the figures. I want now to discuss possible solutions and present obstacles to them, before asking the Minister a few questions.

Broadband services are provided by one of three means: through satellite or wireless means, by cable operators using the cable TV network, or by BT and others over BT's phone lines. Hambleden Valley Ltd claims that the problems facing the valley are typical of unserved areas as a whole. It says that satellite broadband will not support new uses of the internet, including cheap video and teleconferencing, telephony and video games, and that in intensely wooded areas such as the valley, where mobile phone reception is poor, the installation of the necessary infrastructure may be neither practical nor effective. The question of cost also arises.

Hambleden Valley Ltd also says that cable companies, as competitive and profit-conscious operators, are unlikely to try to expand their coverage in rural areas because of the potential expense and lack of return. Hambleden Valley Ltd maintains that ultimately a solution from BT is needed—that, indeed, a solution can come only from BT. The argument falls into two parts, one of which is practical and one moral.

The practical argument is that in the area in question, and elsewhere, BT is technically capable of installing a fibre-optic cable, which in this case would run from the Henley exchange to local distribution points, where equipment would be installed in roadside cabinets. That equipment, in turn, would be able to distribute the broadband service to individual homes and businesses in the area.

The moral argument, if that is the right word, is that no near-monopoly supplier of electricity would readily ignore the need for electricity of 0.2 per cent. of homes and businesses, and that no near-monopoly supplier of water would readily ignore their need for water, just because they were in remote locations. As for electricity and water, the argument runs, so should it be for phones, and therefore for broadband..

Perhaps BT itself is a witness for that point of view. In the brief prepared for the debate BT states:

"BT's ultimate goal is to make broadband available to anyone who wants it but, clearly, this has to be commercially viable."

There is the rub, and there are the obstacles to possible solutions.

I am coming to the part of my remarks that the Minister did not think I would make. Hambleden Valley Ltd. acknowledges that BT has done a good job in rolling out broadband, and that the British record compares well to that of other countries. It acknowledges that it is the very success of the British record that puts the minority of people and businesses without broadband at a significant disadvantage. This is an appearance of an old friend, which used to be cited by Peter Walker when he was active in politics, which is the problem of success. If one has success, it leaves the area or the people not covered by that success at a disadvantage that they feel acutely. BT suggested in its brief for this debate that workable solutions for the 2 per cent. or so of lines in rural areas that cannot get broadband do not yet exist. My constituents argue that BT has not yet proved that case, as it has not disclosed what the cost would be, and would obviously be unwilling to do so.

Furthermore, there is controversy about subsidising loss-making lines. In effect, BT argues that it would be breaching EU competition rules if it subsidised non-profitable broadband services in some rural areas by means of its profitable operations in others. Again, a key question is what BT's costs would be.

Last month, my hon. Friends the Members for Preseli Pembrokeshire (Mr. Crabb), and for Clwyd, West (Mr. Jones)—both of whom are present—and for Daventry (Mr. Boswell) and for Henley (Mr. Johnson) and I wrote jointly seeking a round-table discussion with Openreach, the service arm of BT, that delivers broadband, and Ofcom, at which those issues might be explored. Openreach was happy to have such a round-table meeting; Ofcom suggested that we first meet Openreach to discuss the technology side of the issue, and then meet Ofcom.

I concede at once that I am not an expert on the technology side, but the vital problem for those in rural areas, whether in my constituency or elsewhere, is not

technological. That is, the problem is not their elected representative's grasp, or lack of grasp, of technology. It is political; it is the difficulty of getting all the parties concerned around one table, and of getting the necessary political impetus.

**Mr. Philip Hollobone** (Kettering) (Con): I congratulate my hon. Friend on raising this important issue. In the provision of all utility services, is there not a distinction between the infrastructure—the lines between the customer and the provider—and the supplier of a particular function? Surely a difference should be made between laying the fibre-optic cable—the broadband cable, as it were—and the provider of the service, who allows use of that line. If the Government were to emphasise the importance of infrastructure, they might be able to persuade BT to get around the problem.

**Mr. Goodman:** When the Minister replies, I expect that he will emphasise the importance of infrastructure. My hon. Friend the Member for Kettering (Mr. Hollobone) is right to distinguish between what my hon. Friend the Member for Clwyd, West, refers to as the platform—that is, the platform on which BT provides the service—and the lines that might take the services to isolated people and relatively isolated businesses.

I want to ask the Minister five questions. First, to pursue the issue that I tried to explore in my written questions, what analysis has the Minister's Department made of where the 0.2 per cent. of lines that cannot get broadband are concentrated? Perhaps that form of words will help; we shall see. Secondly, what part, if any, does he think he can play in getting the main players around one table?

Thirdly, what analysis has he made of the role that public bodies, such as his Department, regional development agencies and local authorities, play in supporting publicly funded broadband projects in rural areas, as opposed to non-rural areas? It has been put to me that some RDAs are proving more effective than others. To cite a good example rather than a bad one, I was told that Advantage West Midlands is doing especially well. I ask because there is a perception that in urban areas private-sector providers—new entrepreneurs—are jostling for space with publicly funded broadband projects. Hambleden Valley Ltd cites as a recent example a project in Milton Keynes using infrastructure from Pipex. The point is that urban areas are getting the new entrepreneurs and the public money; there is a risk that rural areas will not get the entrepreneurs, as they cannot yet make a profit there, or the exploratory funds from public bodies that might enable those rural areas to get a better service.

Fourthly, what part can the Minister play in galvanising his Department, RDAs and local authorities into assisting publicly funded broadband projects in rural areas? My fifth question struck me when I was reading Countryside Alliance's brief for this debate: is it correct to assert that only 3 per cent. of rural businesses connect to the internet via broadband? I wondered whether that figure related to those who cannot get broadband, or to those who have access to it but simply do not use it.

I want to step back from the detail and look at the big picture. People in rural areas, especially farmers, are rightly being asked to diversify. Diversification often means business, and business means being e-enabled, to use a jargon word. Being e-enabled surely means getting broadband sooner or later. About 50 businesses in my constituency are affected; that is a lot of businesses. The concern of my constituents is that when, in due course, BT or others roll out super-broadband elsewhere, they will still not even have broadband. This is in a country where, according to Hambleden Valley Ltd, one has to apply for public-service work by e-mail, and in a world that, as we all acknowledge, is moving ever faster.

Parts of our rural areas are already isolated and socially excluded in many ways, including through transport, lack of access to health, social services and employment, and lack of access to what this Government, like the Conservative Government that preceded them, describe as opportunity for all. None of us wants to add lack of access to technology to that list. We look to the Minister to point to a way forward.

2.46 pm

**Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): I am grateful for the opportunity to contribute to this important debate. I start by congratulating my hon. Friend the Member for Wycombe (Mr. Goodman) on securing time to discuss the matter. He outlined the problems in his usual incisive and succinct way.

In the 10 short months in which I have been a Member, I have received numerous e-mails, phone calls and letters from constituents who have had disappointing and frustrating experiences when trying to access broadband internet in Pembrokeshire. In those 10 months, I have built up a considerable file of cases, which I have been working on with BT. Some concern families or elderly couples. Several small businesses have contacted me, saying that they rely on e-mail and web access to be viable in such a remote, peripheral part of the United Kingdom.

For example, on 14 February I received a rather sad e-mail from a local business man, entitled "Pulling out of Wales". One reason that he cited for quitting the Principality was the fact that his wife's start-up venture—an advanced post-production centre for TV and films—was simply not viable at their home location, because they have been told that they simply cannot get broadband.

I shall not go into too much detail about the cases that I am working on, but a typical scenario is that someone interested in accessing broadband, logs on to BT's website, or that of another internet service provider, and taps in their postcode. They are informed that their local exchange is enabled, and that they can receive broadband. They place an order for the broadband kit, but an engineer comes round later to test the line and tells the customer that they cannot receive broadband after all. It is left to the customer to try to claim a refund on the order and, understandably, they are left feeling rather unhappy. That experience, in which the customer is initially under the impression that they can receive broadband and places an order on that understanding, is leaving a bitter taste in the mouths of many of my constituents.

Another local business man wrote me a letter, which I received last May. He said that a large part of his business is net-based. He says:

"Broadband is integral to the success of my business".

*[Mr. Stephen Crabb]*

He goes on to outline his difficulties in trying to access broadband with a particular internet service provider. He says:

> "If they could not supply broadband then they should have told me so when I first applied and given me their reasons . . . Instead all I get is a fog of misinformation".

Despite all the attention devoted to local exchange enabling, my constituents have not appreciated that, at the end of the day, it is not a question of whether the local exchange is enabled; it is the quality of the line from the exchange to the household that counts, and that line quality is not good enough.

I am told that in Pembrokeshire some problems with broadband availability are due to the amount of aluminium wiring used. Apparently, it is not suitable for carrying digital information in the way that copper wiring is. Another reason that I have been given is the distance between a house and the local exchange. However, we have had a scenario where some villagers in a small village can get broadband but their immediate neighbours cannot, so even that reason has been questioned by some of my constituents. In not one of the cases with which I have dealt in the past year has local exchange enabling been the central issue.

One major cause of frustration and disappointment is that my constituents have heard the public relations line from BT about 99.8 per cent. of households being able to receive broadband, which they believe is now nearly universally available. However, the number of e-mails and letters that I have received in Pembrokeshire alone suggests that nothing like 99.8 per cent. of households can get broadband.

I suspect that the figure of 99.8 per cent. is a rather imprecise estimate based on averaging an estimated number of enabled exchanges across the total UK population. Getting a more definite figure has proved problematic. I have asked BT for an estimate of the number of households in my county or my constituency that cannot access broadband owing to technical constraints, but it has not been able to provide such a figure:

> "at present BT cannot accurately estimate the actual number of homes where it is not feasible to provide broadband access."

If BT cannot accurately estimate the number of homes that can access broadband, where on earth does the figure of 99.8 per cent. come from? BT states only that the "vast majority" of households in Pembrokeshire can access broadband.

A local telecoms engineer informed me that he believes that only around 40 per cent. of an exchange area in Pembrokeshire can receive good quality broadband, which includes any speeds down to about 256 kilobits—a very low figure indeed. I have also heard another engineer comment that BT's figure of 99 per cent. should probably be nearer 65 per cent. nationwide. Some clarification is required, and BT needs to be more careful about some of its public relations.

Judging from the interest in this afternoon's debate, I suspect that Pembrokeshire is not an isolated example. There are issues to do with broadband access in rural areas throughout the country.

**Mark Williams** (Ceredigion) (LD): The hon. Gentleman has articulated very well the concerns of many households and small businesses. Does he share the frustration of the many charities that are affected? For instance, the Royal National Institute for Deaf People Cymru has run an excellent project called "Hear to help", which covers Ceredigion and Powys but has been severely hampered by its lack of access to broadband. RNID Cymru relies on access to the internet for shared drives among its volunteers but its work has been seriously hampered by the lack of progress on the issue.

**Mr. Crabb:** The hon. Gentleman makes an excellent point. He is a good champion for the charity and voluntary sector in Wales and has illustrated a key concern for that sector.

The Minister will be aware that BT has received substantial sums of public money in recent years to extend broadband availability throughout the UK. In November he informed me in an answer to a written question that since 1997 BT has received approximately £500,000 from the East of England Development Agency, nearly £1 million from the south-west regional development agency, £16.5 million in Scotland and £3.6 million of European structural funding in Wales, which does not include yesterday's announcement. In the north-east region, BT was paid £1.8 million and there have been other, more localised subsidies; for example, £360,000 was awarded to BT through a contract with the Cheshire digital development agency.

All that adds up to more than £23 million of public money that BT has received since 1997. Given the information that the Minister has available, does he think that the taxpayer has received value from those subsidies to BT?

**Alun Michael:** The expectation of cost at any earlier stage, before market-based responses started to deliver broadband, was far higher than the figures that the hon. Gentleman has mentioned. Initiatives such as the "Act Now" project in Cornwall have demonstrated that once we get the provision of broadband a market develops and people start to respond and look for broadband outside the area of a direct project. There are an awful lot of lessons to be learned. The sums to which the hon. Gentleman referred assisted in building the broadband market over quite an extended period.

**Mr. Crabb:** I look forward to hearing more detail in the Minister's reply and learning what he thinks the money has bought this country that would not have been provided in the marketplace.

I have heard it said by a very senior BT executive that BT would like to "move on" from discussing broadband access in Wales to discussing what is called next generation technology. I am afraid that BT needs to be pulled back to the discussion about broadband access because, as I hope the evidence that I have provided in the last 10 minutes and the speeches that we shall hear in the remainder of this debate will show, the lack of broadband availability in a lot of rural areas is causing severe problems for businesses, households and charities.

**Alun Michael:** I would ask colleagues throughout the Chamber to be careful about one thing. Having spent

four years as Minister for Rural Affairs, I know that talking down rural affairs does not help, although I do not think that that is the hon. Gentleman's intention. There are problems in some locations in some rural areas. That is not to say that there problems in all rural areas. If the impression is given that there are problems in all rural areas, the danger is that the rural economy will get talked down. Broadband is accessible and is being used effectively by many businesses in many rural areas throughout the country. The focus of today's debate is the small but important number of gaps in the infrastructure.

**Mr. Crabb:** I take the Minister's point on board. I do not think that it is the intention of any of the participants here to talk down their rural areas. During the short time in which I have been a Member of this place, I have come to recognise a number of the hon. Members present as champions for their rural constituencies.

**Mr. Paul Goodman:** Although the Minister is correct to urge those present not to run down rural areas, as he put it, is it not hard to be sure how many people and businesses in rural areas are not connected to broadband while we do not have a definitive figure? It is therefore hard to be sure of the scale of the problem, and we hope that the Minister can assist us in that respect.

**Mr. Crabb:** I finish by echoing my hon. Friend's point. Crucial to this debate is a better understanding of the number of households that cannot get access to broadband.

**Several hon. Members** *rose—*

**Mr. Martyn Jones (in the Chair):** Order. Four hon. Members wish to speak and we have about half an hour before the wind-ups. I hope that hon. Members can keep their speeches short in order to get everybody in.

2.58 pm

**Mr. Philip Dunne** (Ludlow) (Con): I, too, congratulate my hon. Friend the Member for Wycombe (Mr. Goodman) on securing this debate. Like others who wish to speak, I represent a rural area where broadband access is a problem, but we are not here to run down such areas—far from it.

Like my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb), I have struggled to reconcile the claim of virtually universal coverage of access to broadband with the experience of many of my constituents. Like him, I have a raft of correspondence—he will be relieved to hear that I shall not detain the Chamber with it—with people who have difficulty gaining access to broadband. I am here to argue their cause.

That cause is not only my constituents' but the Government's, as the Minister has been at pains to tell us and as he will, I am sure, tell us again when he winds up. The Government's priority is to provide universal access to broadband, which is a noble and entirely honourable aspiration. As the Minister wrote to me in a letter on 24 January:

"Stimulating broadband availability across the whole of the UK is a Government priority. We want to see all communities, irrespective of location, having access to an affordable broadband service from a competitive market."

I should like to dwell on some of the issues raised by that aspiration.

The significance of broadband in Shropshire is enormous. Last year Shropshire was declared to have the highest proportion of home-working of anywhere in the country. Because of even more remote access to the services than one might normally find in a constituency such as Wycombe, my constituents have great distances to travel and few job opportunities. As my hon. Friend the Member for Wycombe said, internet access is the one thing that provides the farming community with an opportunity for diversification, and a large proportion of the working age population, plus many who are beyond working age but have not had such opportunities before, with a way in to work. It is of great significance.

Shropshire county council has recognised that, and I commend the work that it has done through Switch on Shropshire, an initiative that has been running for three years in conjunction with Advantage West Midlands to deliver broadband to communities. They have done well. I do not often congratulate my regional development agency in the House, but it has done a good job. Indeed it was highlighted by my hon. Friend the Member for Wycombe as being particularly successful in that regard. It has achieved that with relatively modest resources—some £4.9 million has been allocated to broadband, about half of which has been spent. A number of initiatives are being taken to bring broadband to communities that currently lack it.

Let me address some challenges of delivering broadband in my constituency. Some are technological, which means that I may stray into areas that are a little beyond my pay grade or competence. It seems that a significant problem arises from the use by BT of digital access carrier systems as the delivery mechanism for telephony. It is clear that DACS cannot be shared with broadband access. Therefore, there is a requirement on BT to replace such systems with a hard wire or wireless system that will allow high-speed broadband delivery. Most of my constituents' problems occur when they apply for broadband modems. They are signed up by their internet service providers or by BT Retail, which takes their money and installs modems but then discovers that BT Wholesale is not able to deliver the service because they are on DACS. The cost of replacing the DACS technology is a commercial decision, not one that the ISP is able to force BT to implement. BT has made that very clear. On 13 January it told me that

"whereas BT has a universal service obligation to provide telephony service, the provision of broadband is based on a commercial model."

There is nothing wrong with that, provided that the commercial model can deliver access to broadband. There is an inherent conflict if it is uncommercial for BT to deliver to a remote individual household because of the cost that would be involved in replacing the line. How does the Minister intend to square the circle of dealing with BT's commercial priorities and the Government's priority to deliver universal access?

The impact of lack of broadband is clear. I should like to use as an example one of my constituents who might be known to racing enthusiasts in the Chamber. He is the racehorse trainer, Henry Daly, who happens to be one of the largest employers on the outskirts of Ludlow, one of the main towns in my constituency. He employs

*[Mr. Philip Dunne]*

some 65 people and, despite living within three or four miles of a relatively large exchange, does not have access to broadband and has been trying to get it for the past two years.

All entries and declarations for races are available on the internet, which means that Mr Daly is unable to compete with trainers up and down the country to secure nominations for his horses, because he gets access to that information after everybody else. As a result, his horses do not always get high enough up the list to be able to be entered in the races for which they are best suited. That is a small example, but I think that will strike a chord with those who have an interest in racing. There is a clear competitiveness issue for people who are trying to do business in the countryside. There are also issues for people who wish to undertake adult learning from home. Schools have been connected, but we also need domestic connections.

Finally, I should like to touch on some of the solutions being proposed, particularly by Advantage West Midlands, and to urge the Minister to find one that he favours. There is something called Rabit—the remote area broadband inclusion trial. I am not sure whether it is peculiar to Advantage West Midlands or a national solution. For businesses only, the regional development agency is funding grants to provide satellite delivery—up to the 512 kilobyte service—to qualifying businesses. For faster speeds, the grant has to be matched. In most cases, that means that a small business will have to find £1,000 to secure the speed necessary for a proper, interactive service.

I urge the Minister to tell us when he will extend a scheme such as Rabit to cover domestic premises, given the priority that he has given to enabling the entire country to have access to the service.

3.6 pm

**Mr. David Jones** (Clwyd, West) (Con): I, too, congratulate my hon. Friend the Member for Wycombe (Mr. Goodman) on having secured this important debate. I especially pleased to participate because, as you know, Mr. Jones, I come from a particularly rural area, and one that is known to the Minister as well.

I have not had the experience that my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) has had. Wales has been well served in terms of the extension of broadband—BT has worked hard with the Welsh Assembly. I was delighted to hear only this morning that the two telephone exchanges in my constituency that are not broadband enabled, Cyfylliog and Llannewydd, will be broadband enabled this year. The Assembly has done a good job in working with BT to extend broadband. I say that as a former member of the Assembly committee that pushed forward the broadband strategy for Wales.

However, my concern, which I think will be shared by many rural Members, is that the broadband that will be enabled in Wales will be first generation broadband. That is broadband at a far lower speed—from 512 kilobits per second to about 2 megabits per second—than will be available to the urban parts of the country that are being enabled with second generation broadband. That is the standard that is required if broadband is to have any meaningful application in the rural areas. Home Choice, a well known broadband television provider, has a minimum requirement of 4.3 megabits per second for TV drama, and as much as 5.6 megabits per second for sport, which will be well beyond the reach of those in rural areas.

The Minister may be able to comment on the matter, but it will be a considerable time before rural areas in Wales and elsewhere will be able to enjoy such speeds. Consequently, rural areas will be victims of the success that my hon. Friend the Member for Wycombe mentioned. There will be a disparity between the quality of broadband enjoyed in urban areas and that in country areas; what might be called broadband poverty will be experienced in rural parts of the country.

Broadband is exciting; its potential is almost limitless. In fact, it is limited only by the imagination of those who seek to use it. However, without second generation access, people in rural areas will not be in a position to enjoy it.

My hon. Friend the Member for Wycombe touched on a further problem: urban areas that are enabled to a higher degree of broadband far earlier, as they will be, and have the critical mass that will attract broadband operators will reap those rewards at the expense of rural areas whose populations are far too sparse to attract the operators of the new technology, which will inevitably be built on the broadband platform.

None of us is talking down rural areas; quite the opposite, in fact. What we are doing—I think that all hon. Members present represent rural constituencies—is calling for the Minister and the Government to come up with some imaginative solutions that will ensure that rural areas enjoy the same quality and diversity of broadband that urban areas will shortly enjoy. I am concerned that if that is not done and we do not get second generation broadband sooner, and if something is not done to attract independent operators, rural areas will fall further behind.

Broadband could revolutionise life in the countryside: it could provide educational facilities; its use in medical diagnosis could be invaluable; and, of course, its entertainment possibilities are well known. I believe that people in rural areas should be able to enjoy those facilities just as people in urban areas do, and I hope that the Government will come forward with imaginative solutions that will ensure that people in rural areas can enjoy the same degree of broadband that those in urban areas will shortly enjoy.

3.11 pm

**Mr. Roger Williams** (Brecon and Radnorshire) (LD): I, too, congratulate the hon. Member for Wycombe (Mr. Goodman) on securing the debate. Obviously, this is an important issue for a number of us who represent rural areas.

I shall start on an upbeat note, to please the Minister if I possibly can, by telling hon. Members that the Welsh Assembly announced today that, working with BT, it intends to invest nearly £100 million to ensure that the 35 exchanges in Wales not currently upgraded are upgraded in the near future. Nine of those exchanges—more than a quarter—are in my constituency. However, as the hon. Member for Preseli Pembrokeshire (Mr. Crabb) said, the simple fact that an exchange is upgraded does not necessarily mean that any number of the people served by it will benefit from broadband.

At the beginning of the IT revolution, the general opinion was that broadband would be a real advantage for rural areas, which could be part of the economic breakthrough, as businesses could be located in the deep countryside and bring strength to those communities. Instead, those areas are now even more disadvantaged than they were in the past. Not only have they had difficulty in getting broadband, or any degree of it, but a new generation of broadband is coming that will further disadvantage them.

Can the Minister give us the definition of broadband? Is a minimum speed required to qualify? I think that BT sometimes plays fast and loose on this matter. A constituent of mine, David Barwick in Gladestry, had the mishap of being DACSed, which sounds quite painful. He explained to me that he was able to get broadband at 46 kilobits a second, which does not seem very broad to me, but that as a result of DACS—the digital access carrier system—his speed has gone down to 28 kilobits per second, which is almost useless. In that little community several energetic entrepreneurs could, if they had the right facilities, expand their businesses and be able to stay there and continue to operate.

Broadband is only part of the communications problem for rural areas. A number of my constituents—I am sure that this applies in the constituencies of other hon. Members present—do not have mobile phone reception, and some do not have television reception. Some did not even have mains electricity until recently and had to use generators. They managed to get it at a cost of £20,000 or £30,000 per household. So, facilities that many people take for granted are not universally available to rural people.

I am worried about the commitment of the communications industry, and BT in particular, to keeping up the infrastructure in rural areas. One problem is that copper wires, and in some cases aluminium wires, which are of even less use, are falling into disrepair. BT seems loth to renew them and bring them up to standard.

**Alun Michael:** Like the hon. Gentleman, I was given the impression that aluminium is a complete blockage and that it must be stripped out if it is an obstruction, but it is not an inhibitor in itself, although it has different characteristics from copper. There is a degree of confusion, and people need to go into detail where there is a problem with aluminium; it is not the complete problem that we believed it to be a few years ago.

**Mr. Williams:** I thank the Minister for that. I am no expert on the technical aspects of this issue, but although I lack technical knowledge, even I can understand that it is not a good idea for BT to take its wires down off poles and put them on the tops of hedges. When the farmers come along in the autumn and cut the hedges, they do not do the cables much good. Constituents of mine in certain parts of Wales have been out of order for up to two weeks. For them, broadband seems a luxury beyond all aspiration compared with just having a telephone.

Unless one has a decent line, one cannot get broadband. A number of my constituents who live quite close to upgraded exchanges have had the experience that was described earlier of ordering equipment and finding that they could not use it. Ministers in Wales have given a commitment to a roll-out right across Wales—I have the press release here—but even if every exchange were upgraded, that would not mean that broadband would become a universal facility for my constituents.

I shall conclude with a short account of a couple of my constituents' experiences. James Tenant in Ystradfellte is an able young man who wants to set up as a music producer, but he needs a large broadband capacity to do so. He has had grants from the local authority and the Assembly, but unless the new cable to Ystradfellte is optic fibre, he will have to move out of that community.

Mary Myaya works as a freelance world health consultant in Colva, which is the centre of Radnorshire—almost the centre of the universe, as far as I am concerned. She cannot get broadband and tells me that she gets better access to it when she is working in Mozambique, which is the sixth poorest country in the world, than she does in Wales.

To top things off, I tell hon. Members about Julian Salmon, who is the director of the Country Land and Business Association in Wales. He operates out of his farm in my constituency, and told me, of his attempts to access a service at home last Tuesday:

> "After fifty-six minutes and losing the connection three times I abandoned the attempt."

He then came to London and was able to complete the process in three or four minutes. That is the difference: some people have to try to operate businesses and conduct their lives in rural areas without broadband, and others have that facility.

3.20 pm

**Mr. Mark Lancaster** (North-East Milton Keynes) (Con): I, too, congratulate my hon. Friend the Member for Wycombe (Mr. Goodman) on securing this valuable debate. I apologise for missing part of his opening speech.

I was fascinated by the question asked by the hon. Member for Brecon and Radnorshire (Mr. Williams), which was, "How do we define broadband?" It is a key question, to which I shall return shortly. I realise that when people think of Milton Keynes they think of a city, but I am sure that many hon. Members realise that it is both a city and a rural community. As Milton Keynes expanded sideways, it isolated a large rural tip of what was Buckinghamshire and is now part of the unitary authority of Milton Keynes.

In the short time available, I want to do three things. First, I want to explain the unique problems that Milton Keynes faces in accessing broadband. Secondly, I want to look at the options and why they seem to be failing to deliver the solution. Finally, I want to consider what is required to deliver broadband throughout Milton Keynes.

High-speed internet access and digital TV are two vital aspects of the information age and are directly linked. People who have access to such services will be better informed, better entertained and better employed. People who are left behind by the information age will be left behind, to an increasing extent, in modern life. Broadband is not just about game playing and video downloading; it is vital for the economic growth of Milton Keynes.

*[Mr. Mark Lancaster]*

Some residents and businesses in Milton Keynes still cannot get broadband at all. Some can get only an entry-level speed of 512 kilobits per second. It is particularly important for Milton Keynes to have an adequate data communications facility, because of the impact that it has on jobs. Both those who work in offices and professionals who work from home in the city and the rural community depend on data speeds that do not seem quaint and primitive to the rest of the country and the rest of the world.

In Milton Keynes, we have a TV cable network that was the envy of the UK when it was built in the '60s and '70s. TV signals received on a big aerial were wired into every new home in the new city and in the rural community, together with some pioneering community TV channels. Although the original local channels were sadly short lived, I am delighted that the situation looks to be resolved when the much-wanted and much-needed MKTV is launched later this year.

The original technology was modern for its time, but not future-proofed. The original cabling is old and incapable of providing internet. BT's telephone lines, the most popular way of accessing the internet, are now either too long or too narrow to support the technology. That problem is made worse by their routing around the grid squares in the city.

A new digital TV distribution network, providing digital TV to every home that receives TV on a communal analogue cable, would also be able to carry high-speed broadband. A digital network does not care what the content is. One member of the household could be watching a documentary on BBC 9, while another could be surfing the web. Another could be buying a video from a streaming video provider to watch over the weekend, or making a video-conference webcast to another head office in another country. Those are all data that can educate, inform, entertain and help Milton Keynes's residents in both the city and the rural community.

When the area was first developed, in recognition of the fact that houses did not need aerials and that aerials are pretty unsightly if they are not necessary, areas of the then rural community were developed with covenants and restrictions so that most homes are not allowed to put an aerial on the roof. The special problem for Milton Keynes is that if home owners are not allowed to put up their own aerials and the TV cabling throughout the city cannot transmit digital TV, local people will have a problem if and when analogue TV stops being transmitted. If the Government are committed to the digital information age being made available to all citizens, not just those with the finances to buy their own solution, that problem could be used to everybody's advantage.

That is the problem that we face in Milton Keynes. It is appalling for a dynamic, prosperous, high-tech rural and city community. I want now to turn to some of the proposals and explain why, regrettably, there is concern that they may not provide the solution. To its credit, BT has done a good job of getting entry-level broadband to many parts of the unitary authority that two years ago could not get it, although some areas cannot get any broadband. However, most areas cannot get the speed that most people are clamouring for.

BT is focusing on its 21st century network—21CN—programme, which replaces the old telephone wire infrastructure with fibre-optic technology. Understandably, BT does not want to invest any more in the old telephone cabling, but 21CN is a long-term programme that will not be rolled out in Milton Keynes until at least 2010. That is where the link to digital TV returns.

If a digital community TV service were to be wired to every home in the city, it would resolve the problems that BT is struggling with, replacing the '60s technology with modern technology. That is much the same for the rural community, which will of course soon become city in Milton Keynes. We have the grid-road cabling ducts and, largely, the right technology in the exchanges. The link into each home seems to be solvable. However, what is missing, from BT's point of view, is any public money to rewire the main trunking networks across the unitary authority.

Perhaps the residents should look to other providers. One of the frustrations locally is the plethora of advertisements from other companies offering broadband to residents. Seeing a potential solution, residents ring, only to be disappointed. In that process, called local loop unbundling, a third party company takes over a phone line from BT. In practice, they use the same telephone wires that BT used, so we are still stuck with no or slow broadband.

Milton Keynes council has no direct responsibility to provide facilities for broadband, but it has been proactive in trying to find a wireless solution. I commend the council for that. However, the problem is that that technology, WiMAX, is still unproven. It is still being evaluated by the internet service providers. Although it is widely believed that wireless technology would be suited to the rural areas of Milton Keynes, it might not prove to be a Milton Keynes-wide solution and might not be appropriate for servicing large numbers of residents in higher-density areas.

Before I look to the future, I want to mention Ofcom's involvement. There have been efforts to interest Ofcom in Milton Keynes's problems. However, the telecommunications regulator's remit for internet access is unimpressive. It simply has to ensure that all UK residents can get dial-up access at a speed of 28.8 kilobits per second—20 times slower than the slowest broadband. It seems incredible in 2006 that BT is not obliged to provide anything faster.

I want to consider what might work in future. There is a strong belief that Milton Keynes's problems with broadband and digital TV can be resolved together. We need a credible, proven and sustainable alternative to BT in the form of a decent cable infrastructure. That would introduce real competition for the first time, spurring BT to raise its game. Such an infrastructure would require investment funding. The technology is nothing horrendous, merely an upgraded cable in an underground duct system that allows for technology changes. If it is replaceable, that will ensure that it is future-proof. If we make the ducts big enough, they can contain digital cable this year, optical fibre for the next 10 years and a future cable system beyond that.

I have campaigned long and hard for "I before E", or infrastructure before expansion, for Milton Keynes. Access to high-speed broadband is absolutely essential for a young, prosperous growing community that is the

focus of the Government's sustainable communities project. I ask the Government to reconsider the specific issues faced by the community of Milton Keynes.

3.28 pm

**Mr. Alan Reid** (Argyll and Bute) (LD): I congratulate the hon. Member for Wycombe (Mr. Goodman) on securing the debate and on clearly outlining the problems faced by many rural areas, as well as their possible solutions. I recognise many of the problems that hon. Members have raised. I represent a large rural constituency, and BT has enabled all the exchanges for broadband—some of the bigger exchanges with its own money, and some of the smaller exchanges with money from the Scottish Executive. However, despite the exchanges being enabled for broadband, many people in the constituency face problems similar to those raised by other hon. Members, mainly because they are too far from the telephone exchange.

Broadband opens up tremendous opportunities for those who are fortunate enough to be able to access it. The internet opens up opportunities for businesses, for education and for entertainment. However, many websites these days seem to have been designed on the assumption that most users have access to broadband at a fairly high data transfer rate. That means that users without broadband are often faced with a frustrating wait for websites to appear on their screen, or to download material from the internet. Many functions, such as accessing music or film clips, are simply impossible. The consequence is that many people in businesses who do not have broadband access are put at a tremendous disadvantage.

Surveys reveal two big divides. One is between rich and poor; the other is between urban and rural areas. All 10 local authorities with the highest broadband take-up rate are in or just outside Greater London, whereas the authorities with the lowest take-up rate are in rural areas. Take-up rates vary between 25 broadband lines per 100 of population in Wandsworth and fewer than five in Na h-Eileanan an Iar. The discrepancy between urban and rural areas can be seen throughout Britain. Studies show that pupils with internet access tend to perform better than those without, so the discrepancy clearly has worrying implications for the education of children in remote areas who cannot access broadband from their home.

The inability to access broadband from remote areas is also building up economic difficulties for rural areas. These days, access to broadband is vital to running a business from a rural area. A few years ago, there was a vision and a hope that, with the internet, it would be just as easy to run a business from a remote rural area as it was from a city centre. Sadly, we have found that that applies only to businesses that are close enough to a telephone exchange to be able to access broadband.

The European Union and the Government are telling farmers that they must diversify. However, farms are, by their very nature, usually many miles from the nearest telephone exchange, so broadband access via a telephone line is simply not possible.

**Alun Michael:** Will the hon. Gentleman acknowledge that there are farming businesses that have been very enterprising and which are now running businesses in rural areas that probably could have been run only in the centre of London as recently as three or four years ago?

**Mr. Reid:** The Minister is right that many farmers have been enterprising and have diversified, but I am sure that he would agree that there is a problem if farmers are too far from a telephone exchange to be able to access broadband. Satellite is one option, but it tends to be more expensive to run than working via a terrestrial line. Also, as we have heard, some functions are simply not possible via satellite.

The Government, the Scottish Executive and the Welsh Assembly have, to their credit, invested large amounts of money, and I pay tribute to them for that. The money has mostly been given to BT and has meant that the vast majority of people in the country and the vast majority of businesses are able to access broadband. However, some businesses and people have missed out. As was pointed out, the success for the vast majority of people in the country does mean problems for the small number of people in remote areas who cannot access broadband.

According to the official statistics, 99.6 to 99.7 per cent. of households could access broadband using some form of terrestrial technology available on the mass market. However, that leaves some 200,000 people behind and, as we have heard—I think that the hon. Member for Preseli Pembrokeshire (Mr. Crabb) was the first to raise this—the anecdotal evidence is that far more people than that cannot access broadband. Hon. Members have raised another important question: what exactly is the official definition of broadband? As I said, the anecdotal evidence is that more than 200,000 people have problems when trying to access broadband.

I did some research. In November 2003, a representative of the regulator, which at that time was Oftel, appeared before the Trade and Industry Committee. At that time, Oftel defined broadband as

"an always-on service with a minimum downstream capacity in excess of 128 kbit/s".

Committee members expressed concern, as I am sure hon. Members will today, that 128 kilobits per second was far too low a transfer rate for a sensible definition of broadband. Research on the Ofcom website did not turn up a revision of the 128 definition. I shall therefore ask the Minister a question that other hon. Members have asked. Can he advise us what definition his Department uses to define broadband when it publishes its statistics showing that 99.7 per cent. of households can access broadband?

People who cannot access broadband because they live too far away from a telephone exchange, whether there are 200,000 such people or more, should not be excluded from the modern digital age. Clearly, the market alone will not provide them with access. Without Government, Scottish Executive and Welsh Assembly intervention, there would not be as many enabled telephone exchanges as there are today. I think that, in Scotland, only one telephone exchange has still to be enabled. Despite that, at least 200,000 people do not have access. As I said, the market alone will not provide, so Government intervention is required.

Previous generations brought roads, public transport, electricity and telephones to remote rural areas. Broadband, because of the education and employment

*[Mr. Reid]*

opportunities that it brings, is not a luxury but an essential tool for the 21st century. I therefore look forward to the Minister's reply. I hope that he will say that the Government will sit down with the telecoms industry—obviously, that is mainly BT, but there are other telecoms providers—and the regulator to try to come up with a solution that will make broadband available to all in Britain, no matter where they live.

3.36 pm

**Charles Hendry** (Wealden) (Con): I, too, congratulate my hon. Friend the Member for Wycombe (Mr. Goodman) on securing the debate and on the extremely thoughtful and thorough way in which he introduced it. We would all agree that it has been wide ranging. We have dealt with issues facing some of the most rural parts of these islands and have discussed how similar issues affect even the outskirts of some of our major new cities, such as Milton Keynes. We have even touched on broadband access in Mozambique, so we have covered global matters in a rural affairs debate.

More importantly, the debate has been well informed. I hope that the Minister will accept that my hon. Friends' comments do not in any way seek to undermine the villages or rural communities in their constituencies. Rather, those comments arise from a passion to ensure that those communities are well represented. I believe that my hon. Friends won their seats—gained them, in many cases—because they had shown themselves to be doughty champions of those rural communities, standing up for and promoting them when they were doing good things, but not shying away from issues when they saw things that needed to be improved.

The 2006 UK broadband report, covering April to September 2005, stated that broadband is available to 99.7 per cent. of the UK, covering both residential and business users. That percentage means that one and a half constituencies in this country are not covered at all, which puts the issue in context. Listening to my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb), I wondered whether his was the one. Overall, however, we recognise how much has been done, although a quite significant element remains to be covered.

The increase in coverage is largely a result of BT's commitment to increasing coverage to 99.6 per cent. of households by the summer of 2005. We all pay tribute to BT for achieving as much as it has. The comments in the debate should be seen in that context: we all recognise how much has been achieved, but attention needs to be given to what remains to be done.

Partnerships involving local government, the Northern Ireland Assembly, the Scottish Parliament and the Welsh Assembly dealing with British Telecom to enable all exchanges have resulted in improved coverage in sparsely populated areas, and that has been achieved quicker than might have been expected. BT reports that that leaves just 80,000 telephone lines in remote areas without broadband access.

As my hon. Friend the Member for Wycombe said, broadband services are provided by one of three means: satellite or wireless; cable operators using the cable television network; and BT over its telephone lines. As he also said, however, there are concerns about whether satellite-based broadband services will be able to support new uses of the internet, specifically teleconferencing, telephony and video games. Perhaps the Minister can confirm the situation in that regard and the long-term picture.

As my hon. Friend also said, cable operators in such a profit-conscious sector of the industry are unlikely to expand their coverage to 100 per cent. of rural areas owing to the lack of return available to them. It is therefore left to BT to complete the 100 per cent. coverage of UK communities, as it has committed to doing. We should recognise that the British record in rolling out broadband is certainly a good one, as the Minister reminded us. It compares extremely well with other nations, and Britain has one of the most developed broadband services anywhere in the world, probably including Mozambique, although it may lag behind some in terms of cost and speed. We have also heard that the very success of the British record puts those without broadband access at a distinct disadvantage. During the quarter ending in September 2005, broadband connections totalled 8.9 million, which marked a 12 per cent. increase in new subscriptions over the previous quarter and a 25 per cent. increase since the end of March 2005.

We all recognise that information communication technology has a vital part to play as part of the Lisbon strategy in making Europe the most competitive and dynamic knowledge-based economy in the world. However, for that to happen, we must ensure that rural communities are not left out.

British Telecom states that in my county of East Sussex 99.8 per cent. of households now have access to broadband. Through a public-private partnership, East Sussex county council has promoted the advantages of broadband and achieved 28.1 per cent. take-up in September. It is forecast to achieve 30 per cent. by December, which is ahead of the 28 per cent target for the end of this year. I hope that the Minister will accept that it is no wonder that that Conservative-controlled county council has received national awards for its highly successful programme, especially when the broadband take-up just 18 months ago was a mere 5 per cent. Just as we have been willing to accept what the Government have done, I hope that he will be willing to recognise what a Conservative county council has achieved. However, highly commendable as the figures are, they show that a small minority in my constituency, as in those of other hon. Members, continues to be left out.

Serious concerns have rightly been raised about rural communities that do not have access to good internet services. It is harder for rural communities that lack good internet access to attract and retain jobs. The report following the symposium on remote and rural communications was published in June 2005. The symposium found that because of their location remote and rural areas had a high demand for communications services. It also found that there was a strong perception of the digital divide between urban and rural areas. It questioned how quick the trickle-down effect of the benefits of service innovation would be to rural areas. There was concern that more remote communities would always be in catch-up mode with their urban counterparts.

The Department for Environment, Food and Rural Affairs looked at broadband in rural areas, and its 2005 report, "ICT in England's Rural Economies" concluded that the

"lack of availability had been the key barrier to adoption for broadband in rural areas".

Among businesses with internet access, 60 per cent. use broadband in urban areas, whereas only 41 per cent. do so in rural areas. There is a significant disparity in usage. The report found that rural businesses are playing catch-up, in that broadband is more widely available and the perception of broadband availability appears to be lagging behind the reality in rural areas.

However, it is clear that broadband connectivity speeds are lower in rural areas, with businesses being more likely to use basic broadband services. Of urban business broadband users, 63 per cent. have connectivity rates faster than 512 kilobits per second, whereas that is the case for only 37 per cent. of rural businesses. When the Minister replies, I should be grateful if he would relate that to compliance with the Disability Discrimination Act 1995, which clearly requires people to be given greater access to all services. Last weekend, I viewed the work being done by a company in my constituency. Internet Architects have been doing fantastic work for the National Trust, enabling it to comply with the legislation by providing virtual tours of some of its properties. However, if people do not have access to broadband, they cannot download virtual tours. Perhaps the Minister will explain what has happened about compliance under the disability discrimination laws.

There is clearly a different picture in different parts of the country. Northern Ireland was the first region in Europe to have 100 per cent. broadband coverage. The Northern Ireland experience resulted in tangible results on the economy and on jobs, including teleworking, and there were particular benefits for female and part-time workers and for carers.

Scotland has achieved similar success. As we have heard, the Scottish Executive undertook an open procurement exercise, which aimed to deliver affordable broadband access to every Scottish community by the end of 2005. Only one small area is outstanding. The strategy saw the Scottish population's access to affordable broadband rise from 43 per cent. at the launch to more than 93 per cent. in February 2005. We should recognise that that covers some of the most remote parts of the United Kingdom.

If Scotland and Northern Ireland have achieved 100 per cent. coverage, the coverage in England must be lower than the 99.7 per cent. achieved throughout the country as a whole. We heard about progress in Wales from the hon. Member for Brecon and Radnorshire (Mr. Williams) and from my hon. Friend the Member for Clwyd, West (Mr. Jones). We heard about the progress, but my hon. Friend the Member for Preseli Pembrokeshire stated clearly that significant improvements are needed.

I have sympathy with the comments made by my hon. Friends the Members for Preseli Pembrokeshire and for Ludlow (Mr. Dunne) that it is not good enough to apply for broadband with all the headache and heartache that goes with that only to be told later that it will not be possible. People want certainty and to know that when they start on the process, they will be told what the situation really is. We should all try to ensure that people have greater certainty of what is available to them.

Currently, 69 per cent. of UK firms use broadband and 30 per cent. of micro-businesses trade online. Approximately 73 per cent. of businesses provide information about products and services online. That will increase significantly when the Company Law Reform Bill comes into effect.

My hon. Friend the Member for Wycombe, who opened the debate, identified the key issues. What analysis has the Minister made of where those rural communities without broadband access are concentrated, and what is his Department doing to assist broadband provision in rural areas? What role does he see for the key players—regional development authorities, Openreach, Ofcom and the Department of Trade and Industry—in addressing the issues, and what can he do to bring them together to move that forward?

The Minister will be well aware that our rural communities are going through a period of transition. Old businesses, such as pubs, shops and garages, are closing, but exciting and dynamic new businesses are opening up, including voluntary organisations. That successful transition depends on having access to the most advanced technology available. If those businesses are to compete and operate effectively, they need broadband access quickly. I hope that the Minister will explain how that can happen.

My hon. Friend the Member for Ludlow quoted from a letter from the Minister on 24 January which said:

"Stimulating broadband availability across the whole of the UK is a Government priority. We want to see all communities, irrespective of location, having access to an affordable broadband service from a competitive market."

I hope that the Minister can tell us now how he plans to achieve that goal.

3.48 pm

**The Minister for Industry and the Regions (Alun Michael):** It is a particular pleasure to sit under your chairmanship this afternoon, Mr. Jones, but it must be frustrating for you, given your interest in science and technology and the fact that you have passionately and successfully represented a rural area for as long as I have been in Parliament. I am almost as frustrated because while I want to congratulate the hon. Member for Wycombe (Mr. Goodman) on raising a subject about which I am a great enthusiast, it is frustrating to find that I would need special, high-speed broadband and a new form of multi-streaming that would probably defeat even the excellence of our *Hansard* writers to fit in all that I want to say in response to the many points that have been raised on a highly technical issue. I undertake to write to all hon. Members who have taken part in the debate setting out my response in more detail, which may help them in responding to local issues raised by their constituents.

I am glad that the hon. Member for Wealden (Charles Hendry) acknowledged our success in delivering rural broadband. It is a new experience for me to be criticised by Conservative Members for being too successful with something, but with the new spirit of honest debate perhaps it will happen more often.

*[Alun Michael]*

My plea about not talking down rural areas was very much in the same spirit as the response of the hon. Member for Wealden. I did not think that any hon. Members intended to do that, but it is a danger if we focus on difficulties that relate to a very small percentage of those who might want to take up broadband, and give the impression that rural areas are somehow a no-go area. During my four years as Minister for Rural Affairs, I saw an enormous burgeoning of activities carried out in rural areas by small, successful and dynamic businesses taking the initiative and taking the opportunities offered by broadband access. I want us to focus on the difficult areas that hon. Members have mentioned and on talking up the economic capacity provided and the opportunities for rural areas.

In other words, we should be ambitious for the success of rural businesses. The hon. Member for Wealden was right when he talked about take-up lagging behind, probably for reasons of perception. There has been a catching-up—the figures show that there has been an acceleration in the take-up of broadband in rural areas—but initially the fact that people did not believe it would be provided was an obstacle. Of course, the succession of events must be to allow access by enabling people to take up broadband, to get them to take it up, get them to use it and get them use the whole range of capacity available to them. Many people are using only a small percentage of the capacity of broadband or their computers, and we must expand that usage.

In passing, I have to say I was rather surprised to hear some Opposition Members seeming to call for public handouts to solve some of the problems that are actually being solved by the market and a strong partnership between business and the Government. Indeed, during the past four or five years we have seen an excellent story, which has shown the capacity of business, local communities, small businesses and social enterprises to solve problems that at one stage seemed insurmountable in order to transform totally access to broadband in this country.

As several hon. Members acknowledged, we have a great deal to be proud of in the United Kingdom. The Government set an ambitious target of having the most extensive broadband coverage in the G7 by the end of 2005 and met that target by June 2005, with 99 per cent. of households having access to at least one broadband technology solution, and with more than 50 per cent. having access to more than one. If there is time, I shall return to those figures. In addition, the UK is ranked first on regulatory environment and has one of the most competitive broadband markets in the G7.

I come to the debate with some knowledge of the history because four years ago, when I was Minister for Rural Affairs, most people regarded the likelihood of delivering widespread broadband as an unattainable dream. I am pleased to have the chance to pay tribute to those at Department of Trade and Industry who responded vigorously to the challenge. One of my predecessors, who is now the Minister for Pensions Reform, established a joint DTI and Department for Environment Food and Rural Affairs rural broadband unit, running a £30 million broadband fund for the regions, and the DTI team, led by Stephen Speed, devoted significant time to persuading operators to roll out broadband to rural areas.

I was pleased when the hon. Member for Ludlow (Mr. Dunne) said the enabling of exchanges is no longer an issue. It certainly was an issue at that point, and I remember well some local campaigns aimed at getting enough people to sign up for broadband to get the numbers past the threshold for particular exchanges. I acknowledged the success of "Switch on Shropshire", which built on the example of my then Parliamentary Private Secretary, Peter Bradley, who joined forces with what was then the Country Landowners Association. A combination of a Labour MP and the CLA may not be what people might expect, but it was a successful partnership in getting people to want to sign up, which challenged BT to deliver as a result.

BT also responded to the challenge of providing broadband infrastructure. When I first went to DEFRA, the figures for some exchanges were not being provided, which meant that we did not know what the target was in a particular rural town or village. Fairly early after his arrival, I met Pierre Danone, the head of BT Wholesale, and it became clear very quickly that Ben Verwaayen, in taking over BT, had changed the culture to one that asked, "How do we solve the problems and provide the service?" instead of, "How do we explain to you why we cannot do what you want to do?" That change has led to some of the comments made, quite rightly, by hon. Members about the changed performance of BT in this area.

Comparisons have been made with other services, such as the electricity supply. I have to say that the last remote farmhouse in England received an electricity supply only recently. I remember the excitement 40 years ago with which Taid Mon, my grandfather in Anglesey, received an electricity supply for the first time because, at last, the electricity supply had got close enough to his small cottage for the connection to be affordable and economic.

Recent market research shows that there are more than 10 million broadband connections in the UK, which represents a 41 per cent. growth since March 2005, providing the UK with more connections than any other European country.

**Mr. Roger Williams:** Will the Minister give way?

**Alun Michael:** I have said that I will respond to any point, and to supplementary points from individuals, but I want to cover as many of the questions as I can.

A question was asked about the breakdown of the 99 per cent. figure. I understand that the BT claim refers to UK households connected to enabled exchanges. A question was raised about public money going to BT. Where that has happened, it has happened as a result of competitive tendering to upgrade facilities that BT considered not to be economically viable. It is also important to acknowledge that many factors, such as home wiring, can affect performance of digital subscriber lines, which provide DSL broadband access.

In relation to the questions asked by the hon. Member for Wycombe in his introduction, the problem is that there is no detailed analysis of the 0.2 per cent. figure to which we both referred, except in the region-by-region

analysis of what is thought to be the nature of the problem. The matter only comes to light when a request for a DSL is attempted, and it is discovered that the line is one of the few that has a problem.

On the commitment of the DTI, we are leading the broadband debate. We are pursuing solutions with operators and we greatly welcome the sort of interest expressed by hon. Members today. Once we get past the national and regional issues, the matter often amounts drilling down to discover where the specific problems are—they may be in an individual line or a very small locality—and finding solutions to them.

Regional development agencies and devolved Administrations have supported a variety of projects such as Fibrespeed in Wales, Cybermoor, Digital Region and "Act Now" in Cornwall, to which I referred earlier. "Act Now" was a particular success story that received objective 1 funding and experienced another of the consequences of success, when villages just outside the defined area for the pilot project got very aerated about the fact that they were not involved and campaigned to be included. In the end, a much bigger area was enabled without additional expenditure and there was a considerable extension of take-up, which is one of the reasons why BT realised there was a bigger market than had been anticipated in some of the low-population rural areas.

RDA, devolved Administration and local government intervention requires careful consideration of the impact in relation to market failure. We should not invest money if the market is able to supply the service, but on the other hand, it is appropriate to invest where there are clear market failures. Indeed, organisations such as the Scottish Parliament and Welsh Assembly have identified such places as appropriate ones in which to intervene.

The hon. Member for Argyll and Bute (Mr. Reid) asked about the figures given by the Countryside Alliance. I am afraid that it is beyond my remit to answer for the Countryside Alliance, an organisation which, as we know from its public opinion surveys, is arithmetically challenged in the extreme. As far as I am aware, there are no figures that provide the answer to the question, so I have no clue where the Countryside—

**Mr. Martyn Jones (in the Chair):** Order. We must now move on to the next subject for debate.

## Water (Kent)

4 pm

**Sir John Stanley** (Tonbridge and Malling) (Con): When I applied for this debate on the acute water scarcity that we in Kent face, I said to myself, "I guarantee from the moment this debate is granted, the heavens are going to open," which they promptly did. I am glad that the debate has achieved at least one thing, a short period of rainfall in Kent, but I should like to make it clear to the House and to the Minister that the limited amount of rain in the past few days will make no material difference to the serious water supply situation that we face in our county.

The water supply situation in Britain varies enormously from region to region. As we know, the region that is facing much the most serious situation is the south-east, following two exceptionally dry winters. Last month's Environment Agency publication, "Drought prospects 2006", stated:

> "Across south east England, rainfall over the last 16 months has been much lower than for the same period in 1974–76, and in some places it is the lowest since 1921. Continued dry weather through the spring and into the summer would give us one of the most serious droughts of the last hundred years."

Last month, the Environment Agency called on all water companies in the south-east to introduce hosepipe bans. The agency's chief executive, Barbara Young, gave a dire and serious warning on 24 February. She said:

> "If water companies delay introducing hosepipe bans now, extreme steps to manage water supplies over the summer may be needed, such as standpipes and rota cuts."

This week, the largest water supply company in the south-east and indeed in Britain, Thames Water, with 8 million customers, announced an indefinite ban on hosepipes and sprinklers from 3 April. It is the first such ban that the company has had to announce for 15 years, indicating the severity of the situation in its area.

If the water supply situation is bad in the south-east in general, it is worst of all in Kent and some areas of Sussex. They are in the worst position in the worst affected region. The briefing note that Southern Water supplied to me for this debate illustrates the position in Kent and at the Bewl reservoir, which is very close to my constituency. The briefing says:

> "Bewl Water, the largest reservoir in the South East, which provides water to Southern Water, Mid Kent and indirectly to South East Water is only 53 per cent. full (this is the lowest level it has ever been this time of the year), normally, we would expect it to be 97 per cent. full at this time of year."

The largest reservoir in Kent and in the south-east is effectively only half full—unprecedentedly low.

The aquifer position is no better. Southern Water's briefing says:

> "Groundwater levels in the major aquifers in the South East of England, which support approximately 70 per cent. of public water abstraction are all below average. Some are approaching historic minimum levels."

In addition, the position in the eastern part of the county has been well reported. Folkestone and Dover Water Services has had to become the first water company in Britain to apply for and receive "water scarcity status" under the Water Industry Act 1999. The Government have granted it, enabling Folkestone and

*[Sir John Stanley]*

Dover Water Services to become the first company to introduce to its area compulsory water metering. It clearly demonstrates the severity of the situation that we face in the south-east and, particularly, in Kent.

I should like to raise several issues with the Minister. First, we have had two exceptionally dry winters in succession. During the winter months, the crucial restoration and replenishment of water supply to reservoirs and aquifers is due. There is an important question to pose to the Government and the water companies, to which it is crucial to obtain the right answer—as can best be foreseen. We have effectively experienced a semi-drought in Kent and parts of the south-east during the past 18 months. Is it freak, one-off climate change, or is it evidence of a long-term and more permanent move to more arid conditions in the south-east and Kent as a result of climate change?

Day by day, as the evidence is constantly and rightly put before us, we all see that the predictions about the rate of climate change have if anything been understatements. The rate at which, for example, the Greenland ice cap is melting exceeds almost everybody's previous predictions.

It is demonstrable that, with Kent's existing water resources, we are already at the tipping point of standpipes and rota cuts. That is after just two winters of semi-drought. If that is the position after just two winters, we are wholly inadequately prepared for something that will continue for a much longer period. Its potentially extraordinarily serious consequences may not be too far around the corner for people living in Kent and elsewhere in the south-east.

From the scientific and meteorological advice that the Minister receives, what is the best judgment about the climate change that Kent has experienced during the past 18 months? Is it a one-off situation that is likely to reverse, or is it evidence of a much more permanent climate situation in the south-east and Kent? There will be serious consequences if it is the latter.

The second issue that I want to raise with the Minister is about the relationship between water supply in Kent and the Government's plans for development, particularly residential development, in the county. The Government want to carry out a major expansion of population in the south-east. It is a controversial decision that a number of us contest strongly. The position as of today is that, at the Government's instigation, the South East England regional assembly has approved in principle 578,000 new homes in Kent, Surrey, Sussex, Berkshire, Hampshire, Oxfordshire and the Thames gateway by 2026. Many questions are being asked in Kent and elsewhere about whether the water supply is adequate to support that huge population influx.

The Minister made a water-focused visit to Essex recently—on 9 February, I think. He visited a new house in Heybridge, which apparently had water-saving fittings. He said that the Government's plans for hundreds of thousands of new properties would still go ahead. Therefore, I must ask him the following question: if with the existing population in Kent and elsewhere in the south-east we are already on the tipping edge of having standpipes and rota cuts, how on earth will the south-east be able to cope with 500,000 more houses—the figure is of course substantially higher if one adds up the extra adults and children? How are we going to cope in water terms with the huge development expansion that the Government propose? I see no sense at all in concentrating such a huge additional residential development in the driest part of our country, when the water position is already very serious.

The next issue I wish to raise is regional disparities in the United Kingdom. I understand that moving large quantities of water about is an expensive and difficult business; it is much more problematic than moving around electricity and even gas. However, there are great regional disparities in respect of water. What are the Government's policies for gradually removing those disparities, for establishing what would effectively be some sort of national water grid, and for putting in place the infrastructure to enable water to be moved about more freely between different regions? That would create greater equality of treatment and fairness for water customers in the different regions of Britain.

I turn now to capacity and, so far as Kent is concerned, to the issue of reservoirs in particular. We need additional capacity in Kent, or additional capacity that is accessible from Kent. For this debate, I went through the ever-growing files in my office on water supply, and I came across a leaflet that was produced 15 years ago—in December 1991. It is entitled, "Water for the future in Kent; development plans". It was a summary leaflet for public consumption produced by the consulting engineers to three of the leading water companies in Kent. They were looking into the future of water supply in Kent on behalf of Mid Kent Water, Southern Water and what was then called the Folkestone and District Water Company and is now called Folkestone and Dover Water Services.

In the section referring to the then proposed major new reservoir development at Broad Oak, that 15-year-old leaflet stated:

> "The promotion of Broad Oak water will be continued. No other major resource has been identified which will meet the remaining water supply needs in the companies' areas economically for the next 30 years."

It continued, extraordinarily prophetically:

> "Water supply from Broad Oak water will be needed between 2000 and 2005".

That was bang on the nail. The reality is that no progress whatever has been made in bringing into being Broad Oak water—or, indeed, in establishing other major additional reservoir capacity in Kent. What is the Government's position on establishing further reservoir capacity in Kent, on Broad Oak, and on the plans that I believe exist for increasing the capacity of Bewl, which is one of the largest reservoirs we have?

My next topic is desalination. You might be as amazed as I am, Mr. Jones, that I have to raise that matter. It is extraordinary to me that in our country, which over the years has produced more jokes about rainfall than any other country, we should now be having to talk about desalination plants in the UK. I know from the briefing I had from South East Water that it is now running a trial desalination plant on the Sussex coast. What is the Government's position on going down the desalination route? Is that now thought

to be necessary to ensure that we have adequate water supplies? It is costly, but there is huge potential capacity in desalinating the sea to produce fresh water.

On compulsory metering, Folkestone and Dover Water Services now has water scarcity status, which enables it to introduce compulsory water metering. Does the Minister think that all the water companies in Kent and elsewhere in the south-east should be going down that route? Is he positively soliciting applications from the water companies to his Department? Are the Government in favour now of introducing compulsory water metering in the south-east generally? What steps do they propose to take to ensure that those on low incomes—pensioners and low-income families—are able to get assistance with the installation of water meters if they are made compulsory as a result of their water company being given water scarcity status?

We all know that one of the most effective ways of increasing water capacity is by stopping the water leaking into the ground and disappearing for good, but a substantial amount of leakage still takes place. However, there is always a cost-benefit equation in respect of leaks; some leaks are so small that the cost of stemming them is too great for it to make sense to spend the money to do so. How well—or otherwise—does the Minister think the water companies in Kent are doing in terms of leaks? Inevitably, when one asks the water companies about their leaks programmes and whether they are doing all they can to stop leaks, they all reply, "Well, we're busting our guts to deal with leaks." That is of course the company position, and one would expect the company's representatives to repeat it, but does the Minister think that the Kent water companies are doing all they reasonably can to deal with leaks? If not, it would be helpful if he were to identify which of the companies are not doing sufficiently well and could do more.

I also have a few comments to make on changing lifestyles. We all have a responsibility to try to conserve water. I was struck by one amazing statistic from South East Water: if all 19 million customers in south-east England turned off the tap when they brushed their teeth, we would save 380 million litres of water every day. I found that statistic staggering; I trust that South East Water has it right. It illustrates how, with a relatively small change of lifestyle, we could make the water available go much further. I should like to know what support and publicity the Government are prepared to put behind making the lifestyle changes necessary to make water go further.

In conclusion, we face a serious situation in Kent. It would be totally unacceptable if later this year we turned on the taps in Kent and found that nothing was coming out, if people were made to go to standpipes to collect water for their homes and if mains water were switched off by rota for several hours. My constituents and many others would think the Government extraordinarily incompetent in allowing such a situation to arise, and I would have every sympathy with that view.

4.21 pm

**The Minister for Climate Change and the Environment (Mr. Elliot Morley):** It is nice to see you in the Chair this afternoon, Mr. Jones.

I was interested in what the right hon. Member for Tonbridge and Malling (Sir John Stanley) had to say, and I congratulate him on securing this debate on a very important issue. I also congratulate him on being able to pull information from a file that goes back to 1991—I wish I could keep files in my office for that long. His archive must be very impressive.

The issues raised by the right hon. Gentleman are clearly important. I agreed with just about everything he said until the very last bit of his speech; it was a bit harsh to suggest that the Government can control the weather. We can control a few things, but periodic droughts are not among them.

Not unreasonably, the right hon. Gentleman asked whether we were seeing a trend, and whether droughts are a long-term issue. It is fair to say that they are not a new phenomenon. There have been a number of them over the years, and it is likely that we shall have them in future. However, we cannot be complacent; we know that climate change is a reality. There may well be issues of water supply in the south-east, and we have to address them in our plans.

I shall outline the kind of measures that are in place. All water companies, including those that serve the right hon. Gentleman's constituency, are obliged by law to have drought plans. They have to have such provisions as a contingency plan, so that, when there are periods of drought, they are prepared and can ensure that people's water supply is maintained.

Although water resources are very low, I would not argue that we were in a crisis. Water reserves need to be maintained carefully and companies are right to apply hosepipe and sprinkler bans. Sprinklers use enormous quantities of water and, in mid-Kent, bans have been in place since last summer—quite a long time. Hosepipe and sprinkler bans are under the companies' control. It is entirely up to them when they introduce them.

The companies have to apply for drought permits and emergency drought orders as part of their contingency planning and drought plans. They can also make applications for permits to abstract additional water, for example. That is being done in the case of Bewl reservoir; additional water is being abstracted from the River Medway during the winter period to bring up the supply. I appreciate that the reservoir is only about half full, but that is a big improvement on its levels earlier this winter.

The right hon. Gentleman was correct: this winter has been exceptionally dry. He was also right to say that, in some parts of the south-east, recorded rainfall has been at its lowest level since 1921, and that such low levels could develop into one of the most serious droughts of the past 100 years. Whether they do depends on whether there are higher than average rainfalls between now and the summer, and that is difficult to predict. We have to take issues of drought management into account.

The right hon. Gentleman mentioned the expansion of the number of homes. That issue is often raised with me. Given that there are issues of supply management now, it is not unreasonable of people to ask what will happen in future, when there will have been a big expansion in the number of homes. There is a need for additional homes in his area. As he stated, that has been recognised by the regional assembly. We will, of course, have to ensure that there is the infrastructure for water, among other things, to provide for that expansion. All water companies are obliged to have a 25-year forward

*[Mr. Elliot Morley]*

plan to anticipate increased demand. They may well have to make additional investment to boost their reserves and to ensure that they can meet that demand.

There is an issue of managing the demand for water resources. New homes are designed to be much more water efficient. The average new home built now is about 30 per cent. more water efficient than existing ones. There is more that we can do—we can label products, for example. A lot of dishwashers and washing machines are much more efficient than those of the past. Simple measures can be taken.

The right hon. Gentleman mentioned a house that I visited. As an experiment, each of its rooms were metered as part of looking at the issue of supply management. The company told me that water consumption was cut significantly by such things as low-pressure shower heads, low-pressure taps and dual flush systems in the toilet. The modest additional cost of such water-saving measures was about £50 to £60.

As the right hon. Gentleman said, there are issues to do with not wasting water, and I shall touch on them as well. It is true that there are plans for a new reservoir at Broad Oak, and that is obviously part of the forward look that the companies involved need to take. There are also plans to raise the banks at Bewl; just raising banks can significantly increase capacity. That option is attractive because no planning permission for building a brand new reservoir is required, although it would probably have to go through the planning process, and it is comparatively easy to do.

There are a number of applications for desalination plants in the south and south-east. The Government view is that such plants have downsides. They are very energy-intensive, and we have to take that into account. However, they are being considered, although not necessarily as a means of providing a constant supply of water. There are peaks of water demand, just as there are peaks of energy demand, and a desalination plant could be switched on for the peak period and then switched off, so that its energy use would be minimised.

We have to consider desalination plants as part of a range of measures, which include man management, supply management and addressing rates of leakage, which was rightly mentioned by the right hon. Gentleman. Such measures also involve considering whether water transfer within regions can be improved.

We have asked the Environment Agency to consider the idea of a national grid, but there are downsides to that. It would be very costly, the water would have to be pumped around, which would be very energy intensive, and there would be lots of environmental issues around building the pipelines. There might well be less environmental impact and it might well be more cost-effective if water supply reserves in a region were improved, rather than putting the money into a national grid. However, we do not rule such things out. It is important to have an open mind on how we address such measures and to weigh up the arguments for and against them.

There has been no change to the Government's policy on national compulsory meters. There is not an argument for a national approach. As the right hon. Gentleman said, under the Water Acts, there are provisions for water-scarce areas. Companies have the right to bring forward proposals and we will consider those on their merits. I do not know whether any other proposals are being put forward. Following a manifesto commitment, we recently set up the water saving group, which I chair, as the Minister responsible. That has brought the whole industry together. One of the things that we will consider is how we can raise awareness in the way that the right hon. Gentleman rightly suggested, and how we can get the message over to people that simple steps can be taken to cut water demand. We want to work with the industry on how to address both supply and demand management.

**Mr. Martyn Jones (in the Chair):** Order. Time is up. We must move on to the next debate.

## Rowing Safety

4.30 pm

**David Heyes** (Ashton-under-Lyne) (Lab): I am grateful for having been granted this debate. My purpose in seeking it was to draw to the attention of my right hon. Friend the Minister for Sport and his ministerial colleagues the dismal failure of the Amateur Rowing Association safely to regulate its sport. That failure is putting young lives at risk. I hope to encourage my right hon. Friend to recognise that the time has come for the Government to intervene and, if necessary, to legislate to ensure proper safety standards in the sport.

I start by outlining the reason for my interest in the matter. My constituents Jane and Stephen Blockley first approached me in August 2002. Their son Leo died in a tragic rowing accident. He drowned in the River Ebro while rowing with the Oxford university lightweight rowing club at its winter training camp in Amposta, Spain, in December 2000. Leo Blockley was 21 years old.

Leo's crew, the crew of another eight from the club, and two launches carrying their coaches ran into adverse weather conditions during a training session. The water was described as only "slightly choppy" at the start of the outing, but the weather changed suddenly. Leo's boat was quickly swamped by 2-ft waves and, lacking inherent buoyancy, it began to sink, forcing the crew into the water. Four of the crew, including Leo, became separated from the boat. After initially trying to swim for the bank, the four realised that the waves and currents would prevent them from reaching the shore. Two were successful in their attempt to return to the partially submerged boat, and another eventually made it to the bank. Little over 50 m from the rowing club from which they had embarked, Leo disappeared as he attempted to swim back to the boat.

The other Oxford university eight rowing on the river at the same time sank twice on its way back to shore, but eventually made it. While all that was happening, the coaches on the two launches were unable to offer the help that they might normally be expected to give. One of the launches got into difficulty when a rope fouled the propeller; it was blown against the bank and became wedged under a branch. The second launch went to help the first, sending the vulnerable eights back upstream alone. As a result of the outing, nine people were treated for exposure and hypothermia and 14 suffered exposure and shock. The significance of staying with the boat and of hypothermia are matters to which I will return.

When I first met Jane and Stephen Blockley, the first inquest into the death of their son had already taken place and a verdict of accidental death due to drowning returned. The facts that I have outlined so far surrounding the accident were all confirmed in the coroner's court. At the time, the Blockleys had begun a high-profile and effective campaign to raise awareness of the need for boat buoyancy. Their simple aim, which was shared by others involved in the campaign, was to do all that they could to prevent anyone else from dying in a similar accident in future.

At our first meeting, all the Blockleys asked of me was support for their campaign to ensure that all rowing boats be required to have in-built buoyancy. However, as they pursued that goal, they encountered unexpected resistance from the national governing body for the sport, the Amateur Rowing Association. Their attempts to engage the ARA in a debate on buoyancy were consistently blocked. Correspondence between the Minister and the ARA, and from the ARA to my constituents, led to a growing suspicion on the part of the Blockleys that the original investigation and first inquest had not been presented with all the facts.

The ARA's five-page response to the Minister's inquiries came from Gary Harris, the deputy chairman of the ARA, in a letter dated 24 December 2002. It would appear that the Minister was satisfied with the version of events presented by Mr. Harris; having seen that letter, I can understand why that might have been so.

In his letter Mr Harris says:

"The principal reason Leo Blockley died was that he swam away from the boat."

Mr. Harris did not tell the Minister that the ARA water safety code did not contain any advice about staying with the boat. One of the survivors referred in evidence to being swept away from the boat. It was later established that, in the terrible conditions of unexpectedly high winds, 2-ft waves and strong river currents, becoming separated from the boat was not a matter of choice.

At the first inquest the coroner had been clear about the "stay with the boat" rule, saying:

"Hindsight is a wonderful thing, but none of us here can make comment on what people do in sudden terrifying circumstances".

For the Blockleys, the ARA's insistence that its "stay with the boat" safety advice would have prevented Leo's death seemed tantamount to blaming Leo for his own death. The important lesson that seemed to have been missed was that, had his boat been fully buoyant, he would not have been in the water in the first place.

Alarmingly, at the time of that correspondence between the Minister, the Blockleys and the ARA, Mr. Harris had new evidence about the incident that he did not disclose to the Minister. Indeed, he did not disclose it to the coroner until June 2005, two and a half years later. Meanwhile, the Blockleys investigated further and discovered significant new evidence, much of it concerning lack of safety training and safety planning. That new evidence was so compelling that the south Manchester coroner, Mr. John Pollard, applied to the administrative court to have his original inquest into the death of Leo Blockley set aside.

A second inquest began on 7 October 2005, during which several people gave evidence that the head coach, Leila Hudson, was either drunk or hung-over or both at the time of the accident. The coroner, Mr. Pollard, said:

"the evidence before me clearly shows that there was what might be called a conspiracy, although more accurately should be called an agreement, by a large number of senior officers and senior advisors at the Oxford University lightweight Rowing Club that they would not make publicly known the suggestion that the Head Coach, Leila Hudson, had been suffering from the effects of alcohol at the time of Leo Blockley's death".

The coroner further commented:

"it is a matter of great regret that they felt that the reputation of the rowing club was of greater importance than a full and thorough investigation into the death of a young man who had drowned following participation in a club activity".

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*[David Heyes]*

Mr. Pollard decided that the issues raised by the case could not be adequately covered by a short verdict like accidental death, and he decided to issue a narrative verdict, which gave him more scope for comment. During the second inquest Mr. Pollard identified several contributory safety issues not adequately covered—or not covered at all—in the current ARA water safety code. Consequently, he chose to write a rule 43 letter to the ARA. Mr. Pollard explains the significance of a rule 43 letter thus:

"A Coroner who believes that action should be taken to prevent the recurrence of fatalities similar to those that in respect of which the Inquest is being held may announce at the Inquest that he is reporting the matter in writing to the person or authority who may have power to take such action and he may report the matter accordingly."

Mr. Pollard's rule 43 letter refers to another rule 43 letter issued by the Berkshire coroner in connection with the inquest into the death of 15-year-old Sikander Farooq, who died in January 2005 when his single sculling boat capsized in the River Thames near his Reading rowing club. Sikander drowned having become overwhelmed by the cold after trying to carry out the ARA capsize drill, which at the time took no account of the fact that in the UK inland water temperatures are always cold enough to put people's lives at risk when they are immersed. The Berkshire coroner's rule 43 letter refers to concerns about the wearing of buoyancy aids in training and to evidence given by a junior coach at Reading rowing club that there was peer pressure on juniors not to wear buoyancy aids.

In his rule 43 letter, Mr. Pollard says:

"It would seem that the wearing of personal buoyancy aids could add a degree of safety."

He further addresses the issue of boat buoyancy and refers to considerable evidence about the effect of fitting full buoyancy to racing boats, which he says

"would ensure that in the event of severely adverse weather conditions the boat would not capsize, thus meaning that the crews would not be forced into very cold and dangerous water and thus reducing considerably the likelihood of death from drowning or hypothermia."

Mr. Pollard also agrees with his fellow coroner about the lack of clear guidance to rowing clubs and individual rowers. He states:

"I believe that clearer guidance could and should be given by the ARA which would to a large extent cover the present paucity of such information and indeed that those guidelines should be adopted by the ARA as compulsory safety measures."

Mr. Pollard comments on the fact that if international guidelines and protocols are issued by FISA, the international rowing federation, it is still a matter of choice for the ARA as to whether they are adopted for British Rowing. That is a reference to "FISA's Minimum Guidelines for the Safe Practice of Rowing", which were in draft at the time of the inquest but have since been fully ratified. They state:

"Boats should meet minimum flotation requirements: When full of water a boat with the crew seated in the rowing position should float in such a way that the top of the seat is a maximum of 5 cm . . . below the static water line."

The ARA seems to have chosen not to adopt those simple yet effective and practical guidelines. Being immersed in cold water is extremely dangerous. Death can occur almost instantly at any time during immersion, or even after rescue. Lean, lightly clothed rowers, especially juniors, are among those most susceptible to hypothermia.

The Salvage Association report "Regulation of Rowing in the Upper Reaches of the Tidal Thames", which was commissioned by the Port of London authority, is also relevant. It states that

"Swamping . . . carries the additional risk of hypothermia during most of the main rowing season. In view of the relative frequency with which incidences of swamping or capsize and resultant sinking occur, we believe that it is imperative that all boats are sufficiently buoyant."

To summarise, in five years, there have been two incidents involving British rowers that have led to death. In two separate cases in 2005, coroners wrote rule-43 letters calling for the ARA to improve safety measures and drawing attention to the central importance of boat buoyancy. Clearly the coroners in those cases believe that the responsibility for enforcing rowing safety in this country lies with the ARA because they addressed their rule 43 letters to it.

The ARA response to Mr. Pollard, which was penned by Gary Harris, points to the third edition of the ARA water safety code, which mandates:

"Boats constructed after 1st April 2003 must have inherent buoyancy sufficient, together with their oars and sculls, to support a seated crew of the correct design weight in the event of being swamped."

Frankly, that is not good enough. Unlike the FISA buoyancy recommendation, it gives no measurable minimum performance standard and is thus confusing and unenforceable.

In an additional advisory note the ARA suggests that a boat's freeboard might be a useful indicator of buoyancy, but it is not. Gary Harris goes on to say:

"On the option of retro-fitting additional buoyancy to boats built prior to the rule introduced in 2003, this suggested compulsory provision would present clubs with potentially crippling costs that would be disproportionate to the risk involved."

The cost of a new eight boat is between £10,000 and £15,000. The cost of retro-fitting boats is relatively low. I have had example quotes of between £108 and £500 per boat for a "bells and whistles" option. When set against loss of life, I cannot accept the argument that those are crippling costs. Surely there is no more crippling price to pay than the death of one's child.

The ARA is the national governing body of a sport that is increasingly popular, especially with juniors. It is heavily funded by Sport England and lottery money. It is essential that it takes the lead on rowing safety. If it is recognised as the overarching body in all other respects, including the award of Government funding, surely the ARA should take responsibility for safety in the expanding sport of rowing. If that expansion is to continue, it is essential that we change the culture that led to the agreement to keep secret the events in Amposta, which allows the macho defence of peer pressure on people, including the youngest and most inexperienced participants, not to wear personal buoyancy aids.

It is also essential to get away from the insistence that the sport depends on rowers staying with the boat if they find themselves in the water in adverse weather

conditions. It is clear from all the evidence that staying in the boat is preferable to staying with the boat almost entirely submerged in cold water, especially in adverse weather conditions.

It is clear to me, and certainly to the Blockleys, that the leading lights at the ARA are set on persisting with their light-touch, amateurish approach to the safe regulation of the sport, even in the face of strong and clear messages from the coroners in their rule 43 letters. The equivocation has to be stopped before we have another tragedy on our hands. It is time to reconsider the legislative route.

There is a precedent for the introduction of legislation after a tragic water sport incident. I remember it well. Then, as now, there were those who claimed that the cost of complying with regulations might prevent participation in the affected sports. Then, as now, there were those who were complacent about the ability of people leading sports clubs and bodies to self-regulate, while others clamoured for safety to be given priority. Then, as now, the affected families mounted a high profile campaign, lobbying their MPs and the then Ministers. That tragedy was the Lyme bay kayaking accident in March 1993, in which four schoolchildren lost their lives.

In the subsequent court case, the judge voiced a clear opinion that self-regulation was inadequate. Initial Government thinking at that time was that further regulation was unnecessary. Eventually, a private Member's Bill resulted in the establishment of the Adventure Activities Licensing Authority. Some believe that the ARA developed its water safety policy at that time as a direct response, in order to avoid being regulated by the new authority. I suggest strongly to the Minister that the time has now come to oblige the ARA to be regulated by this or a new, appropriate, regulatory authority.

To conclude, I hope that the Minister will agree to mount an investigation into whether the actions of the ARA in responding to the coroners' rule 43 letters adequately addressed the safety concerns of the coroners that were expressed in those letters. I hope that he will also agree to intervene to ensure that an effective, workable measurable buoyancy standard is adopted for all boats used in the sport of rowing in the UK, as advised by FISA.

Finally, I should be most grateful if the Minister would agree, on his own behalf or that of one of his colleagues, to meet me and my constituents Jane and Stephen Blockley. The Blockleys have amassed far more evidence in support of their campaign than I have been able to present in a short time today. I would welcome the chance to share that valuable evidence with the Minister or one of his colleagues.

4.47 pm

**The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy):** I am grateful to my hon. Friend the Member for Ashton-under-Lyne (David Heyes) for having brought this issue to the attention of the House. The Minister for Sport is in Melbourne at the Commonwealth Games and is sorry that he cannot be here.

I know that my hon. Friend will appreciate the fact that few debates in this House are more serious than those that deal with the loss of a young person's life. The death of Leo Blockley in a rowing incident in Spain in December 2000 was a tragedy. The fact that it happened while he was taking part in a sport that he loved, with his whole life ahead of him, made it all the more tragic. I should like to extend the condolences of the House to Leo's family, and to pay tribute to the work they have done in promoting safety in the sport.

The purpose of the debate, as I see it, is to consider whether more should be done to ensure that everybody involved in rowing does all that can be done to maintain the highest standards of safety. I am sure that my hon. Friend will recognise that many recreational sports carry with them an element of risk to personal safety. However, the Government are clear: safety should not and cannot be compromised. That is why an interdepartmental group, led by the Department for Transport, looked closely into the issue in 2002 and published a report called "Inland Water Safety: Present Roles and Responsibilities". The report found that the responsibility for inland water safety was spread across a number of Government Departments and organisations.

One key outcome of the report was the development of the National Water Safety Forum. That brings together, among others, Government Departments, the devolved Administrations, public agencies and governing bodies of sports. The forum includes an advisory group on water sports safety. On safe water sports, the report concluded that the responsibility for the management and regulation of individual sports, including safety, sat principally with the sports' governing bodies.

The Department for Culture, Media and Sport is responsible for setting the overarching strategic framework for sport in England. Our relationship with sport's governing bodies is managed through Sport England and UK Sport, the non-departmental public bodies for sport. Public funding for the governing bodies is provided via Sport England and UK Sport according to a range of criteria, including child protection, equity and safety in that sport. Each year an annual audit of corporate governance is completed to determine whether the governing body continues to satisfy the criteria and may continue to receive public funding. That audit applies not only to the Amateur Rowing Association, but to all national governing bodies in receipt of public funds, including those with responsibility for swimming, athletics and sailing.

I have spoken about the Government's relationship to the sport's national governing bodies. It is also important to be clear about the role of the governing bodies. In this country, the governing bodies are responsible for all aspects of amateur sport. They set the rules and standards for their sport, and clubs that meet those standards can become affiliated to the governing body. One advantage of affiliation is the ability to compete in recognised national and international competitions. If a club fails to meet safety standards or does not have child protection or equity polices in place, it runs the risk of losing its status as an affiliated club.

We must recognise that many sports are supported by volunteers, and that the governing bodies themselves often do not have the resources to police all the activities of every club throughout the country. It is therefore important to note that sports clubs themselves are also

*[Mr. David Lammy]*

responsible for ensuring that safety is at the top of their agenda, and that everyone involved is well aware of the risks and how best to manage them.

I now turn to the terrible tragedy of December 2000, when Leo Blockley lost his life in the accident in Spain. First, it is important to note that water sports inevitably carry more risks than many land-based ones. Rowers are dependent on the stability and safety of their boats, their own skill and ability in the water and those rowing alongside them, and the weather can have a devastating impact.

However, before I turn to the terrible incident that led to the death of Leo Blockley, it is important to recognise that rowing in Britain is, for the vast majority of rowers at amateur and professional level, a very safe sport indeed. I am sure that no one in the House or in the sport would want the terrible events of 2000 to stop young people enjoying rowing or other water sports. Not only do those sports offer great fun for people of all ages, they are sports at which we excel on the international stage.

I do not want to comment specifically on the events themselves. It is right and proper that they are investigated in an inquest, and it would be inappropriate for me to open up all that today. There have been two coroner's inquests since 2000. The second, in March 2005, overturned the verdict of the initial inquest, and ruled that Leo's death was accidental. The outcome of the second inquest was a rule 43 letter, as explained by my hon. Friend, to the Amateur Rowing Association.

I understand that a rule 43 letter arises when any coroner believes that action should be taken to prevent the recurrence of a fatality in similar circumstances. The coroner can then write to the person or authority that may have the power to take such action. In this case, the rule 43 letter contains 10 suggestions relating to the safety of the sport. Although the coroner has no power to order, instruct or require a recipient to take any action, we would all expect any observations to be taken extremely seriously and to be responded to in full.

From the discussion today and the correspondence that I have read in preparing for the debate, I know that there is some disagreement about the robustness of the Amateur Rowing Association's water safety code. In particular, there is a difference of views about boat buoyancy and the comparative strengths of the water safety code and the guidelines set by FISA, the international governing body for rowing.

On the issue of boat buoyancy, the Amateur Rowing Association believes that its safety standards exceed those of FISA. I know that Mr. and Mrs. Blockley take a different view. I understand that the Amateur Rowing Association wrote to the coroner to say that its water safety code is one of the most comprehensive safety codes in the world. From the papers I have read, I note that the code has been used by other national federations as the basis for developing their water safety policies. I am also aware that the 1994 code was used by FISA as the basis for its first ever safety guidance document.

In addition, the Amateur Rowing Association was the first federation in the world to adopt a buoyancy rule, which applies in and out of competition. As I understand it, FISA has set voluntary guidelines for national governing bodies to follow, but they are not mandatory. That appears to be quite different to the Amateur Rowing Association's position.

**David Heyes:** On that specific point, my hon. Friend acknowledges that there is a clear difference of opinion between the ARA and the Blockleys. I have said that the Blockleys have a huge raft of evidence that would warrant consideration by the Minister and his colleagues. I remind the Minister of my request for a meeting at which we can have a much broader discussion than is possible this afternoon.

**Mr. Lammy:** I take all that my hon. Friend has said very seriously. I note that the Blockley family have disputed the issue; they believe that the FISA guidelines are superior to the Amateur Rowing Association's code, particularly in the areas of heel restraints, cold water rowing, hot weather guidelines and, crucially, boat buoyancy. I totally accept that.

I am aware that the Amateur Rowing Association consulted widely when it was developing the code. It took account of the view of organisations such as the Royal Society for the Prevention of Accidents and the National Water Safety Forum. The code is also shared with a wide range of associated organisations, such as the Environment Agency, British Waterways and the Port of London authority.

My hon. Friend will recognise when presented with that information that the Amateur Rowing Association takes safety very seriously and involves a number of stakeholders. However, that said, it does mean perhaps that more could and should be done. We all agree that safety is paramount in any sport. The Amateur Rowing Association must continue to do all it can to promote its rules to all members and to the clubs that are involved. It should do all it can to ensure that safety is at the top of its list when training, competing or simply having fun in the water.

I recognise that after any tragic event, serious questions have to be asked of those involved in the accident, including the club that organised the trip. That was the purpose of the coroner's report. I share my hon. Friend's wish to see the matter resolved fairly for the Blockley family and the Amateur Rowing Association. For that reason, the Minister for Sport has agreed to meet my hon. Friend and the family and to hear their concerns. In addition, to attempt to resolve this important issue for all the parties involved, I will ask the Minister for Sport to write to the Amateur Rowing Association to clarify the matter of boat buoyancy and FISA's position. I will also request that he write to FISA to understand better its position and to Sport England to ask it to identify an appropriate organisation to undertake an independent assessment of the issues discussed today that are under dispute, including that of boat buoyancy.

I hope that, in that small way, my Department can help to resolve this very difficult and sad case. Nobody wants such a tragic accident to happen again. Thankfully, as I have said, such cases are rare. I hope that the debate will have reiterated the importance of safety in all sport, not just rowing. I am grateful to my hon. Friend for the opportunity to talk through the issues in detail today.

*It being Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.*

# Westminster Hall

*Thursday 16 March 2006*

[SIR JOHN BUTTERFILL *in the Chair*]

## Quadripartite Committee Reports

*[Relevant documents: Strategic Export Controls—First Joint Report from the Defence, Foreign Affairs, International Development and Trade and Industry Committees, Session 2004–05, HC 145, and the Government's response thereto, Cm 6638; and the Minutes of Evidence taken before the Defence, Foreign Affairs, International Development and Trade and Industry Committees on 31 January 2006, HC 873-i.]*

*Motion made, and Question proposed,* That the sitting be now adjourned.—*[Kevin Brennan.]*

2.30 pm

**Roger Berry** (Kingswood) (Lab): It is a pleasure to open this debate on the most recent report of the Quadripartite Committee, the Government's response to that report, and the minutes of a meeting that the Committee held at the end of January.

*Sitting suspended for a Division in the House.*

2.45 pm

*On resuming—*

**Roger Berry:** The Quadripartite Committee is an interesting creature. As Members will be aware, it is a Joint Committee involving the Trade and Industry, Foreign Affairs, International Development and Defence Committees, all of which have an interest in arms export control policy and want to scrutinise what the Government do in that area. Many years ago, we agreed to come together as one.

I thank my colleagues on the Committee for producing a unanimous report yet again. Although most Select Committees deliver unanimous reports, there are difficulties occasionally. However, we four Select Committees have delivered unanimity. I am sure that the Minister will acknowledge that that increases substantially the weight and validity of our conclusions.

Thanks must go to our Clerks for the excellent drafting. When the report before the House was drafted, the Clerk was Steven Mark and I place on record our thanks to him. Since the general election, our Clerk has been Glenn McKee, and I place on record our gratitude for the work he is doing on our behalf.

I also thank those who have given evidence to the Quadripartite Committee, such as the representatives from EGAD—the Export Group for Aerospace and Defence—which represents the defence manufacturers. They gave us a wealth of advice and information on how the system works and have offered to give further evidence on their experience of the arms export control regime. I am sure that that will give us further insight into how the system operates.

Non-governmental organisations are very active under the UK Working Group on Arms, which comprises Amnesty International, the British American Security Information Council—or BASIC—Christian Aid, Oxfam, Save the World and International Alert. The last time we took evidence, the journalist and broadcaster Mark Thomas also contributed. Like that of the defence manufacturers, the input of the non-governmental organisations has been invaluable, and I express the Committee's gratitude for their written and oral evidence.

I also thank the Foreign Secretary, who always willingly gives evidence to the Committee, and earlier this week the Minister for Energy, who has responsibility for the Export Control Organisation, kindly gave evidence. We are grateful for that too.

There is widespread acknowledgement that in recent years the Government have made great progress in developing an effective and transparent arms export control policy. That is illustrated by the opening few sentences of the written submission to the Quadripartite Committee by the UK Working Group on Arms:

"In recent years the UK Government has taken a strong lead on arms export controls at national, regional and international levels. As well as overhauling the national export control regime, the Government was instrumental in establishing the EU Code of Conduct on Arms Exports ... the world's first regional politically-binding agreement to control the transfer of conventional arms. In the last year, the Foreign and Commonwealth Office has been actively promoting a legally-binding global Arms Trade Treaty to control international arms transfers."

I would add that there has been the ban on the export of torture equipment as well as the Landmines Act 1998 and annual—now quarterly—reports giving details of licences granted. In sum, we have greater transparency and accountability than ever.

**David Taylor** (North-West Leicestershire) (Lab/Co-op): The Quadripartite Committee report is excellent, and my hon. Friend rightly points to our Government's progress on arms export control. However, in paragraph 17 on page 55 of the report, the Committee reveals its dismay at the

"resource cuts at the Export Control Organisation",

and paragraph 20 on the same page states:

"It is unfortunate that the export control system ... is suffering cutbacks."

Does my hon. Friend not agree that it could, and would, be better funded if we got rid of the Defence Export Services Organisation, which provides 500 expensive civil servants freely to arms companies and is, in effect, a gratis marketing department for them? Does the fact that the long-suffering taxpayer gives them such a generous boost not stand oddly with arms control?

**Roger Berry:** I am grateful for my hon. Friend's intervention. On the ECO, may I simply say that not only the Quadripartite Committee but the NGOs and the defence manufacturers have expressed concerns about significant cuts in staffing? There is a worry about maintaining the effective scrutiny of licences with significantly fewer pairs of hands. As he acknowledges, the Committee, the defence manufacturers and the NGOs have loudly expressed their concerns about that. No doubt my hon. Friend the Minister will comment on staffing matters in his winding-up speech.

My list of things that have made enormous improvements contains the Export Control Act 2002, which was the result of the first comprehensive review of

*[Roger Berry]*

export control legislation in this field for 60 years. I just remind hon. Members of that. In a moment, I shall identify one or two areas where I am unhappy that the Act did not go far enough, but I wish to place the achievements on record because they are not generally acknowledged.

As my hon. Friend the Member for North-West Leicestershire (David Taylor) mentioned, the Committee raised a number of concerns—for example, the fact that the brokering controls have limited extraterritoriality and that offshore production can provide a way around UK arms export controls. The real issues are monitoring and enforcement.

Before I address those policy areas, I shall say a few words about the role and work of the Quad. Scrutiny is what Select Committees are all about and it is what this Committee seeks to undertake. In so doing, it aims to provide a catalyst for a wider debate about arms export control policy in the UK from which policy makers, defence manufacturers, NGOs and wider society benefit.

I am delighted that the Government's response states on page 2:

"The Government welcomes the high level scrutiny the Committee has applied in the area of strategic export controls. We are committed to ensuring our export licensing system remains one of the most effective and transparent in the world. We greatly value our dialogue with the Committee, and believe that its constructive criticism has helped the United Kingdom achieve this position."

I am grateful for the Government's comments. I therefore find it difficult to understand why their response also raises this issue: because we ask a lot of questions, it costs the Government a lot of money to reply. The next paragraph on page 2 states:

"The Government would like the new Committee to be aware that its necessary duties add significantly to the running costs of the Government's export controls. The staff time involved in answering the Committee's requests is quite significant. The Government hopes that the new Committee will try to balance these costs with the level of scrutiny that it feels is necessary".

Hon. Members will be pleased to hear that that should be my final quote—the Government certainly will be.

I have served on Select Committees in the House for the past 14 years. I can recall no other Select Committee ever being advised by a Department, let alone by four Departments, to be careful about how many questions it asks because it is difficult to find the pairs of hands to answer them. As my hon. Friend the Member for North-West Leicestershire has pointed out, given that the Department that has found it quite easy—

**David Taylor:** Will my hon. Friend give way?

**Roger Berry:** I shall, so that my hon. Friend can make the point.

**David Taylor:** I endorse my hon. Friend's comment, which underlines what I said at the start: if we as a Government, and the taxpayers at large, are being asked to fund 500 civil servants in the Ministry of Defence—in DESO—to promote the very arms sales that another arm of Government is trying to ensure are going to appropriate regimes, it defies belief that the comment in the Government response should be expressed in these terms. It does not add up at all.

**Roger Berry:** I am grateful for my hon. Friend's intervention. My point is even more basic: to the best of my knowledge, no other Select Committee—hon. and right hon. Members will correct me if I am wrong—has been told, "Please be careful how many questions you ask because of the resource implications of answering them."

The ECO, to which we direct most of our questions, recently reduced staffing by about a third over two years. As a group of four Select Committees, we have a unique scrutiny function. Our work involves examining Government policies and analysing issues that arise from them. The end product of the controls system is thousands of individual licensing decisions, each of which could be very important. It is no great secret that we test only a small proportion of those because we do not have the resources to do more, dearly though I wish we had. Digging into the detail is part of our job. It is no more cost-neutral than the work of any other Select Committee. With the greatest respect, I ask my right hon. and hon. Friends in the Government to stop complaining about answering our questions when, on the other hand, they welcome our "high level scrutiny".

I shall move on to one of the key policy issues relating to trafficking and brokering. I mentioned that one of the great achievements in recent years was the 2002 Act. A major step forward in that Act was bringing trafficking and brokering under control to some degree. As the Committee and I see it, the problem is that the actions of UK citizens as traffickers and brokers are regulated abroad only if they are brokering long-range missiles—missiles that travel more than 300 m—torture equipment or trade to embargoed destinations.

UK citizens who broker deals from abroad in other areas are not covered. Therefore, missiles that travel for fewer than 300 m, man-portable air defence systems, small arms and rocket-propelled grenades are not covered. Automatic light weapons—the small arms that are used in so many areas of conflict in the world—are not covered by the extraterritoriality provisions of the 2002 Act. That is a major mistake. Every minute, a man, woman or child on this planet is killed as a result of the use of weapons. Some 500,000 people a year die from the use of small arms. UK citizens who broker small arms from outside the UK are free to go about their work without seeking any licence whatever from the UK Government.

Small arms are the current weapons of mass destruction on our planet. When the Government review the 2002 Act, as they will next year, I hope they pay due attention to extending to brokering and trafficking full extraterritorial controls, so that those parts of the arms trade that are subject to control are comprehensive. There should not be partial controls such as the ones that we have on long-range missiles, torture equipment and embargoed destinations.

The 2002 Act was a missed opportunity. It could have been a comprehensive regulation, but it was not. As the Committee has pointed out on more than one occasion, that was particularly disappointing because the

Government's 2001 general election manifesto commitment was clear. I promise that this will be my final quote:

> "We will legislate to modernise the regulation of arms exports, with a licensing system to control the activities of arms brokers and traffickers wherever they are located."

The Government have done a fantastic job on this issue compared with the previous Government, so it pains me to say that there is only one way that that manifesto commitment can be understood. Sadly, the Government have yet to live up to it.

I ask the Minister for an assurance that when the 2002 Act is reviewed next year, the full extension of extraterritoriality will be considered. I am confident that our Committee will make a robust case in support of that position, and I hope it will be seriously considered.

**Mr. David Drew** (Stroud) (Lab/Co-op): My hon. Friend is making a compelling case. I and a number of other Members are desperately worried about cluster munitions. I am of the view that they should be banned outright, and that they are no different from land mines, but I know that the Government have a different view. That is an area where there is a need for robust controls. In this regard, the relationship with the European Union is interesting, and Belgium has announced that it intends to ban the use of cluster munitions. It would pain me to know that our country was in any way responsible for the export of such munitions.

Will my hon. Friend use that as an example—next year perhaps—to look at what this country does? We signed up to the Ottawa convention on land mines. Does he agree that we should be following that through by at least ensuring that we do not export weapons of terrible cruelty that we could do something to control?

**Roger Berry:** I have a great deal of sympathy with the point my hon. Friend makes, but the question should be directed to the Minister, in respect of Government policy on this matter. If the Chamber does not receive an entirely satisfactory answer this afternoon, the Quadripartite Committee will certainly look into it.

On brokering, may I mention an experience that I and some others had on a recent evening when we met a group of students from Lord Williams's upper school in Oxford? I had previously visited the school, because some of its students are engaged in a project on the arms trade, and they interrogated me. They then sat in on the last sitting of the Quadripartite Committee, and a few of us had the pleasure of meeting them outside the Palace of Westminster on Monday afternoon.

Those students have, via the internet, been able to set themselves up as arms brokers. They have managed to secure thumb cuffs, wall cuffs and a sting stick. For Members who are not familiar with these matters, a sting stick is about 2 ft long and made of stainless steel, and it has what look like nails sticking out of it. It is a ferocious thing. If people started hitting others with a sting stick, they would quickly recognise what an instrument of torture is.

Those school students were able, via the internet, to set themselves up as a brokering company and obtain those three items. Interestingly, none of those items falls within the list of items of torture equipment. The Government rightly banned the export of torture equipment very soon after they were first elected—in 1997, I believe. A list was announced in the House of items that the Government regarded as instruments of torture, such as stun guns and large handcuffs. That the three items the students secured are not on that list is one issue. Another is that people can simply log on to the internet, create a website and broker such items.

As I knew that the students had invited me and my colleagues along to see those thumb cuffs, the wall cuffs and the sting stick, being a good law-abiding citizen I sought advice from the police. Interestingly, I was told that under no circumstances should the sting stick be removed from its secure case on College green. It is a delightful paradox that school students can buy such items over the internet, having established themselves as brokers, and that they are not breaking the law. No law was broken. The law would have been broken if the students had opened the box and shown me the sting stick. The students did not open the box, but I saw the sting stick. This situation is very weird.

In relation to brokering, the first conclusion should be that we must have a register of brokers. The Department of Trade and Industry's ECO does a lot of outreach work; it goes around telling companies and business people how to comply with legislation. That work is important and I am not mocking it—on the contrary—but if we want to control what brokers do, I suggest that we need to do rather more than offer a few outreach courses. The way to know who those people are is to require them to register. Therefore, I think a register would be appropriate.

It is odd that the nasty things that some of us saw on Monday evening can be obtained by brokering on the internet, but that the police would immediately arrest anyone who had such a thing in their possession. Can we not sort out the brokering controls? In particular, there needs to be a way to update the list on torture equipment, or to have a catch-all provision. Do the Government have plans to update the list of items that are restricted by virtue of being torture equipment? Will they propose a catch-all provision? Given that the European Union has been discussing the question of the control of the trade in torture equipment, can the Minister assure the House that the provisions that result from that will be at least as strict as the ones that most sensible people want in this country now?

I shall now discuss offshore production. It is a commonplace to observe that we live in a globalised world. One aspect of that is that UK companies, like those of other countries, are increasingly involved in arms production in other nations. That takes place in various ways, such as through joint ventures, where part of the production takes place in another country, as well as subsidiaries and licensed production. Currently, those activities take place outside UK arms export controls. Without wishing to accuse every arms manufacturer of seeking to avoid arms export controls, it is clear that if the UK has stringent controls—as it does—there is an incentive for them to carry out the relevant bit of the production overseas.

Members may recall the Andijan massacre in Uzbekistan in May last year. Land Rover Defender military vehicles were used by Uzbek troops during that massacre. The Committee raised that with the Government; we wondered where those vehicles came from. The Government's response was that Land Rover

*[Roger Berry]*

in the UK exports flat-pack civilian Land Rover Defenders to a Turkish company, Octar, which assembles them and adds its own components to make a military vehicle. On the basis of the evidence we have received, it appears that such vehicles were given to Uzbekistan by the Turkish Government, and were used in the Andijan massacre.

The Government are rightly committed not to export arms to countries or individuals who might use them to abuse human rights. Therefore, the relevance of this case is perfectly clear. The Government have informed the Committee that the UK has no power to control the export of civilian specification Land Rovers. Oxfam has informed us—back to the websites again, I am afraid—that Octar's website shows that it manufactures Land Rover Defenders under Land Rover licence.

The Committee has been given photographs, which we have passed to the relevant Minister, showing Land Rover and Octar jointly displaying at the Defence Systems and Equipment International, or DSEI, arms fair last year. I am sure that the enforcement authorities are looking into the connections between Land Rover UK and Octar, but whatever they are the issue is very simple. Anyone vaguely familiar with the arms trade knows perfectly well that exported civilian vehicles can often be transformed into military vehicles without an enormous effort—10 per cent. more production will turn them into military vehicles.

It is self-evident, therefore, that if we are concerned about where vehicles end up, we should be asking questions of those who export from the UK to areas where vehicles might be so transformed. However, there is no such control. On the other hand, had an application been made for a licence to export vehicles from the UK to Uzbekistan, I am quite confident that ECO would have refused it. We now have a European Union embargo, so as of today a licence would not be granted. Somebody somewhere therefore acknowledges that this is a serious matter.

I make no allegations about Land Rover, and I have no idea how much it knows or what websites it checks out, but I simply make the point to the Minister, and to the Government more generally, that this example shows how UK arms export controls can be bypassed. The conclusion I draw is that licensed production arrangements should contain specific re-export clauses to prevent exports to destinations of concern. If we do not have such clauses, our export controls will be severely limited in an increasingly globalised world.

Let me briefly give one further example. I happened to be in Chennai, in India, last week with the Trade and Industry Committee. By chance, the Committee Chair arranged for us to go to Ashok Leyland, where we were told that the company exports military vehicles to Africa. It said that it had wanted to sell to another country but was not allowed to do so. When I asked, the company confirmed my suspicion that that country was Sudan, which is, of course, subject to an EU embargo.

The Committee was advised that Ashok Leyland was prevented from exporting to Sudan because the company is 51 per cent. UK owned—it is, of course, part of the Hinduja group. The good news here is that the extraterritorial controls in the 2002 Act apply because Sudan is an EU embargo destination and a UK citizen or two is involved in the company. However, if Ashok Leyland India had, for example, wanted to sell armoured vehicles to a country that was not subject to an embargo, the UK would have had no control over the sale whatever, despite the fact that the company is 51 per cent. UK owned and a UK citizen or two has, I understand, a very direct link with it. So, the good news is that the 2002 Act worked and prevented that specific export to Sudan—indeed, I congratulate the Government on that—but I am worried about the loophole in relation to other destinations.

I know that my colleagues want to contribute, so the final issue that I want to mention is the enforcement of arms export legislation. Clearly, the first thing that we need to do is to get the legislation right. The second is to ensure that we have proper enforcement, and the Committee hopes to take further evidence on the issue from Her Majesty's Revenue and Customs, which is responsible for policing and enforcing the legislation.

When it comes to the enforcement of arms sales legislation, the only thing that matters—it is not simply the most important thing—is end use. As the arms to Iraq scandal taught us, what matters is who gets the arms and what they do with them. The licence application might have said that the weapons were going to Jordan, but they ended up in Iraq. At the time of the Iran-Iraq war, the Trade and Industry Committee looked at how Iran got weapons. The export licence might have said Singapore, but it really meant Iran. All that matters, therefore, is that we have total confidence that the end-use information on our export licence applications is accurate and—because that is not enough—that we check that information.

There is no point the DTI ticking the box and saying, "They say this is going to our friendly neighbour Austria," or, "This is going to our dear old friend Singapore." From some statistics, it seems that Singapore has the largest navy, air force and army in the world. We must ensure that there is a degree of end-use monitoring to check that arms end up where they are supposed to—in safe hands, not the wrong places. I simply urge the Minister to give us some information on how the Government go about end-use monitoring.

**David Taylor:** When the Minister answers that question, will he also reply to my point about the future of DESO? It is not only inconsistent, but illogical and immoral, that an arm of the Government is working in parallel, and indeed in conflict, with the ECO, not least because it need have no regard to whether there are continuing conflicts, human rights abuses or pressing development needs in certain countries—its only objective is to maximise profits for arms companies. Is that not a disgrace? Should it not be shut down?

**Roger Berry:** I am again grateful for my hon. Friend's intervention. Cleary, the question is aimed at the Minister, and I look forward to the reply.

I would like an assurance from the Minister that every effort will be made to ensure that we have an effective system of end-use monitoring. As I said, end use is the only thing that matters in relation to the arms trade. There are, however, other enforcement issues. As we all know, the brokering of torture equipment is, thankfully,

prohibited under the 2002 Act, but the Committee received evidence that TAR Ideal, an Israeli company, was openly advertising electroshock batons and leg irons in its brochures at last year's DSEI arms fair in London. Those items are specifically restricted under Government policy on torture equipment.

Although the company was asked to leave the arms fair when its activities were exposed, it was not our enforcement authorities who exposed them, but Mark Thomas. To take another example, Mr. Thomas gave evidence that Global Armour, a South African company, was offering electroshock weapons in its brochures at the same event. Although ECO has produced guidance on arms fairs, I would be grateful if the Minister told me what enforcement measures are used in relation to such events. My understanding is that brochures had to be submitted and that somebody somewhere was supposed to check them. Why was it left to an investigative journalist to spot a breach in UK law?

My general point is that I want to be reassured that the Government are putting enough resources into enforcing arms control legislation. When we tell people, "It's a legal requirement that you have a television licence," it is a bit like saying, "It's a requirement that you have a licence to export arms," except that it is not quite as serious. However, when we tell people, "You must have a TV licence," we do not say, "Oh, that's fine—heigh ho. We'll wait until Mark Thomas pops round and discovers that you don't have one."

We have vehicles going up and down the roads, streets and avenues checking that people have a TV licence and that all is well. All I ask is that the Government pay similar attention to the enforcement of the requirement to have a licence to trade in arms as they do to the requirement to have a licence to watch TV, get married or hold a raffle. I do not think that that is unreasonable, although I have put it in a slightly light-hearted way.

I have tried to find out how many people are employed at Revenue and Customs to enforce the legislation, but I am afraid that I received an answer to a parliamentary question along the lines of, "I'm afraid we cannot work this out, because obviously people are multi-tasked. People are doing different things." It must be possible to find a full-time equivalent number. I cannot believe that it is that difficult, although if it takes a long time for the Government to reply I would hate resources to be taken away from the business of controlling the export of arms. In all seriousness, I just want reassurance that such enforcement issues are being dealt with seriously. Our Committee, the NGOs and the defence manufacturers have all raised those issues.

There is one other issue: the international arms trade treaty. I welcomed earlier the fact that within 12 months of the launch by Oxfam, Amnesty and others of a campaign for an international arms trade treaty, the Secretary of State announced, in September 2004, that the UK Government were committed to that. I have referred to several instances of what I regard as loopholes in the arms export control regime, and of course one key loophole is the possibility of simply getting on a train and going somewhere else to do business. The case for an international arms trade treaty is the attempt to secure international agreement to control the arms trade. It is a difficult task, but there is a clear logic to it.

Again, I welcome the fact that the Government have been leading in that field. The Quadripartite Committee strongly supports an international arms trade treaty, as our report states. I would be grateful if my hon. Friend the Minister said a little about what progress has been made. I gather that about 40 countries are involved, which is probably double the number of a year ago, so I know that the Government have made progress, but I would be grateful for clarification.

I would also like some comment on whether we are likely to be at the lowest-common-denominator end of aspirations as to what the treaty might include, or nearer the UK, and indeed US, end of controls. I would appreciate any comment on how the treaty would be policed, and the Minister might want to advise us on how the emerging arms manufacturers—such as India, China, Malaysia, Brazil, South Africa and Chile—feel about signing up for an international arms trade treaty. It is important that they come along.

My final point was to be about staffing in ECO and Revenue and Customs, but I think that that has been covered, thanks to the intervention of my hon. Friend the Member for North-West Leicestershire. This is a serious matter. Key decisions are being made, and I admire the work that people are doing, which is very important. ECO has a very difficult, arduous and important job to do and I reiterate my gratitude for all that it does, but it must have the resources to ensure that it can scrutinise licences properly.

There is a fear, which I hope the Minister will say is unfounded, that there are now more open licences, because of the pressure that results from having fewer staff. If that were true, it would be a weakening of our licensing system. I want, first, assurances that resources are available for ECO effectively to consider licence applications. Secondly, I want assurances that Her Majesty's Revenue and Customs, which has a policing and enforcement function, has the resources to carry it out.

The Government have made enormous progress. The Committee has acknowledged that, as have the NGOs. What I have outlined are some concerns that remain, and I very much hope that when we review the 2002 Act next year, the Government allow us sufficient time and information to do a proper job so as to ensure that what many of us consider loopholes in the legislation can be plugged as quickly as possible.

3.25 pm

**Sir John Stanley** (Tonbridge and Malling) (Con): I am very pleased to follow the hon. Member for Kingswood (Roger Berry), who was an excellent Chairman of the Quadripartite Committee in the previous Parliament and deservedly was unanimously reappointed in the new one. We very much welcome that.

I want to follow the hon. Gentleman on one issue—trafficking and brokering. If I touch on some of the same points that he did, it will at least bring home to the Minister the fact that on this issue the all-party Quadripartite Committee is in absolute all-party agreement on the Government's current policy shortcomings. Before I come to those points, I want to spell out the ambit of the current legal provisions that underpin the Government's policy.[5] I do so because finding one's way through the maze of statutory

*[Sir John Stanley]*

instruments to get at the Government's policy is not at all easy and it is important to pay close attention to where the current wording is found.

In brief, non-legal terms, the Government have confined the creation of a criminal offence of trafficking and brokering to two categories. The first is missiles of a range of 300 km. I believe that the hon. Member for Kingswood twice referred to a distance of 300 m. If that were correct we should largely have achieved our policy objective.

**Roger Berry:** I am so grateful to the right hon. Gentleman for giving way, and even more so for correcting that glaring error. I really appreciate it; I am humbled.

**Sir John Stanley:** The items concerned are missiles with a range of 300 km and more, and torture equipment. The answer to the question of how trafficking and brokering are defined is that they are not defined in the legislation at all. They are instead defined by particular types of transactions taking place in particular places. The details are to be found in article 3(2) of the Trade in Goods (Control) Order 2003. That is the ambit of what in broad terms we call trafficking and brokering, but the legislation provides no such definition. It defines the activities simply by categories of transaction.

As to the particular designation of the items that are caught, those are found in two separate places. The missiles are defined in the schedule to the order to which I have referred, under the heading "Certain Missiles", as:

"Missiles capable of a range of 300km or more, and specially designed components therefor".

The pointer to where to find the other items, the so-called torture equipment—and again torture is not defined anywhere—first appears in the same schedule, under the heading "Certain Security and Para-Military Police Equipment". The reader is then referred to:

"Any good falling within paragraph c. or g. of PL5001 in Schedule 1 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003."

It may be helpful, certainly to me, to turn to that order—statutory instrument No. 2764 of 2003—in which PL5001 in schedule 1 is headed "Other security and para-military police 'goods', as follows".

Torture equipment is specified in paragraph c, which states:

"Restraints specially designed for restraining human beings, as follows:

1. Leg-irons;
2. Gangchains;
3. Electric-shock belts;
4. Individual cuffs".

Details of their dimensions are then given. Paragraphs c5 and c6 list various types of shackles, and paragraph g refers to:

"Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (e.g., electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns (tasers)) and components therefor specially designed or modified for such a purpose."

I wanted to read out those details because they support and illustrate a point that the hon. Member for Kingswood made and that I also wish to come to.

On policy, in the extensive evidence that we took from the former Secretary of State for Trade and Industry, now the Secretary of State for Health, I never understood why she took the groundbreaking step of extending extraterritoriality and accepting the principle of doing so, but then made such a mess of implementing the statutory instrument. Why was it necessary to accept the principle and then entirely miss the main weapons and equipment that are the subject of trafficking and brokering? To this day, I have not understood why she adopted the policy that she did and then walked—very predictably—into strong criticism from our Committee and outside organisations, such as NGOs and now even the Defence Manufacturers Association. Indeed, in the latest evidence that it gave the Committee, the association recognised that the current policy does not make much sense to its members as legal, legitimate sellers of arms of one sort or another. They are carrying out legitimate business, but are in danger of having their entire industry tainted by the activities of those acting outside the law.

Whatever the reasons for the Government arriving at the current, pretty ludicrous policy, it does not stack up. Let us first take missiles. I am not aware of any UK person being involved outside the UK in the trafficking or brokering of missiles of a range of 300 km or more. If someone has done so, they have kept it quiet, but I fancy that it would have come into the public domain long before now. I am not advocating removing that category of weapon, but the likelihood of such a thing happening is very small indeed, and I am not aware of any such case. However, I stress that I do not want that category removed.

The issue is different with torture equipment. I have sympathy with the Government and acknowledge the difficulties. It is impossible in reality to produce a list of every item that could conceivably be used for the purposes of torture. I acknowledge that straight away, and I note that the Minister is nodding. The Government have done their best; they could probably widen the list somewhat further, but they have come up with a reasonable first stab. However, it is illusory to imagine that it will ever be possible to come up with a comprehensive list of items that could be used to inflict pain.

The hon. Member for Kingswood referred to the items that had been brought to him by students. Indeed, one of the witnesses who came before our Committee just a few months ago illustrated his point by bringing a pair of thumb cuffs, with extremely nasty serrated edges. They were passed round for the members to have a look at and see for themselves the kind of items that are readily available but not within the ambit of the statutory instrument to which I have drawn attention.

I acknowledge that the issue of torture equipment is difficult, but the key failure is that the overwhelming bulk of trafficking and brokering is of items that are completely outside the ambit of the legislation that the Government have introduced. Those items are small arms, light weapons, automatic weapons and weapons that are man portable—man portable missiles and man portable rockets. Such items are overwhelmingly the subject of this extremely dangerous trade, but there is no

mention of them whatever in the secondary legislation. I remind the Minister of how relatively easy it is for traffickers and brokers to get such weapons, making them available in areas of conflict, where they could conceivably be used against our own forces and against innocent civilians all around the world.

An absolutely outstanding piece of investigative journalism was published on the front page of *The Sunday Times* on 8 May 2005, under the heading "Radiation rockets on sale to 'terrorists'". I do not want to gloss the piece; I shall read out just the opening sentences, because they indicate in a compelling way how the existing legislation is so inadequate:

"Three radioactive rockets capable of contaminating a city centre were offered for sale last week to a Sunday Times reporter posing as a middleman for Islamic terrorists.

The Alazan rockets, which have a range of eight miles, were among 50,000 tons of weapons left behind at an arms dump in the breakaway eastern European republic of Transdniester"—

that is part of Moldova—

"when the Russian army withdrew after the cold war.

They were offered to the reporter for $500,000 ... after he approached a senior officer in Transdniester's secret police, claiming to represent a militant group in Algeria. The officer contacted a local arms dealer who arranged meetings with the reporter on a bridge in Transdniester and later at a hotel in neighbouring Moldova.

At their first meeting two months ago, the dealer said the price of a single rocket would be $200,000."

As an indication that the people in the business are providing guarantees of death with their items, the article continued:

"The rocket could be independently inspected with a Geiger counter to verify that its warhead contained radioactive strontium and caesium".

That story has been wholly corroborated. The Quadripartite Committee pursued it with the Government, and asked them to respond to the report. I felt that their reply was completely unsatisfactory. It began:

"We are concerned by reports of illicit arms sales involving Transdniester",

and went on to make comments about trying to tighten up the border between Moldova and Transdniester. I put it to the Minister that, given that we have evidence of how easy it is to get hold of radiation rockets with a huge capacity to inflict death and long-term radiation sickness, to state:

"We are concerned by reports of illicit arms sales involving Transdniester"

seems a grossly mild response.

**Mike Gapes** (Ilford, South) (Lab/Co-op): May I add to what the right hon. Gentleman is saying? In 2007 or 2008, the borders of the European Union will include the border between Romania and Moldova. We have interesting questions to ask about what will be happening in an EU neighbour region—it is not the only one—in terms of the possible transfer of such weapons within and around the European Union.

**Sir John Stanley:** I am grateful to the hon. Gentleman. He makes an important point to which I am sure the Minister will pay close attention.

On policy, I come to the Quadripartite Committee's recommendations. Our central recommendation, which is exactly the same in this Parliament as it has been previously, is worth reading out. It features in paragraph 156 of our report, which reads:

"The Committees recommended last year that 'the Government should reconsider which types of trafficking and brokering activity it subjects to extra-territorial control to identify more accurately those which are of most pressing and genuine concern—in particular those weapons most likely to be used by terrorists or in civil wars. We recommend that trade in such weapons, including MANPADS, rocket-propelled grenades and automatic light weapons, should be subject to extra-territorial control where they are intended for end use by anyone other than a national government or its agent, and where the country from which the trade is being conducted or from which the export will take place does not itself have adequate trade or export controls consistent with the British Government's policy on arms exports.' We make the same recommendation in this Report."

There was a consistent expression of policy from the Quadripartite Committee in the last Parliament, and it is being reiterated in this Parliament. I put it to the Minister that there can surely be no objection any longer on the principle of extraterritoriality as far as certain categories of criminal offence are concerned. We have accepted—there is all-party agreement in all these areas—extraterritorial criminal legislation on terrorism, serious organised crime and sexual offences against children overseas. In all those areas, rightly, extraterritoriality has been accepted. I urge the Government most strongly to fill in the glaring gap on trafficking and brokering, and to make certain that all the main categories of weapon that are trafficked and brokered fall within the extraterritoriality provisions of this Parliament.

3.43 pm

**Mike Gapes** (Ilford, South) (Lab/Co-op): I should like to begin by taking up the point that my friend and colleague on the Foreign Affairs Committee, the right hon. Member for Tonbridge and Malling (Sir John Stanley), has raised.

The Government made it clear as recently as earlier this week that the regulations that apply to UK companies do not extend to subsidiaries of UK companies in other countries; they are not monitored or checked with regard to arms exports. That is what we were told by the Department of Trade and Industry, and it prompts a further question. What happens, as the Chairman of our Quadripartite Committee, my hon. Friend the Member for Kingswood (Roger Berry), asked, when companies have subsidiaries in other parts of the world? We need to look at such matters in detail over the coming months.

Today, I want to focus on two areas that have not really been covered. One was touched on by my hon. Friend when he referred to the arms trade treaty. I should be interested to know from the Minister where we are on this year's negotiations for an international arms trade treaty to deal with the small arms that were referred to. As I understand it, discussions are going on in Vienna and elsewhere on such matters, and there was an intention, or at least a hope, that there would be some kind of breakthrough at the United Nations General Assembly later this year. Where are we in that process, which countries have so far signed up and what problems are there in relation to some of the world's major arms exporters?

*[Mike Gapes]*

It is excellent news that our Government are among the 40 and that many members of this House and others in this country have signed up to support the arms trade treaty.

3.45 pm

*Sitting suspended for a Division in the House.*

4 pm

*On resuming—*

**Mike Gapes:** I am grateful to have the opportunity to continue my speech, although for how long I am not sure. I was talking about the negotiations on the international arms trade treaty. As I understand it, there is the prospect of some progress this year. The hope is that 2006 will be the time when we get such a treaty.

*Sitting suspended for a Division in the House.*

4.15 pm

*On resuming—*

**Mike Gapes:** The second major area that I want to speak about is the debate about the possible lifting of the European Union's arms embargo on China. In February 2004, the Foreign Secretary told the Quadripartite Committee that the Government were reviewing that policy. The European Union has been engaged in an interesting process over the past two years. There has been considerable pressure from some member states to lift the embargo on China. As a result of hostile reaction from many parliamentarians, including many European parliamentarians, not least the unanimous view of the Quadripartite Committee in two reports—one in 2004 and the other in 2005—a large vote of 411 to 3 in the United States House of Representatives and other representations, there seem to have been second thoughts. I want to go into that in detail because it goes to the heart of one of our difficulties in having international controls over arms exports.

The European Union introduced its embargo on arms to China for good reasons following the massacre of peaceful demonstrators in Tiananmen square in 1989. Our Committee took the view that it was wrong to lift the embargo on China because the Committee's opinion in 2004 and again in 2005 was that the human rights situation in China had not improved sufficiently to reward it by lifting the embargo. At the same time, the opening up of China to the rest of the world, its 9 or 10 per cent. per annum sustained economic growth over 15 years and the fact that it has become the world manufacturing centre for toys, clothes and, increasingly, various kinds of electrical and manufactured products means that it is an important and growing part of the global economy.

Clearly, the Chinese Government now have far more influence because of their economic weight in the world and are seeking to improve their performance, not just economically, and are undergoing significant modernisation of their armed forces. The Chinese People's Liberation Army, which was a huge part of the communist structure, is being reduced in size and made more professional with a huge high-tech equipment programme based on modern weaponry rather than Soviet Union discards, so that China can develop its potential for a blue water navy to protect its increasing imports of steel, oil, gas and other raw materials from the rest of the world as part of its massive manufacturing boom. That is all going ahead.

We were told repeatedly that the lifting of the arms embargo on China by the European Union would have no practical significance and that there would instead be a European Union code of conduct so that in practice nothing would change. That raises the question: why do something if nothing will change in practice? The reason is that although nothing might change for the United Kingdom because we have a strict interpretation of the embargo, that is not so for other European states. Our report states in paragraph 115:

"The UK is the only member state to have published its interpretation of the embargo. It covers 'lethal weapons such as machine guns, large calibre weapons, bombs, torpedoes, rockets and missiles; specially designed components of the above, and ammunition; military aircraft and helicopters, vessels of war, armoured fighting vehicles and other such weapons platforms; and any equipment which is likely to be used for internal repression.'"

At the time of our report, the UK was the only one of the 25 member states of the European Union to have published an interpretation of the embargo. I would be grateful if the Minister would correct me if that is wrong and if since then there have been fantastic floods of interpretations—if the French and German Governments have published detailed interpretations of what the arms embargo means—or if companies such as European Aerospace and Defence Systems, which is quoted in our evidence as being keen to export various kinds of naval and other equipment to China, have been influenced by the Governments in other EU states. I suspect not.

It is clear from press releases and reports of visits by senior German and French political figures to China that the opening up of that country is perceived not simply in terms of civil manufacturing output but also as a potential large-scale export market for high-tech equipment, which the Chinese People's Liberation Army and the Chinese Government wish to have.

The report was published in March 2005, just before the general election. I believe that, as part of our representations, it has had some influence. The EU Council of Ministers meeting in June 2005 took no decision on lifting the arms embargo, even though the previous autumn, in 2004, there had been a great deal of chatter about it happening. It did not happen, and if the British Government played a decisive role at the time in stopping a change, they should be praised. Perhaps the Minister can confirm whether that was the case.

No progress was made under the British presidency in the second half of 2005. The arms embargo on China was not even referred to in any of the communiqués at the end of it. That is very good, as far as I am concerned, and as the four Select Committees—Defence, International Development, Trade and Industry, and Foreign Affairs—agreed in the last Parliament.

When we published the report, I had just been in the United States with the Defence Committee. The Foreign Affairs Committee visited around the same time. We

heard strong views from all the American politicians whom we met that, symbolically, lifting the arms embargo was significant not just in respect of human rights and the signals that it would send but because of the unresolved, potentially explosive conflict across the straits of Taiwan. For the United States, Japan and many other countries in that part of the world, anything that destabilises or raises the temperature in that region is not good news.

It is interesting that the Chinese National People's Congress passed what it called the anti-secessionist law in the first half of 2005. Basically, it states that a Taiwanese declaration of independence would be interpreted as an act of war. Clearly, that may have had some impact on concentrating minds in the Council of Ministers, but now things are even more serious. There has been some sabre-rattling and rhetorical hostility in recent months as a result of statements made by the Taiwanese and the recent closure of an office for relations between Taiwan and the mainland. I hope that that is not the precursor to a more difficult relationship in that region.

The Foreign Affairs Committee is considering these issues at present and we have already started to take evidence on China's role in the world, its relations with its neighbours, and its economic, political, military and strategic relationship with all its neighbours. I hope that that will better inform the input from the Foreign Affairs Committee to the next report of the Quadripartite Committee.

In the time that I have left, I would like to ask the Minister to clarify the current status of the EU arms embargo. Can he clarify the position of Her Majesty's Government on the differences between the impact on China of the arms embargo, which is accepted to be patchy, inconsistent and not generally applied in any way by the EU as a whole, and of the EU code of conduct for arms exports? If it is the case that there is no difference in practice from the UK Government's position, does that apply also in respect of the Governments of France, Germany, the Netherlands, Italy, Spain, Portugal and all the other EU 25?

In addition, what representations have been received from Governments outside the EU about the possible political and diplomatic impact of lifting the arms embargo on China? In that context, are the British Government of the view that we should be relaxed about the changes that are taking place in the region, or do they believe that any lifting of the arms embargo on China is inevitably linked to the reasons that it was first introduced, which was to do with human rights and related issues in that country?

I know that the Minister, as the Minister with responsibility for human rights and as a Minister who has been to China, closely follows the situation in the region. This is not a debate about China, and I do not wish to shift it too much to the human rights aspects, but I ask those questions in the context of the report. The Foreign Affairs Committee was in the United States two weeks ago. We had some interesting discussions there about exactly these issues. I hope that we will be able to go into greater detail when we produce our reports later this year.

To conclude, I should like to touch on a related area that is mentioned in the report. What is the general policy in respect of countries that are coming out of embargoes? There is a small reference in the report to the situation in Libya, although we make no recommendations. In their response, the Government referred to a so-called toolbox for countries coming out of an embargo. Can we be told what has happened to the toolbox? Is it still a box and does it have any tools in it? I understand that it was still being developed at the time of the Government's response to our report, and I should be grateful to know what has happened.

It is clear that arms embargoes and their effectiveness are fundamental issues. The United Nations is discussing possible sanctions against Iran, and there are several other conflicts in the world. The Darfur region in Sudan is one where imports of weaponry into the region of conflict play an important part in the process. In the absence of an international arms trade treaty and strong regional security organisations—the African Union is a fledgling organisation that does not yet have real capabilities to enforce embargoes—it is clear that the European Union has a big role, NATO has a big role and we, as a permanent member of the UN Security Council, have a big role to ensure that we get effective measures in embargoes. When the political situation in the country changes—such as that of Colonel Gaddafi's regime, for example—and it decides to come back to the standards of the world by moving away from secretly developing chemical weapons and aspirations to build nuclear weapons, in order to engage with the rest of the world, embargoes and sanctions are lifted. We must be clear about the circumstances under which that happens. Embargoes should not be lifted too early or in the wrong way, and we need full compliance with the consequences of doing that.

That takes me to the other area I touched on during my earlier intervention: how one member country in the international system relates to other countries. Countries have borders, coastlines and beaches. It is easy to smuggle small arms from one country to another. It is especially easy where the writ of a central Government does not run: regions such as Waziristan in Pakistan, parts of Somalia, or the areas referred to earlier of the so-called frozen conflicts of the post-Soviet world, such as the Caucasus or Transnistria.

The arms brokers are based where central Government do not run, where there are lawless regimes, mafias or corrupt warlords: people who are not subject to international sanctions. The conflicts in Sierra Leone and Liberia were fuelled by people of South African, Russian, Ukrainian or Belarusian nationality, flying aircraft and arms into remote airstrips to arm insurgents to fuel conflicts that led to the deaths of many thousands and millions of refugees and displaced people. That is the reality of what we are dealing with.

I am grateful to the right hon. Member for Tonbridge and Malling for quoting the various statutory instruments, sub-paragraphs and clauses, but the reality is that we are talking about effective measures to prevent loss of life, to prevent people from being driven from their homes, to stop suffering and to make the world a better place. If we do not have international institutions that can do that, those of us who have the democratic institutions must use whatever means we can in those institutions to make the world a better place. When he replies, I should be grateful if the Minister touches on at least some of those points.

4.33 pm

**Susan Kramer** (Richmond Park) (LD): This is my first outing speaking on international issues for the Liberal Democrats and I shall try and win friends by being brief.

I must say something about the quality of this report. The Committee has produced an outstanding report that has stood the test of time. It was written in 2003, and if it had been written two weeks ago, it would have been viewed as insightful and topical. Perhaps that says something about the difficulty of making progress in this area, but it also says something about the Committee's ability to focus on priorities and major issues, and to tease out those subjects on which we need to focus. This debate has been a brilliant introduction to the subject and I much appreciate the comments and discussion.

I shall focus on a few areas about which I should like to make some statements and raise some questions. The issue of resources has been a thread that has run throughout the debate. One might say that the Gershon cuts were the latest round of retrenchment for the Export Control Organisation. The Government used the opportunity of their response to the Committee's report to say that they were keeping under review the potential privatisation of parts of the export licensing process. I understand that since that date, they have said that they do not intend to privatise part of that process. I can think of nothing more inappropriate and I wonder whether the Minister can give us some absolute clarity on that issue, so that we can understand whether the matter is under review or permanently off the table.

The issue of resources goes farther than that. We read testimony from officials essentially discounting suggestions that website monitoring should be an inherent part of the activity of the Export Control Organisation. I find that hard to believe. Perhaps the Minister will take back to the ECO the discussions we have had today and the reports of the ease with which teenagers have managed to acquire instruments of torture—in this case. I suspect they could have gone further, which would have been a far more shattering experience and not one that we want to know.

Times are changing. The role of the internet is changing and the way in which all kinds of purchases takes place is changing. I noted the testimony of Mr. Glyn Williams, director of the ECO, which was given last Monday. When these questions were asked of him, he said:

"We do not do detective work on a speculative basis."

After the testimony today, it is not speculative any more. Indeed, detective work has to be an inherent part of the monitoring and enforcement process, so I hope that that will be taken on board.

The checking of subsidiaries' activities seems fairly fundamental. It is a line of direction that should be at the centre of ECO activity, rather than considered peripheral or extraneous to it. The hon. Member for Kingswood (Roger Berry) suggested the registering of brokers, which is the sort of basic strategy one would inherit from role models in other parts of the Government. I hope that there will be an attempt to put them into practice.

Financing, at a time of tight resources, for an expansion of activities or for that kind of monitoring enforcement is obviously difficult. Comments have been made on the possible irony that the Ministry of Defence with its Defence Exports Services Organisation uses significant amounts of taxpayers' money to promote the industry, but then finds itself constrained by the taxpayer in its control of the industry. A rebalancing might seem to be in order. I would point out, too, that export credit guarantees that are available to many people in the process of arms sales could be a source of rebalancing. That would not add stress to the budget, but change emphasis and priority.

There was a lot of discussion of progress on the multilateral front. I do not want to spend time going into that because it has been well discussed, but I would simply like to make the following comment. In the various discussions of Council of the European Union regulations on trading equipment relating to torture and capital punishment, and the worthwhile and extraordinarily necessary process of developing an international arms trade treaty, speakers have recognised how difficult it is to bring on board all the countries necessary to the standard required, which we wish to see. In looking at the Export Control Act 2002 and carrying out an internal review, can I ask the Minister not to make assumptions of the weight that international treaties will carry or provide? We must ensure that we are doing the maximum as a country within the boundaries of our own law, and if we have the opportunity to make changes later because international treaties and international enforcement have moved forward, all well and good. But let us not be lax on our side in the expectation and hope that the international community will move faster than it has in the past.

There were some discussions in the context of resources about the role of the Committee. Being very new to this, I noted with some amusement the slight irritation that seemed to be in the Government's reply to the report regarding their expenditure to support the Committee's activities and to respond to scrutiny. I do not think that the reply itself could have cost much in time and energy. It was a brief, almost cursory, reply. I assume that it was done with the expectation that the Minister would be present for the debate, speak and fill out the answers much more extensively. I look forward to that.

The potential of the Committee and Parliament to serve in a scrutinising role should not be understated. It is not just a case of reinforcing current activities. My team and I would support an expansion of those roles. In countries such as the Netherlands, the United States and Sweden, parliamentarians assist in the scrutiny of key, sensitive licences. If we remember that the Quadripartite Committee's origin is essentially in Sir Richard Scott's work on arms sales to Iraq, we can see the potential for a Committee to add a great deal to the strength and effectiveness of the overall scrutiny, control and management of arms exports. I encourage the Government to reconsider that role. Where it has been effective in other countries, why should we not take that model, learn from it and maximise its use in this country?

As others have said, the focus of this debate and all Quadripartite Committee work is on end use. The Minister has heard numerous concerns about the way in which small arms, military vehicles or vehicles that can be adapted to become military vehicles seem to find their

way with amazing persistence to trouble spots throughout the globe, even though they originate from, or their parent company is based in, the UK. Given that experience and the risk of conflict that we face in a world where low-level conflict has the hideous potential to escalate into something much larger, I hope that the Government will consider how they can act on that range of issues.

Others have spoken about Uzbekistan and the exceptional appearance of Land Rover vehicles there in the midst of conflict. I received from Oxfam a few days ago—perhaps others will have seen it, too—reports about how Land Systems OMC, a South African subsidiary of the British company BAE Systems appeared to have sold by one route or another Mamba armoured vehicles to the Ugandan Government ahead of last week's controversial elections. At the same time as the Secretary of State for International Development reduced aid to Uganda because of its violation of human rights and the behaviour of its Government, we provided them with equipment to suppress Opposition parties during the country's own elections. Oxfam said:

"The lack of international controls on the arms trade is making a mockery of national arms laws."

Oxfam cites the Ugandan example and points out that the situation could not occur under US law. As a US subsidiary company, the entity would have been subject to US export controls. To be in a situation in which manufacturing through a UK subsidiary gives an opportunity, not available through a US subsidiary, to provide arms to an area that none of us should wish to see receive one additional weapon in such sensitive times must surely make us focus on how to close those loopholes. Although, like many others, I am cautious about the use of extra-territorial powers, when examining its possibilities, we must prioritise that area. Global trade has changed and the arms trade with it.

I have very much appreciated the opportunity to hear the various points of view. I look forward to the Minister's response and to the opportunity to attend many more of these debates to see where we progress. My great hope is that if I am fortunate to be standing here a year from now, the discussion will be very different and we will be adding yet more congratulations to the Government on their effectiveness at arms export control.

4.45 pm

**Mr. Mark Harper** (Forest of Dean) (Con): My hon. Friend the Member for Cotswold (Mr. Clifton-Brown) would normally have replied to this debate, but he is travelling abroad on official business. In the spirit of the Quadripartite Committee, the Opposition, in their seamless way, have substituted me to reply on their behalf.

It is a pleasure to follow the hon. Member for Richmond Park (Susan Kramer), who was making her first speech from her party's Front Bench on these issues. I also congratulate the Committee's Chairman, the hon. Member for Kingswood (Roger Berry), on the way he opened the debate. It has been wide ranging and excellent.

Before I move on to my remarks about the Committee's report, it is worth saying that the defence export industry is good for this country. It is critical for supplying our own armed forces, and it creates a lot of economic wealth and jobs throughout our country. The economies of scale of exports mean that we can supply our armed forces more effectively, help to defend our allies, and use our influence as providers of defence exports throughout the world, as well as our leverage if a friendly nation becomes less friendly.

None the less, defence export manufacturers recognise that it is in our own interests to have a robust and transparent export control regime. Since we in this country have strict controls, it is also welcome if we can ensure that those with whom we compete abide by similar rules, so that our defence manufacturers have a level playing field. They recognise that we have some of the toughest export control regulations for defence equipment in the world. That is absolutely right, and the Opposition support it.

The hon. Member for Kingswood alluded to the following remarks about the Committee's work. First, one of the Government's favourite claims is that they are joined up. On joined-upness, Parliament set a good example by having a Quadripartite Committee that brings together four policy areas that play and link together. Throughout the world, we see the impact of foreign policy, international development, defence and trade and industry, so the Committee's establishment was praiseworthy and sensible, and I hope we build on it. It is disappointing that the Government are not quite as good at being joined-up as Parliament is. The report contains some grumbles—I do not want to make too much of them—that the Government were not as seamless in delivering to the Committee as the Committee would have hoped.

I hope that the Minister elaborates on the steps that the Government have taken. I am specifically thinking of comments about the Export Control Organisation. The Foreign Secretary, who is the lead Minister, was asked questions about that, and he was not able to answer them. In response, he gave the impression that it was another Department's responsibility. If the Committee is to add value, the Government should ensure that whichever Minister speaks to it has done the appropriate work beforehand and can speak on behalf of all his colleagues—the Government, not just the Foreign Office. That would be a helpful step forward that the Committee, I am sure, would welcome.

Secondly, and more importantly, the hon. Member for Kingswood made the point about scrutiny at policy level and, as I have noted, the Committee's scrutiny of a sample of individual licences. I agree with the Committee that its work on both those aspects is valuable. I am disturbed by the fact that the Government response to the report seems to warn the Committee off being too questioning and busy because of the cost and burden of answering questions.

I have never bought the idea that Members and Select Committees asking lots of questions costs the Government any money at all. Civil servants exist and they are all paid, and I would rather have them spend their time answering questions from Members and Committees than invent weird and wacky schemes for spending our money on something else. If the Committee asks more questions, that does not necessarily impose a burden on the Government at all. We should not stand in the way of a Committee that is generally acknowledged to be doing a good job of

*[Mr. Mark Harper]*

scrutinising policy and specific licensing applications. The Government should be doing everything they can to support the Committee's work. They should not be saying that it should be less scrupulous with a view to saving costs.

I do not want to stray off the subject, but there are worrying signs from the Government in other areas where there is a tendency to try to reduce the ability of the House to scrutinise the Government. I am thinking particularly of the Leader of the House and discussions about trying to restrict the ability of Members of Parliament to ask written questions. I hope that we are not picking up on a trend on the part of the Government. Parliament should be able to scrutinise the Government, and the Government should not try to put Parliament off. I therefore very much support what the Committee Chairman said.

The hon. Member for Kingswood also touched on the Export Control Organisation, as did the hon. Member for Richmond Park. The way we work out how to fund and staff that organisation should be driven by the objectives. We should not set the organisation objectives and then give it unrealistic budget and staffing targets. We have to decide how important something is and then fund it appropriately. It is perfectly proper for the Government to have efficiency targets and to ensure that the ECO uses taxpayers' money efficiently, but they can drive that process too far, and we have heard concerns about that. In the spirit of joined-up government, the ECO needs to be properly resourced, and we need to have a clear understanding of the resources that Revenue and Customs devotes to that work.

The hon. Member for Kingswood alluded to the work of Mark Thomas. In evidence to the Committee on 31 January, published in transcript HC 873-i, he drew attention to the regulatory impact assessment done by the ECO in 2002 of the extra costs that the new regulations would mean for Revenue and Customs. It estimated that the costs would be between £200,000 and £300,000, which seems an extraordinarily small sum. Mark Thomas drew attention to the contrast with the additional £90 million that the Government announced, rightly, just the year before to target and work on drug and people trafficking.

Those issues are equally important. If we are spending £90 million on stopping drug and people trafficking, it seems unrealistic to spend only £200,000 or £300,000 on enforcing the controls that we are discussing. After all, if we do not do things properly, defence exports could go to parts of the world—Sudan was mentioned—where we, as part of either NATO or the EU, end up having to go to sort the problems out, and at much more significant cost, which we do not want to have to do.

The hon. Member for Ilford, South (Mike Gapes) drew attention to the arms embargo on China and the extent to which the EU code of conduct can replace it. I, too, have picked up on that issue. The Committee recommended that the Government should oppose lifting the arms embargo on China unless all EU member states give an absolute assurance that that would not lead to a qualitative or quantitative increase in their exports. We could debate the extent to which we would trust such assurances from all 25 EU member states, particularly given that some seem keen to lift the arms embargo.

Furthermore, if lifting the arms embargo will not lead to a quantitative or qualitative increase in exports, there does not seem to be a particularly good reason for lifting it. That echoes the hon. Gentleman's point. If lifting the embargo will have no practical effect, it does not seem to be worth doing, and even if it had no practical effect, it would certainly send an unhelpful message. We need to consider the steps that China is taking in building a professional and well resourced army and armed forces, and the impact that they may have in that part of the world. There are a number of significant issues, and a number of our allies are concerned, as to the power of China in that area.

Mention was made of the international arms trade treaty, which the Government have been working on. It is supported by the relevant non-governmental organisations, which the hon. Member for Kingswood mentioned, and by the Defence Manufacturers Association. It takes the view that, as the rules agreed internationally would be unlikely to be tougher than ours because we have one of the stronger regimes, an effective international arms trade treaty would, if anything, mean a more level playing field worldwide. Our companies, which are bound by properly tough export licences, could compete on an even playing field with countries that perhaps do not impose such sensible controls. That is worth working for.

It would be helpful, as has been said, if the Minister informed us of the level that the negotiations have reached and perhaps the future time line. One specific question is important, and this is true of all international treaties: who would sign it? A good example in that regard is the Kyoto treaty. Unfortunately, because some significant players around the world such as the US and the developing countries did not sign up to that international treaty, it will not have the impact it could have had. The same will be true of the arms trade treaty, as other hon. Members have said.

If only those who already have relatively robust export controls sign the treaty, and if we capture all the significant defence manufacturing and exporting countries but fail to capture the countries that are growing their defence manufacturing and exporting businesses, we shall only give them a business opportunity, handicap our own industries and lower the general control across the world. We will not move the situation any further forward. It would therefore be interesting to know the strategy that the Government are undertaking to maximise the number of countries that sign the treaty.

We must also consider how the treaty would be enforced, because without robust enforcement it would not be effective. As with all these things, we know that countries such as ours will follow the rules and implement the measures robustly, but we will find that the countries that give us problems are not enforcing them. Unless there is a robust enforcement mechanism that cannot be subject to a veto by the Security Council, there might be a problem, given that one or two countries that we have mentioned, and which would need to be bound by the measure, are on the Security Council and have a veto as we do.

It would be interesting if the Minister summarised the substantive progress that the Government managed to make during their presidency of the G8 and the EU. Having looked at the communiqués and the agreements that came out of their two periods in the chair, I know that the words were relatively encouraging, but it is really a question of how much substantive action will be taken. The problem is always that we get the communiqués and they contain nice words, but we do not know by how much we have moved forward. It would be helpful to have some detail on that.

As has been said, the EU did not make any progress on agreeing an update to the EU code of conduct on arms exports. From what the hon. Member for Ilford, South said, it seems that one reason for those discussions not taking place might be that the Government wanted to keep the arms embargo on China off the agenda. Perhaps that has indeed held up discussions on the EU code of conduct. It would be helpful if the Minister outlined the plans of the Government or of the current EU presidency for making progress on the code of conduct, and when we can expect significant developments.

I have touched on the importance of and the need for enforcement. One subject not touched on in this debate, but mentioned briefly as an outstanding issue in the Committee's report, is technology transfer. The flip side to our exports is the need to ensure that there can be appropriate technology transfer from our allies to provide our armed forces with the best and latest technology. In a demonstration of joined-upness and working together, I would like to mention the joint strike fighter and joint combat aircraft. The United States Senate Committee on Armed Services is holding hearings at the moment.

**Mike Gapes:** I welcome the hon. Gentleman to his role as spokesman, even if it is only temporary—at least on the issues we are discussing. Does he agree that there are worrying signs of the resurgence of protectionism in the United States? The Foreign Affairs Committee certainly picked up on that two weeks ago; we were shocked by the furore about the purchase of P&O by Dubai Ports World, which was the big story in US politics. That has ramifications throughout the defence sector. The hon. Gentleman mentioned the joint strike fighter; he could also have mentioned the failure to get a waiver on the international traffic in arms regulations. The Quadripartite Committee and many others have been pushing the Defence Committee on that issue for many years, and there seems to be no progress.

**Mr. Harper:** The hon. Gentleman makes the point very well.

In testimony to the Senate Committee, Lord Drayson stated the case for the Government well, particularly on the joint strike fighter. My hon. Friend the Member for Woodspring (Dr. Fox) made a written submission to that Committee, making the same point, which is that it is no good the US Government fighting coalition, but buying only American. The US Government need to facilitate things for their allies, particularly their most dependable one, which is always able to join it on some more difficult missions. They really need to consider how they pay back their allies—well, it would be wrong to say "pay back", because we do not get involved in military operations for that reason, but when we are participating in such operations with our allies, it is difficult to explain to the British public why we do not get appropriate technology transfer. When we are involved in the development of some of those projects, we do not get to keep the technological kit for our armed forces up to the mark.

The Dubai Ports World episode is particularly worrying, because the ports concerned were already owned by a foreign company, P&O. They were simply changing hands from one foreign owner to another. It is worrying that the US politicians making a fuss about it seemed not to be able to distinguish between those countries in the middle east that are our allies and are supportive, and those that are not.

Perhaps it is just that there are mid-term elections coming up in the US—unfortunately, there are always mid-term elections coming up, so that is not a very helpful sign—or simply that the knowledge of those making the fuss is not sufficiently robust with regard to those parts of the world. However, it is worrying in itself if those politicians cannot distinguish between those nations that are supportive of our foreign policy goals and those that are not. There are worrying signs of that kind, so it is helpful that the Government and the Opposition—and the various Committees—can join together and present a united front on such subjects.

On that point—celebrating the joined-upness of Parliament, Government and Opposition in sometimes lobbying together on those issues—I draw my remarks to a close. I look forward to hearing what the Minister has to say.

5.4 pm

**The Minister for Trade (Ian Pearson):** It has been a real pleasure to serve under your chairmanship during this important debate, Sir John. We have heard a number of excellent speeches. I pay tribute to the hon. Member for Forest of Dean (Mr. Harper)—the stand-in for the hon. Member for Cotswold (Mr. Clifton-Brown)—for the effective way in which he made his points. I also welcome the hon. Member for Richmond Park (Susan Kramer) to her new role. She made a very good contribution. Of course, my hon. Friends the Members for Kingswood (Roger Berry) and for Ilford, South (Mike Gapes) always make perceptive and thoughtful comments. We are grateful for the work of the Quadripartite Committee and for the professional way in which it conducts its tasks.

First, I emphasise that the Government believe strongly in the need for robust and transparent export controls. That is clearly reflected in the effort that we have put into our domestic legislation, the Export Control Act 2002, which was the first major legislative development on the subject since 1939. We have done more than ever before to provide more and better information to Parliament and the public on the licensing decisions that we make and the policy that underpins them. The same approach underpins what we do internationally to promote a properly regulated and responsible global trade in defence equipment. We also took the leading role in pressing for an international arms trade treaty, which we want negotiated by the United Nations.

The Government welcome the high level of scrutiny that the Quadripartite Committee has applied to strategic export controls. We value our dialogue with

*[Ian Pearson]*

the Committee and believe that its constructive criticism has played a full part in ensuring that the UK's export controls system continues to be recognised as one of the most effective and transparent in the world. The Quadripartite Committee arrangement is perhaps unique amongst parliamentary Committees, but Parliament's joined-up approach on the issue mirrors the joined-up approach that the Government have worked hard to establish across those Whitehall Departments with an interest in export controls. Export control is one of the best examples of joined-up government across Governments internationally. Our arrangements are excellent examples of the benefits that joined-up working can deliver. We fully support the continuation of the Quadripartite Committee system.

We do not always see eye to eye with the Committee on its recommendations. We will continue to take a different view on, for example, the publication of end-user details, where there are real issues of confidentiality for companies and clients, and on calls for the Committee to have prior scrutiny of licence applications. We maintain that it is for the Government to take the export licence decisions and for Parliament to scrutinise the policy and decisions retrospectively.

However, we have shown our commitment to going as far as we can to meet the Committee's request for enhanced scrutiny. We have introduced quarterly reporting on licensing decisions, as that allows for much earlier scrutiny of decisions. The data published are as current as three months old and no older than six months. We also provide the Committee, on a confidential basis, with enhanced information on countries of particular concern. My hon. Friend the Member for Kingswood welcomed that in his introductory remarks.

Our annual report on strategic export controls has long been held up as a prime example of open government at work. However, there is no doubt that the publication of additional and more frequent information means that we have to revisit the role, format and delivery of the annual report. The Government are committed to working closely with Parliament, non-governmental organisations, industry and other stakeholders to ensure that the report continues to address key needs while also taking into account the changing dynamics. We welcome the Committee's submissions on that subject.

I shall address hon. Members' points about organisation, resources and enforcement, and then I shall talk a little about export control policy issues, before moving on to the EU-China arms embargo and the arms trade treaty. Then I shall make my concluding comments.

Concerns have been expressed about organisational issues, but I should say from a Foreign and Commonwealth Office perspective that we have made changes to how we handle applications. We have transferred resources to bolster our export licensing team and ensure that licence applications continue to be given the priority and close scrutiny that they deserve. Performance is exceeding the targets set.

The licensing process covers four Departments and collectively we continue to meet and surpass challenging targets for service quality and delivery. That indicates that the system is well geared to meeting the challenges now and in future.

My hon. Friend the Member for Kingswood mentioned the issue raised in the report of the resource implications of the Quadripartite Committee's questions. Perhaps our response was not as felicitously worded as it could have been. I certainly want to see the Committee doing its job properly. If it needs to ask a large number of questions, it should ask them and we should provide timely answers.

**Roger Berry:** I welcome that statement, which the Minister has put on the record. I am grateful. It has certainly responded to our concerns about past Government statements. I am delighted that the days of moaning over that matter have gone.

**Ian Pearson:** I also want to offer reassurance to the hon. Member for Richmond Park, who raised the issue of whether there were still plans to privatise the Export Control Organisation. The Department of Trade and Industry looked closely at outsourcing some ECO work, but concluded that the case for such a move had not been made. I think that that decision was right. As a Government, we are fully committed to an effective and efficient export control regime, and we will not do anything to undermine that.

In a typically robust contribution, my hon. Friend the Member for North-West Leicestershire (David Taylor) said that we ought to abolish the Defence Export Services Organisation. I tell him in all honesty that I do not think there is anything inconsistent or immoral in there being an organisation such as DESO that helps UK exporters of defence equipment. Surely all countries have the right to defend themselves. Tens of thousands of UK jobs depend on the defence export industry and having a responsible licensing system and an effective marketing organisation is entirely consistent. We need to have both.

I move on to the points raised about enforcement. I stress that Customs checks are based very much on intelligence and risk. Revenue and Customs has a dedicated team that works closely with the intelligence agencies. It evaluates intelligence, sets profiles to target consignments and destinations of concern, checks all significant allegations and intelligence and will mount a formal investigation when it suspects a deliberate breach involving a sensitive destination or particularly sensitive goods. We believe that in many cases it is more appropriate to disrupt activity before any offence is committed. HMRC has a good record of disrupting potential illicit activity. The Quad Committee will know that, because it has talked to HMRC about its work on this issue.

End-use monitoring was also raised by my hon. Friend the Member for Kingswood. I am sure that he knows this, but I stress again that the Government assess the end use for a particular export before granting a licence in the first place. That includes an assessment of the risk of diversion, and in a minute I shall say more about that in respect of the specific examples raised. If we believe that there is a risk that the goods will be

diverted, we will not issue a licence. For that reason, we do not generally impose end-use monitoring requirements on particular exports.

**Mr. Harper:** I want to pick up on the HMRC issue. A point alluded to today was made specifically by the hon. Member for Kingswood in the article he published in the Select Committee supplement of *The House Magazine*. He wrote:

"Revenue and Customs rarely publish details of actions they have taken against non-compliant companies and individuals. Why is it that we learn more about alleged breaches in arms controls from investigative journalists?"

I appreciate that because of legal and court actions, there may be times when HMRC cannot publicise things—certainly not in a timely way. However, transparency in the effectiveness of enforcement is the flip side of the coin of transparency in how the export regime works, and would make everybody more confident that a robust regime was in place.

**Ian Pearson:** I tried to explain that the focus of HMRC's work is targeted primarily at disruption and acting at an early stage. As a matter of rule, it does not want to go to the press and publicise such things, but it is an effective organisation. However, I pay tribute to investigative journalists such as Mark Thomas—if he wants a job with HMRC, I shall see whether that can be arranged.

I move on to some of the issues raised about specific policy concerns. I was pleased that the hon. Member for Richmond Park recognised that the issue of extra-territorial controls was sensitive. Under the new legislation, such controls apply to brokering in torture equipment, long-range missiles, arms to embargo destinations and intangible transfers, and technical assistance related to weapons of mass destruction. However, we share the hon. Lady's concerns about conflicts of jurisdiction relating to extra-territorial controls. The scope for such controls, including the goods covered, will be reviewed as part of the three-year review. I give my hon. Friend the Member for Kingswood the assurance he seeks: we will look again at that issue.

The Export Control Act 2002 introduced controls on the brokering of all equipment on the UK's military list, including MANPADS—man-portable air defence systems—rocket-propelled grenades and automatic light weapons, when any part of the activity takes place in the UK. That represents a significant step in helping to prevent the UK from being used as a base for undesirable arms transfers. Again, I give the assurance that in 2007 we will review whether new categories of goods should be added to the restrictive goods category of the trade control orders.

A number of Members raised the issue of the export of Land Rovers to Uzbekistan and my hon. Friend the Member for Kingswood went into some detail. Our understanding is that the Turkish Government gifted the vehicles to the Uzbek Government under a joint counter-terrorism agreement. We believe that the vehicles were not Land Rover-approved products. As my hon. Friend rightly said, Octar, the Turkish company, added its own products and components before selling the vehicles to the Turkish Government under its own name. Under the EC dual-use regulations and our domestic legislation, the UK has no power to control the export of civilian-specification Land Rovers. The export of civilian vehicles converted by a Turkish company using its own technology, without UK involvement, is a matter for Turkish rather than UK export controls. If we were to seek to control civil Land Rovers, we would have to seek control of all off-road-capable 4x4 vehicles. That does not seem practical to the Government. We are willing to consider, with the Committee, ideas that it might have in this regard and in regard to the enforceable limits of our jurisdiction. I can give the hon. Gentleman the assurance that we will listen—*[Interruption.]*—I am just about to do so.

**Mike Gapes:** The Minister made reference to the European Union code, but Turkey is a member of NATO. Are there any restrictions as part of NATO agreements on military co-operation by NATO countries whereby the fact that Turkey has given equipment to Uzbekistan in this way might become a matter that could be discussed within NATO channels?

**Ian Pearson:** I do not know the answer to that question, so it would be best for me to write to my hon. Friend on that issue.

Another specific issue concerned subsidiaries. One particular case mentioned was the selling of armoured vehicles to Uganda. The situation there is that were the company in question in the United Kingdom to have taken any part in the deal, this would have been caught by the UK's trade controls. It is the same situation as I described earlier. Exports from South Africa undertaken with no UK involvement are rightly a matter solely for the South African Government and their export licensing regime.

Specifically on subsidiaries, the UK's trade controls apply to any person in the United Kingdom and any UK person anywhere in the world undertaking any act calculated to promote the overseas trade in military list equipment to embargoed destinations and the overseas trade in long-range missiles and torture goods to any destination. The provisions apply to a UK person directing a company overseas or having any part to play in such a deal. Restrictions are in place. Again, as part of the review, we will examine whether there are grounds for extending them. It would be misleading for anybody to go away from this debate without recognising that with subsidiaries there are issues when we are talking about UK nationals.

I want to finish discussing this issue and to deal with the point made by the right hon. Member for Tonbridge and Malling (Sir John Stanley) about Transnistria. My understanding of that situation is that there has been no UK national involvement. As a result, it is difficult to see how the UK has any locus in being able to influence what is happening there, which, judging by his comments is illegal activity. We would like all countries to have the high standards and export control procedures that we have in the UK. We encourage other countries to raise their game, but we cannot force them to do so and there is no international mechanism to make them do so.

**Roger Berry:** If we are talking about a situation where a UK company deliberately sets out to flout the laws restricting arms exports by creating a subsidiary in

*[Roger Berry]*

another country for the express purpose of getting round the controls that the Minister rightly takes credit for, is that not a problem that needs to be addressed? In the case of Ashok Leyland, if the Government believe it is right to be able to stop the exports of arms to Sudan because there is a UN embargo, what is the logic that says it is perfectly okay and it is of no interest to us whatsoever if it flogs arms to every other country in Africa?

**Ian Pearson:** The short answer is that I have a great deal of sympathy with what my hon. Friend says. The issue of extraterritoriality needs to be addressed. When it comes to having control of goods going to embargoed destinations and of long-range missiles or torture goods, export licences are still required at the moment.

**Sir John Stanley:** Does the Minister not agree that the significance of the Transdniester case was the demonstration of the extreme ease with which an individual could get into serious contractual negotiations about major mass-killer weapons?

**Ian Pearson:** I take that well-made point, which shows the difficulty of the task that we face globally in trying to stop proliferation of such weapons. It is a clear indication of the need for an international arms trade treaty, to which I shall refer in a moment.

I shall now discuss the points that have been raised about torture. As hon. Members will be aware, the EU regulation on the import and export of torture equipment has been adopted and comes into force on 30 July. It is directly applicable to the UK, so we will be drafting an amendment order implementing it in the UK. It is intended that we bring the provisions into force in the UK at the same time as the regulation comes into force. We are confident that the trade regulation covering torture equipment will allow us to maintain the high level of control that the UK already has in place for such equipment. We have negotiated derogations from the legislation that make it possible for us to maintain our national export prohibitions where we wish.

My hon. Friend the Member for Kingswood raised the issue of sting sticks and thumb cuffs. We will work with other member states and the Commission to introduce additional equipment for control under the legislation, where appropriate and necessary. We have led the way in this field internationally. I can assure him that we will continue to do so.

The common position on brokering does not apply to goods controlled under the trade regulation covering torture equipment, but to arms as defined by the EU common military list. However, I can again assure hon. Members that the UK will continue to apply trade control restrictions to goods covered by the regulation. We would encourage other states to do the same. This is an issue of national competence rather than Community competence. Again, we are leading the way nationally in terms of our regulations and we want to encourage other countries to act in the same way.

We do not believe that a register for brokers is necessarily the most appropriate method of controlling brokering activity. Our approach is to license the export, not the individual. The UK supports the group of Government experts on brokering, which we hope will be set up as soon as possible after the UN 2006 review conference and will result in an open-ended working group with a view to establishing a fully transparent, open and legally binding brokering instrument.

I want to discuss the EU-China arms embargo, which was raised in some detail by my hon. Friend the Member for Ilford, South. The basic situation is that a review of it was announced by the European Council in December 2003 and is ongoing. In June 2005, the European Council recalled the conclusions reached at the December 2004 European Council to continue to work towards lifting the embargo. No deadline has been set. In response to some of the questions, may I say that China has not helped itself in this regard by enacting the anti-secession law? It would be helpful if the Chinese Government were to make visible progress on human rights issues to create an atmosphere in which it might be possible for other relevant discussions to take place.

To refer to a point made by the hon. Member for Forest of Dean, we do not believe that the lifting of the embargo could lead to increased tensions in the region. The European Council conclusions of December 2004 recorded the importance of the criteria of the code of conduct in Europe's arms controls. The code includes provisions regarding stability and security in the region, and the national security of friendly and allied countries. The Government recognise that China's neighbours and others have a legitimate and understandable interest both in the effectiveness of the EU system of arms control and the stability of the east Asian region. However, the European Council underlined the fact that the result of any decision on the embargo should not be an increase in arms exports from EU member states to China in either quantitative or qualitative terms. We will not approve exports to the region if they would have a significant adverse effect on regional stability. That includes the potential for equipment significantly to enhance the effectiveness of existing capabilities or to improve false projection.

My hon. Friend the Member for Ilford, South also raised the issue of the toolbox.

**Mr. Harper:** Will the Minister give way?

**Ian Pearson:** Let me explain about the toolbox first. The toolbox is a set of measures that member states will use with post-embargo destinations. Crucially, it will oblige member states to share information in detail—and frequently—about licences that they have recently granted for any country emerging from an EU arms embargo; that is a good thing. The document is not yet agreed, but we hope that it will be soon—and, certainly, before any decision is taken on whether to lift the China embargo.

**Mr. Harper:** I am still at a loss in respect of lifting the arms embargo. Given the reasons for imposing the embargo on China in the first place and the fact that the Minister has restated that the Government and the EU do not want there to be an increase, qualitatively or quantitatively, in arms exports, and also given that he said that the code of conduct would also prohibit that if it were going to damage the interests of our allies, I am at a loss to see what the purpose is of lifting the arms

embargo. The Minister has explained that the European Council has stuck to its position that it wants to work towards lifting it, but I cannot see any benefit for Britain, the EU or the wider western world in doing so. Can the Minister help us to see the purpose and benefit to Britain of lifting the arms embargo on China? Why would we want to continue with that process?

**Ian Pearson:** The merits—or otherwise—of lifting the arms embargo are still being discussed and a range of factors will be taken into account. The hon. Gentleman is right to say that if we consider the EU code of conduct and what is likely to come out of the discussions on the toolbox, it is clear that there will still be an effective licensing regime. The European Council's conclusions were very much that they did not want there to be an increase in arms exports in quantitative or qualitative terms, and that remains its position.

**Mike Gapes:** I am pleased that the Minister tells me that there is progress on the toolbox. Can he tell us whether he feels that the Austrian presidency of the EU will accelerate the momentum of that progress, and whether he has a sense that the Austrian or Finnish presidencies will wish to conclude the decisions about lifting the arms embargo on China this year or will it be a longer-term process?

**Ian Pearson:** Some of those issues are a matter for the Austrian presidency, but I can say that there is a general desire to make progress with the toolbox. There is no timetable for making a decision on the embargo and no deadlines are set, but discussions are still going on and they will undoubtedly continue.

I welcome the Committee's support for the arms trade treaty and the comments of my hon. Friend the Member for Ilford, South and the hon. Member for Richmond Park. International support has been growing following the UK's clear backing of the initiative for an arms trade treaty on the trade of all conventional arms, aimed at ending irresponsible transfers. In March 2005, the Foreign Secretary gave strong backing to that and we are leading the world.

In terms of progress, we used our EU presidency to secure Council conclusions in October giving full support to such a treaty and to the launch of UN-based negotiations to that end at the earliest opportunity. That was one of many significant achievements of the UK's presidency. At the Commonwealth Heads of Government meeting in Malta in November we secured positive language in support of work on such a treaty to commence at the UN. Commonwealth support is important because it demonstrates that a wide cross-section of countries—developed and developing, exporters and importers—recognise the importance of such a treaty. These are all-important steps in building momentum. We are committed to securing a UN-based process and we will continue to build support for agreement to that at the UN General Assembly First Committee meeting this autumn. The UN process will ensure that all the key players are engaged, which is essential if an arms trade treaty is to work. The hon. Member for Forest of Dean stressed the importance of involving all the key players, and we recognise that. However, we should also recognise that we have a long way to go in terms of bringing everybody on board. Progress is being made and support is being built but, realistically, it will be a number of years before a treaty is in place.

We are discussing this initiative with a broad range of partners. We are committed to securing a strong treaty that includes all the major arms exporters. We are having discussions with the United States, China and Russia, as well as with others. I will make a trade visit to China next month, and one of the topics I want to raise with my counterpart will be Chinese support for an arms trade treaty.

To conclude, let me stress again that export controls are a vital part of our foreign policy. I also wish to emphasise the context in which we make decisions about export controls. In many respects, the decisions we make are a manifestation of our assessment of particular destinations and regions at the time when an application is made, but we should not lose sight of the fact that they are one strand of a much wider effort to change the behaviour of countries about which we have concerns—for example, in terms of their human rights record or their own export control policies.

This week, in addition to this debate, my hon. Friend the Minister for Energy has given evidence to the Quadripartite Committee in his capacity as the Minister responsible for the Export Control Organisation at the Department of Trade and Industry. My right hon. Friend the Foreign Secretary will again appear before the Committee on 25 April to contribute to further scrutiny and oversight. That gives a flavour of the high level of scrutiny applied to this area of policy and the importance that the Government attach to it.

Exports of military equipment is an emotive topic and we are all aware of the untold misery that the illicit or irresponsible trade in conventional arms can inflict on some of the most vulnerable people of the world, but we also accept that states have a right to invest in their own security and self-defence. I want to assure Members that the Government will continue to assess rigorously applications for export licences from the UK and to make sure that our exports continue to be a model for others. We shall also continue our efforts internationally to establish binding standards for the responsible trade in commercial arms.

*Question put and agreed to.*

*Adjourned accordingly at twenty minutes to Six o'clock.*